

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 30, 2007
EIGHTEENTH SESSION DAY
FIFTY-EIGHTH 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 30, 2007

The Assembly met at 7 a.m.

Hon. Jim Silva, Assembly Member, 67th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Elizabeth Potter reading.

ROLL CALL

The following were placed upon the morning roll call—76:

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

Quorum present.

At 1:40 p.m., Hon. Patty Berg, 1st 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 Alarcón, Anderson, and Spitzer.

Because of illness: Assembly Member Soto.

EXPLANATIONS OF ABSENCE

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

January 25, 2007

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

Dear Speaker Núñez: I would like permission to be excused from check-in for Tuesday, January 30 and Wednesday, January 31 to allow me to attend legislative business in my District. I shall be in attendance on Thursday, February 1, 2007.

I thank you for your favorable consideration.

Yours truly,

RICHARD ALARCÓN, Assembly Member
Thirty-ninth District

January 29, 2007

*The Honorable Fabian Núñez
Speaker, California State Assembly
State Capitol
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from check-in Session Tuesday, January 30, 2007 for legislative meetings in my district.

If you have any questions, please contact Victoria Stewart in my office at 319-2077. Thank you for your consideration of this request.

Sincerely,

JOEL ANDERSON, Assembly Member
Seventy-seventh District

(NOTE: For letter explaining the absence of Assembly Member Spitzer on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for January 29, 2007.)

COMMUNICATIONS

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

January 30, 2007

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

Dear Mr. Wilson: Please be advised that the Assembly Committee on Rules met on January 29, 2007, and took the following actions:

- Approve the Standing Committee Jurisdictions for the 2007–2008 Regular Session (11–0)

Please ensure that this action is printed in the Assembly Journal.

Sincerely,

HECTOR DE LA TORRE
Chair

**ASSEMBLY
STANDING COMMITTEE JURISDICTIONS**

Aging and Long Term Care
Agriculture
Appropriations
Arts, Entertainment, Sports, Tourism, and Internet Media
Banking and Finance
Budget
Business and Professions
Education
Elections and Redistricting
Environmental Safety and Toxic Materials
Governmental Organization
Health
Higher Education
Housing and Community Development
Human Services
Insurance
Jobs, Economic Development, and the Economy
Judiciary
Labor and Employment
Local Government
Natural Resources
Public Employees, Retirement and Social Security
Public Safety
Revenue and Taxation
Rules
Transportation
Utilities and Commerce
Veterans Affairs
Water, Parks and Wildlife

Aging and Long Term Care

Area Agencies on Aging
Department of Aging
Long term care services
Older Americans Act
Older Californians Act
Senior citizens advocacy activities
Senior Legislature
Services for seniors in residential and day settings
State Commission on Aging

Agriculture

- Agriculture
- Agricultural chemicals
- Agricultural commodities and commissions
- Department of Food and Agriculture
- Department of Pesticide Regulation
- Economic poisons
- Expositions and fairs
- Food labeling
- Labeling of agricultural commodities
- Livestock and poultry
- Marketing law
- Milk and milk products
- Pest management and pesticides
- Veterinarians, agricultural issues

Appropriations

- Deficiency bills
- Fiscal bills
- General obligation bond acts
- Judgment and settlement bills
- Revenue bonds
- State mandated claims bills

Arts, Entertainment, Sports, Tourism, and Internet Media

- Arts
- Athletics, State Athletic Commission
- Entertainment
- Internet Media
- Motion picture industry
- Museums
- Tourism

Banking and Finance

- California Pollution Control Financing Authority
- Charitable and cooperative corporation law
- Consumer finance and credit reporting
- Corporate securities law
- Financial institutions
- Foreign banking
- Foreign investments in California financial institutions
- Formation of new corporate entities
- Franchises, except for arbitration of disputes between franchise/franchisee
- Industrial development bonds
- Insurance finance and lending practices
- Real property finance
- State investment practices

Budget

- Budget bill
- Current fiscal year appropriations for new projects
- Budget trailer bills which are not referred to a policy committee
- Bills which establish state budget policy and procedures

Business and Professions

- Administrative Procedure Act and Office of Administrative Law
- Charitable solicitation
- Consumer protection
- Creation of new regulatory agencies
- Department of General Services
- Governmental efficiency and cost control
- Licensing of health care professionals
- Occupational licensing
- Product labeling, except agricultural and medical
- Property acquisition, state and local
- Property acquisition law
- State governmental organization and reorganization
- State printing and binding contracts
- State procurement
- Sunsetting of boards and commissions
- Weights and measures
- Vocational education
- Veterinarians, licensing issues

Education

- Adult education
- Certificated employees of schools and teacher salaries
- Charter schools
- Leasing of school property
- K-12 education
- Pupil records
- School buses and crossing guards
- School facilities and finance

Elections and Redistricting

- California Political Reform Act
- Campaign finance
- Elections
- Redistricting

Environmental Safety and Toxic Materials

Department of Pesticide Regulation
Drinking water regulation, toxic contamination of water
Emergency response relating to hazardous materials
Hazardous waste regulation and remediation
Pesticides: processed food and public health
Proposition 65
Regulation of consumer products containing toxic substances under the Sherman Food, Drug and Cosmetics Law
Toxic air contaminants and indoor air quality
Toxic substances and hazardous materials, except for workplace safety
Underground storage tank regulation and cleanup

Governmental Organization

Alcoholic Beverage Control
Emergency services, excluding medical emergencies
Fire safety, excluding residential building standards
Gaming
Horse racing
Natural disasters
Offices of the Governor, Lieutenant Governor, State Controller, and State Treasurer
Open meetings laws as they affect state government
Public records and Public Records Act
State Fire Marshal
State holidays, seals, and official acts
State Lottery
Tobacco products

Health

Alcohol and drug abuse treatment
Developmental disabilities
Health care
Licensing of health care facilities
Mental health, except mentally disordered offenders
Prescriptions
Public health programs

Higher Education

Academic research partnerships with the private sector
Community college job training programs
Postsecondary education, financial aid and campuses

Housing and Community Development

- Condominium conversions
- Discrimination in housing
- Housing rehabilitation
- Mobile homes
- Public finance of housing
- Redevelopment
- Rent control
- Residential building standards
- Structural fire safety
- Subdivision Map Act re: housing

Human Services

- Children's programs and services
- Foster care
- Licensing and regulation of community & child care facilities
- Public assistance (General Assistance, CalWORKs, and SSI/SSP)
- Services for developmentally disabled Californians
- Services for physically disabled Californians
- Department of Social Services programs

Insurance

- Disability insurance
- Insurance
- Insurance investment, excluding finance, lending and lending practices
- Unemployment compensation
- Vehicle financial responsibility
- Workers' compensation

Jobs, Economic Development, and the Economy

- Business advocacy within California and the United States
- Business advocacy of import/export trade
- California-Mexico relations
- California overseas trade offices
- Department of Information Technology
- Development and expansion of new technologies, except energy
- Development of international high tech markets
- Economic disaster relief
- Economic impact reports
- Effect of balance of trade issues on California
- Enterprise Zones
- Expansion of overseas markets
- Foreign investments by California
- Foreign investments in California
- Impacts of federal budget on high tech projects
- Impacts of federal budget on international trade

- Information technology
- Industrial innovation and research
- International capital, including capital formation
- International trade, research and import/export finance
- Interstate commerce
- Seaports and physical infrastructure
- Sister state agreements and friendship agreements with other nations
- Small business development and operations
- State and local economic development
- Women and minority business enterprises (WBME)

Judiciary

- Administration of justice and court personnel
- Administrative procedure
- Adoptions
- Arbitration of disputes between franchisor/franchisee
- Civil Code
- Code of Civil Procedure
- Condemnation
- Confidentiality of court records
- Eminent Domain
- Enforcement of judgements
- Evidence Code, excluding criminal procedure
- Family law
- Landlord/tenant relations
- Legal notices
- Liens
- Notary Public
- Probate Code
- Product liability
- Property acquisition (private property acquired by state agency)
- Public administration of estates
- State Bar
- Trade restraints
- Tort liability

Labor and Employment

- Agricultural Labor Relations Act
- Discrimination in employment
- Employment Development Department
- Unemployment insurance—length of coverage
- Workplace safety regulations and Cal-OSHA

Local Government

- Administration of special districts
- Benefit assessments, special taxes and local alternative revenue sources
- City and county organization and powers
- Joint exercise of powers
- Local agency formation commissions
- Municipal Improvement Acts of 1911, 1913, etc.
- Ralph M. Brown Act
- Subdivisions
- Uniform accounting and reporting procedures for local agencies

Natural Resources

Beverage Container Recycling Act
California Environmental Quality Act
Coastal Act, Coastal Commission and Coastal Conservancy
Coachella Valley Mountains Conservancy
Department of Conservation programs
Energy conservation, research, development, and
demonstration and siting of power plants
Forestry
Harbors
Lake Tahoe Conservancy
Solid waste management, except hazardous substances
Stationary source air pollution
Natural Community Conservation Planning Act (land use planning)
Oil Spill Prevention and Response Act
San Francisco Bay Conservation and Development Commission
Santa Monica Mountains Conservancy
State lands
Subdivision Map Act re: timber, coastal, agricultural land use
Tidelands and submerged lands
Vessel traffic management systems (VTMS)
Wild and scenic rivers

Public Employees, Retirement and Social Security

Classified school employees
Judges Retirement Law
Public employee collective bargaining
Public retirement administration and investment strategy

Public Safety

Asset forfeiture
Controlled substances
Crime victims and restitution
Criminal procedure
Driving under the influence
Felony offenses and those misdemeanor violations not incidental
to the subject of another committee
Grand juries
Impoundment of vehicles
Inspection of stolen vehicles
Juvenile law
Peace officers
Penal Code
Qualifications of counsel in criminal matters
Youth authority and prisons—construction and discipline

Revenue and Taxation

All matters relating to taxation

Rules

Business of the Legislature

Transportation

California Highway Patrol

Drivers' licenses

Highways and airports

Mass transit systems

Mobile sources of air pollution

School bus safety and maintenance

Seaports and physical infrastructure

Transit authority

Transportation financing

Vehicles, aircraft, and vessels—operation, safety, equipment, transfer of ownership, licensing and registration

Vehicle weight restrictions

Utilities and Commerce

Common carriers

Energy conservation, research, development and demonstration and siting of power plants

Expansion of overseas markets

Intrastate commerce

Public Utilities Commission, rate increases regulated by the PUC

Telecommunications

Trucking regulated by the PUC

Veterans Affairs

Cal-Vet loan program

Department of Veterans Affairs

National Guard

State military

Veterans

Water, Parks and Wildlife

Department of Water Resources

Drought relief

Fish and game

Flood control

Native plants

Natural Community Conservation Planning Act

Parks and recreation

State Historical Resources Commission

State Water Resources Control Board

Stream resource management

Water and water supply planning

Water rights and water banks

Wildlife

Constitutional amendments will be referred to the policy and fiscal committees with subject matter jurisdiction over the issues contained in the ACA or SCA.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Banking and Finance, on Tuesday, February 20, 2007, at 1:30 p.m.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 30, 2007

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

Assembly Concurrent Resolution No. 3

And reports the same correctly enrolled, and presented to the Secretary of State on the 30th day of January, 2007, at 1:30 p.m.

E. DOTSON WILSON, Chief Clerk

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 231—Eng. An act to amend Section 41016 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 232—Price. An act relating to housing and community development.

ASSEMBLY BILL NO. 233—Jones. An act to amend Sections 39674, 42400, 42400.1, 42400.2, 42400.3, 42400.3.5, 42400.6, 42401, 42402, 42402.1, 42402.2, 42402.3, and 42402.4 of, and to add Sections 39604.3, 42400.3.7, 42400.9, 42402.4.5, and 42402.6 to, the Health and Safety Code, relating to air pollution.

ASSEMBLY BILL NO. 234—Eng. An act to amend Section 11011.15 of the Government Code, relating to state property.

ASSEMBLY BILL NO. 235—Tran (Coauthors: Adams, Benoit, Coto, DeVore, Dymally, Huff, Jeffries, Maze, Nakanishi, Portantino, Sharon Runner, Spitzer, and Strickland) (Coauthors: Senators Battin and Harman). An act to amend Section 803 of the Penal Code, relating to statutes of limitations.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 17—Horton (Coauthor: Senator Ducheny). Relative to the Mary Augustine Bridge.

**REPORTS OF STANDING COMMITTEES
Committee on Revenue and Taxation**

Date of Hearing: January 30, 2007

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Senate Bill No. 41

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

CALDERON, Chair

Above bill re-referred to the Committee on Appropriations.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, January 31, 2007.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk