

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 9, 2007

SIXTH SESSION DAY

THIRTY-SEVENTH 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
Tuesday, January 9, 2007

The Assembly met at 4:49 p.m.
Hon. Fabian Núñez, Speaker 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 Bass moved a quorum call of the Assembly.
Motion carried.

The Speaker directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

Quorum Present

At 4:51 p.m., Speaker Núñez declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

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

PRAYER

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

Lord, In our hurried pace of life, it is sometimes difficult for us to notice the reality that surrounds us. The fact is, Lord, that all of us this morning woke up above ground. And for that we thank You. Help us to see Your hand of blessing this day, so that we may glorify You in all that we do. Thank You for blessing us today, so that we may be a blessing to others.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Núñez, Assembly Member Walters 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 Villines.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

Because of illness: Assembly Member Evans.

COMMUNICATIONS**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 January 3, 2007, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

**Public Entities. Revival of Claims. Elimination of Legal Defenses.
Unlimited Compensation for Private Property.
Initiative Constitutional Amendment. SA 06-0036**

Referred by the Speaker to the Committee on Judiciary.

REQUEST FOR PHOTOGRAPHER

Assembly Member Bass was granted unanimous consent that a photographer be permitted on the Floor of the Assembly and in the Gallery.

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Bass was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor to today's guests.

RECESS

By unanimous consent, at 4:54 p.m., Speaker Núñez declared the Regular Session of the Assembly recessed.

IN JOINT CONVENTION

At 4:55 p.m., the Senate and Assembly met in Joint Convention. Hon. Fabian Núñez, Speaker of the Assembly, presiding.

**INTRODUCTION OF CONSTITUTIONAL OFFICERS
AND SPECIAL GUESTS**

Speaker Núñez introduced Hon. John Garamendi, Lieutenant Governor; Hon. Jerry Brown, Attorney General; Hon. Debra Bowen, Secretary of State; Hon. Bill Lockyer, Treasurer; Hon. John Chiang, Controller; Hon. Jack O'Connell, Superintendent of Public Instruction; Hon. Steve Poizner, Insurance Commissioner; and Board of Equalization Members: Hon. Betty Yee (District 1); Hon. Bill Leonard (District 2); Hon. Michelle Steel (District 3); and Hon. Judy Chu (District 4).

INTRODUCTION OF SUPREME COURT JUSTICES

Speaker Núñez introduced Hon. Ronald M. George, Chief Justice of California; and Associate Justices Hon. Joyce L. Kennard, Hon. Marvin R. Baxter, Hon. Kathryn M. Werdegar, Hon. Ming Chin, Hon. Carlos Moreno, and Hon. Carol A. Corrigan.

INTRODUCTION OF FIRST LADY OF CALIFORNIA

Speaker Núñez introduced Maria Shriver, First Lady of California, to the Joint Convention.

APPOINTMENT OF JOINT COMMITTEE ON ESCORT

Speaker Núñez appointed Assembly Members Berg, Emmerson, Galgiani, Horton, Price, Ruskin, Salas, and Wolk and Senators Ackerman, Ashburn, Ducheny, Hollingsworth, Maldonado, Ridley-Thomas, Romero, and Simitian as a Joint Committee on Escort to escort Governor Arnold Schwarzenegger to the Joint Convention.

PRESENTATION OF PRESIDENT PRO TEMPORE OF THE SENATE

Speaker Núñez then presented the Honorable Don Perata, President pro Tempore of the Senate.

PRESENTATION OF LIEUTENANT GOVERNOR

President pro Tempore Perata then presented the Honorable John Garamendi, Lieutenant Governor and President of the Senate.

PRESENTATION OF GOVERNOR

Lieutenant Governor Garamendi then presented the Honorable Arnold Schwarzenegger, Governor of the State of California to the Joint Convention.

ADDRESS BY GOVERNOR

Governor Schwarzenegger then addressed the Joint Convention.

ADJOURNMENT OF JOINT CONVENTION

At 5:36 p.m., there being no further business, Speaker Núñez declared the Joint Convention adjourned *sine die*.

IN ASSEMBLY

At 5:38 p.m., the Assembly reconvened.

Hon. Fabian Núñez, Speaker of the Assembly, presiding.

GOVERNOR'S ADDRESS PRINTED IN JOURNAL

Without objection, the following text of Governor Arnold Schwarzenegger's State of the State Address was printed in the Journal:

Governor Arnold Schwarzenegger
2007 State of the State Address
January 9, 2007

Lieutenant Governor Garamendi, Speaker Núñez, Senate Leader Perata, my fellow servants of the people, ladies and gentlemen . . . I am honored to stand here once again.

I want to thank the Legislature, as I did in my Inaugural, for putting the people above politics last year—an election year. The federal government was paralyzed by gridlock and games. But you here in this Chamber acted on infrastructure, the minimum wage, prescription drug costs and the reduction of greenhouse gases in our atmosphere. What this said to the people is: We are not waiting for politics. We are not waiting for our problems to get worse. We are not waiting for the federal government. We are not waiting—period. Because the future does not wait.

I believe that together not only can we lead California into the future . . . we can show the nation and the world how to get there. We can do this because we have the economic strength, the population, the technological force of a nation-state. We are the modern equivalent of the ancient city states of Athens and Sparta. California has the ideas of Athens and the power of Sparta.

As you know, California, if a nation, would be the sixth largest economy in the world. But it goes so much beyond that. According to *The Economist* magazine, California is home to three of the top six universities in the world. California has more Nobel Laureates, more scientists, more engineers, more researchers, more high-tech companies than any other state. We are responsible for one of every four U.S. patents. We account for one of every five U.S. technology jobs. We attract almost half of all U.S. venture capital, which funds the ideas and

industries of the future. California leads the nation in biotechnology. We lead the nation in nanotechnology. We lead the nation in medical technology. We lead the nation in information technology. We will soon be the recognized leader in clean technology.

Worldwide, clean-tech investments are up 50 percent in the first nine months of last year alone. California is spurring clean technology by the environmental standards we are setting. Our innovation, our science, our knowledge, our creativity is un-equalled on the face of the earth. The 21st century can be the Golden Century for the Golden State.

I have asked myself, what must we do in this Chamber to help fulfill this future? It starts very simply. We can start by working together.

Usually when a governor gives his State of the State Address, he talks about his vision. This year I want to talk about “our” vision, because I think we all want the same thing for Californians.

Let me tell you about some of the ideas of our legislative leaders. Speaker Núñez has made research into alternative energy and transportation fuels a top priority this year. Speaker Núñez, I will work with you.

A top priority for Senate Leader Perata is to create a world-class water transit system in the Bay Area that could maintain vital transportation links after an earthquake or other disaster. Senator Perata, I will work with you.

Republican leaders in both the Senate and the Assembly have made debt reduction and building water storage their top priorities this year. Senator Ackerman, Assembly Leader Villines, I will work with you.

Let me explain some of the other areas where we can come together this year. In November, the people approved the first phase of infrastructure bonds necessary to rebuild our state.

During a speech at the Pat Brown Institute, I heard Senator Perata say that the people of California expect to see the construction cranes right away. They want to see action. Senator, I agree absolutely. We, the elected leaders, must authorize the cranes, the bulldozers, the cement trucks to begin their work without delay.

This is a test for those of us in this Chamber in another way. Will the process turn into a porkfest as it did in Washington with all the earmarks and the backroom deals? Or, when we have allocated the spending, will the people say, “They spent our money wisely?” Yet this is more than just about the people’s money. It is about the people’s trust. Let us not disappoint them.

We must also be good stewards, because we must go back to the people for permission to build more and finish the job. The building has just begun. One year ago I unveiled the 200 billion dollar plan that prepared California for the next ten years. We are a big state and we have big needs. And we made a big down payment. But the job is not finished.

Some areas, such as prisons and water storage weren’t included. And we still have more roads to build, more schools to construct, more universities to equip to keep up with the future. As I said last year, California’s population is expected to increase by as much as 30 percent

over the next 20 years. That is the equivalent of adding three new cities the size of Los Angeles. We have to prepare for that growth.

So this year we must invest in five infrastructure areas in particular—public safety, water supply, transportation, education and disaster preparedness.

Let me give you a couple of examples why we must act. Public safety is the first priority of government. Our prisons are in crisis. We have inherited a problem that was put off year after year. Last year I called a special session to address the crisis. That session was not successful, so I declared a state of emergency. It is still an emergency. Our prison system is a powder keg. It poses a danger to prisoners, a danger to officers . . . and a danger to the well-being of the public if—as the federal courts have threatened—we are forced to release prisoners because of overcrowding. We have thousands of prisoners housed in gymnasiums, TV rooms, dining rooms, hallways, anywhere there is a space. 172,000 prisoners in facilities designed to hold about 100,000. That is a danger and a disgrace.

Here are the court-ordered choices we face: We build more prisons or we release criminals. We build more prisons or the court takes money from education and health care and builds the prisons itself. I am not in favor of releasing criminals. I am not in favor of taking money from classrooms and emergency rooms to build cells. Where do you stand? We must act. And we must act this year. Which is why on December 21st, I stood with Senator Gloria Romero and Senator George Runner and Assemblyman Greg Aghazarian to introduce comprehensive prison reform. We need a justice system that's fair, that's tough and that offers hope for those who can still turn their lives around.

Let me give another infrastructure example. The number of high technology companies we have in California is related to how many brilliant scientists we have in our universities . . . which in turn is related to how many smart undergraduates we have . . . which is related to the number of high school students who graduate . . . and so on down through the grades. That small child with the sticky hands starting the first day of kindergarten is the foundation of California's economic power and leadership.

We must invest in education. It's not just how much money we spend but also how we spend it. I have seen the need with my own eyes as I've toured schools across the state. I went to a school with bed sheets on the windows rather than blinds. I went to a school that was so overcrowded the gym's locker-room was used for teaching space.

The education bond that passed in November builds 10,000 new classrooms and renovates 38,000 more, but that gets us only through the next two years. We need to build for the future.

This year I ask you to invest in 15,000 more classrooms and renovate 40,000 more. Yet we must build not only structures, but accountability and transparency into our education system. As a step toward the day when parents will have real choice in our public education system where to send their children, we should provide parents with relevant, accessible information, not bury it in the bureaucracy. If you can get information about a car online, why can't you get information about your local school online? What percentage of money goes into the

classroom? Does the school offer after-school programs, music, art, PE programs? What is the graduation rate? The drop-out rate? You cannot easily get this information today.

So how can a school or a school district be held accountable? I want to work with the Legislature to make this information readily available and user-friendly for the parents so that they can make intelligent choices about their child's school.

We must also continue to reinvigorate career tech education, support quality charter schools and find innovative solutions to the teacher shortage. I will not discuss all of our infrastructure proposals this evening, but I want to say one final thing about this topic. Rebuilding California is not a burden. It is not a chore. It is a privilege. It is a privilege to be able to help this state reach its full potential. It is a privilege to be able to help future generations fulfill their promise. And when they look back, they will see you in this room, and they will be grateful for what you have done.

Now, in addition to addressing our infrastructure last year, the Legislature joined with me in passing the historic global warming measure that caps greenhouse gas emissions.

We hear so much about climate change. One area where we definitely need the climate to change is the national government's attitude toward global warming. It would not act so California did. California has taken the leadership in moving the entire country beyond debate and denial . . . to action. As California goes, so goes the rest of the nation.

I ask you to appropriate the funds to implement this global warming legislation, so that we can become part of the world market that is already trading credits for the reduction of greenhouse gases.

I also ask you to work with me on another environmental first. I propose that California be the first in the world to develop a low carbon fuel standard that leads us away from fossil fuels. And let us use the freedom and flexibility of the market to accomplish it. Let us blaze the way, for the U.S., for China and for the rest of the world. Our cars have been running on dirty fuel for too long. Our country has been dependent on foreign oil for too long.

I ask you to set in motion the means to free ourselves from oil and from OPEC.

I ask you to encourage the free market to overthrow the old order.

California has the muscle to bring about such change. I say use it.

When I first came here in 1968, one of the first things I did was to ask people where I could get health insurance because I knew that, as an athlete, injuries can happen. Here is the ironic thing about health care today. California's medical care, its medical knowledge, its medical technology is as strong and vibrant as a bodybuilder. Yet our health care system itself is a sick old man.

You know the reasons—rising costs, lack of coverage—nearly 6.5 million Californians have no insurance at all. Recently I visited California Hospital Medical Center in downtown Los Angeles. Last year, the uninsured people who came to the emergency room left behind 60 million dollars in unpaid bills. That's in one hospital. Multiply that

by the number of hospitals in California, and the amount runs into the billions. Guess who's paying for all this? You and me and all of us who are lucky enough to have coverage. That's who pays.

The people with insurance pay a hidden tax through higher deductibles, higher costs, higher premiums, higher copays.

This year we must take action on health care. Yesterday I announced my proposal. I know you also have proposals. I have always said you can never have too many ideas. So all ideas, regardless of origin, are still on the table. I do believe, however, that the ultimate answer will come from the principle of shared responsibility—by the government, by employers, by health plans, by doctors, by hospitals and by the individual.

In the past, health care reform was always dead on arrival. But this year you can feel something different in the air. You can feel the energy, the momentum, the desire for action. You can feel that the time is right. Both leaders have said to me, "We will get this done." Ladies and gentlemen, we will get this done. California is going to lead the nation in breaking new ground to meet the health care needs of its people.

Tomorrow, I will outline my budget, which is balanced and which fully funds education. When I first became governor, we had an operating deficit of \$16.5 billion. I said that through discipline and through new revenues that flow from economic growth, we would reduce the deficit over time. Last year, we got it down to \$4 billion. Tomorrow, I will propose a budget that will dramatically reduce this deficit even further.

Now here is the great thing. We have made this progress without raising taxes. We have reduced the deficit, not by burdening the people and our businesses, but by encouraging economic growth. This year California has the highest revenues in its history and the lowest unemployment rate in 30 years. Ladies and gentlemen, the state of our state is strong.

We still have very difficult choices to make on the budget, and I am eager to work with you on these choices. I am not asking you not to be a Republican or not to be a Democrat or to give up your principles. I am asking you to be Californians and to work out a solution that is the best possible answer to the challenges we face. As long as we recognize some progress toward our individual visions—whether Republican or Democrat—this should allow us the freedom to reach a budget agreement and to go forward together.

One last item. I again this year raise the issue of political reform. California politics is a centrifuge that forces voters, policies and parties away from the center. The centrifuge is powered by the way our legislative and congressional districts are drawn. They are drawn to eliminate party competition. They work against the mainstream, which is where most Californians are. Currently, ours is not a system of the people, by the people and for the people. It is a system of the parties, by the parties, for the parties.

In the past three election cycles, only 4 of California's 459 congressional and legislative seats changed hands. There was more turnover in the Hapsburg monarchy than the California Legislature.

I ask you to work with me to create an independent commission to fix a political system that has become petrified by self-interest. California certainly is not alone in this. No state Legislature in U.S. history has put a redistricting reform on the ballot. California can be the leader.

You will not benefit politically from this. I will not benefit politically from this. But the people will benefit from this. I ask you to work with me to do the right thing for the people.

Let me close with this thought. We accomplished historic things last year. Let us make this year historic as well. I know that what I have proposed is an ambitious agenda. I heard that last year and the year before that and the year before that. Yes, it's an ambitious agenda, but we must be ambitious to get California to the future. We are addressing needs that have been ignored for decades. This is important work. It is hard, heavy work. What we are doing relates directly to the kind of state this will be in ten or twenty years. But is this not what government should be doing?

For too long Californians just stared at this mountain called the future. We couldn't climb it because our current problems blocked the path. We couldn't climb it because it was politically too steep. We couldn't climb it because we couldn't agree on the route that takes us there. But last year, we made the decision, we took a deep breath and we began our ascent. Working together we can scale that mountain. We can stand on top of it. And one day we will look down from it and say to ourselves, look how far we've come, look where we are, look what we've accomplished for the people. Ladies and gentlemen of the Legislature, let us continue the climb we began last year.

Thank you very much.

ANNOUNCEMENTS

Speaker Núñez announced the following session schedule:

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

Thursday, January 11, 2007, Floor Session, 9:30 a.m.;

Friday, January 12, 2007, Check-in Session, 7 a.m.–3 p.m.

ADJOURN IN MEMORY

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 Ruth Orchard, of Ukiah and Kenny Edwards, of West Sacramento.

Assembly Member Richardson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Quincey Beaver, of Carson.

MOTION TO ADJOURN

At 5:37 p.m., Assembly Member Bass moved that the Assembly do now adjourn.

Assembly Member Villines seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 5:40 p.m., Speaker Núñez 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. 114—Blakeslee. An act to add Section 25216.6 to the Public Resources Code, relating to public resources.

ASSEMBLY BILL NO. 115—Horton. An act to amend Section 290 of the Penal Code, relating to sex offenders.

ASSEMBLY BILL NO. 116—Aghazarian. An act to amend Section 273a of the Penal Code, relating to child abuse.

ASSEMBLY BILL NO. 117—Beall. An act to add and repeal Section 1463.21 of the Penal Code, and to add and repeal Section 42012 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 118—Nunez. An act relating to fuels.

ASSEMBLY BILL NO. 119—Price. An act to add Section 13001 to the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

ADJOURNMENT

At 5:40 p.m., pursuant to the motion by Assembly Member Bass, the Assembly adjourned until 7 a.m., Wednesday, January 10, 2007, out of respect to the memory of Ruth Orchard and Kenny Edwards, on motion of Assembly Member Berg; and out of respect to the memory of Quincey Beaver, on motion of Assembly Member Richardson.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk