

CALIFORNIA LEGISLATURE
2007-08 SECOND EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, August 28, 2008

THIRTY-FIFTH SESSION DAY

THREE HUNDRED FIFTY-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
Thursday, August 28, 2008

The Assembly met at 12:50 p.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, and the following answered to their names—77:

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

Quorum present.

PRAYER

Upon invitation of Speaker pro Tempore Lieber, the following prayer was offered by Assembly Alternate Chaplain Pastor Ivan L. Williams, Sr.:

Our Father in Heaven, We long to be made whole in body, mind, and soul. Let your light be a beacon for us through the tunnels of fear, apprehension, and darkness.

Give us victory over selfishness, and the desire to hold back 100% of our work and service because we disagree.

Build in this house a standard of going the extra mile, giving an extra hand, and sharing sacrifice so that our example may be known through our actions and not just our words.

May your blessings be upon us today we pray in thy name.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On personal business, and waiving per diem: Assembly Member Davis.

Because of illness: Assembly Members Runner and Soto.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

ASSEMBLY BILL NO. 7—An act to add Part 1.6 (commencing with Section 10100) to Division 6 of the Water Code, relating to water.

Bill read second time, and ordered to third reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 1—An act to add and repeal Section 65595.5 of the Government Code, and to add Sections 127.5 and 134.5 to, and to add Division 33 (commencing with Section 83000) to, and to repeal and add Part 2.2 (commencing with Section 10530) of Division 6 of, the Water Code, relating to water, and making an appropriation therefor.

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

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 28, 2008

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 7

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading file.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE BILL NO. 1
WITHOUT REFERENCE TO FILE**

Assembly Member Torrico requested unanimous consent to take up Senate Bill No. 1, as amended, without reference to file for purpose of consideration.

Assembly Member Blakeslee withheld unanimous consent.

Motion to Suspend the Rules

Assembly Member Torrico moved that the Rules be suspended for the purpose of permitting Assembly Member Wolk to take up Senate Bill No. 1, as amended, without reference to file for purpose of consideration.

Assembly Member Laird seconded the motion.

Rules suspended by the following vote:

AYES—46

Arambula	Eng	Krekorian	Portantino
Beall	Evans	Laird	Price
Berg	Feuer	Leno	Ruskin
Brownley	Fuentes	Levine	Salas
Caballero	Furutani	Lieber	Saldaña
Calderon	Galgiani	Lieu	Solorio
Carter	Hancock	Ma	Swanson
Coto	Hayashi	Mendoza	Torrico
De La Torre	Hernandez	Mullin	Wolk
De León	Huffman	Nava	Mme. Speaker
DeSaulnier	Jones	Núñez	
Dymally	Karnette	Parra	

NOES—30

Adams	Duvall	Jeffries	Smyth
Aghazarian	Fuller	Keene	Spitzer
Anderson	Gaines	La Malfa	Strickland
Benoit	Garcia	Maze	Tran
Berryhill	Garrick	Nakanishi	Villines
Blakeslee	Horton	Niello	Walters
Cook	Houston	Plescia	
DeVore	Huff	Silva	

Further consideration of Senate Bill No. 1

SENATE BILL NO. 1 (Perata)—An act to add and repeal Section 65595.5 of the Government Code, and to add Sections 127.5 and 134.5 to, to add Division 33 (commencing with Section 83000) to, and to repeal and add Part 2.2 (commencing with Section 10530) of Division 6 of, the Water Code, relating to water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Wolk.

Urgency Clause

Urgency clause read.

The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Wolk moved a call of the Assembly.

Motion carried. Time, 1:28 p.m.

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

RECESS

By unanimous consent, at 1:29 p.m., Speaker pro Tempore Lieber declared the Assembly recessed.

RECONVENED

At 2:53 p.m., the Assembly reconvened.

Hon. Sally Lieber, Speaker pro Tempore of the Assembly, presiding.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE BILL NO. 1**

At 2:53 p.m., on motion of Assembly Member Wolk, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 1 refused adoption by the following vote:

AYES—44

Arambula	Dymally	Karnette	Núñez
Beall	Eng	Krekorian	Portantino
Berg	Evans	Laird	Price
Brownley	Feuer	Leno	Ruskin
Caballero	Fuentes	Levine	Salas
Calderon	Furutani	Lieber	Saldaña
Carter	Hancock	Lieu	Solorio
Coto	Hayashi	Ma	Swanson
De La Torre	Hernandez	Mendoza	Torrico
De León	Huffman	Mullin	Wolk
DeSaulnier	Jones	Nava	Mme. Speaker

NOES—22

Adams	Duvall	Huff	Spitzer
Anderson	Fuller	Keene	Tran
Benoit	Gaines	La Malfa	Villines
Blakeslee	Garcia	Maze	Walters
Cook	Garrick	Nakanishi	
DeVore	Houston	Niello	

Motion to Amend Pursuant to Joint Rule 23.5

Assembly Member Wolk moved the adoption of amendments.

Amendments read and adopted by the following vote:

AYES—45

Arambula	Evans	Laird	Price
Beall	Feuer	Leno	Ruskin
Berg	Fuentes	Levine	Salas
Brownley	Furutani	Lieber	Saldaña
Caballero	Galgiani	Lieu	Solorio
Calderon	Hancock	Ma	Swanson
Carter	Hayashi	Mendoza	Torrico
Coto	Hernandez	Mullin	Wolk
De León	Huffman	Nava	Mme. Speaker
DeSaulnier	Jones	Núñez	
Dymally	Karnette	Parra	
Eng	Krekorian	Portantino	

NOES—30

Adams	Duvall	Jeffries	Smyth
Aghazarian	Emmerson	Keene	Spitzer
Anderson	Fuller	La Malfa	Strickland
Benoit	Gaines	Maze	Tran
Berryhill	García	Nakanishi	Villines
Blakeslee	Garrick	Niello	Walters
Cook	Houston	Plescia	
DeVore	Huff	Silva	

Bill ordered reprinted, and ordered returned to the third reading file.

REQUEST FOR UNANIMOUS CONSENT TO SUSPEND THE RULES

Assembly Member Torrico requested unanimous consent that the Rules be suspended for the purpose of taking up Senate Bill No. 1, as amended, without reference to file for purpose of consideration.

Assembly Member Benoit withheld unanimous consent.

Motion to Suspend the Rules

Assembly Member Torrico moved that the Rules be suspended for the purpose of taking up Senate Bill No. 1, as amended, without reference to file for purpose of consideration.

Assembly Member Feuer seconded the motion.

Point of Order

Assembly Member Spitzer arose to the following point of order:

Is this motion on Senate Bill No. 1 to suspend the Rules on the one day wait under Joint Rule 23.5?

Reply by Speaker pro Tempore Lieber

The Speaker pro Tempore replied that the motion is to waive the Rules for Senate Bill No. 1 to go out to print and back on file.

Further consideration of Senate Bill No. 1

Rules suspended by the following vote:

AYES—45

Arambula	Evans	Laird	Price
Beall	Feuer	Leno	Ruskin
Berg	Fuentes	Levine	Salas
Brownley	Furutani	Lieber	Saldaña
Caballero	Galgiani	Lieu	Solorio
Calderon	Hancock	Ma	Swanson
Carter	Hayashi	Mendoza	Torrico
Coto	Hernandez	Mullin	Wolk
De Leon	Huffman	Nava	Mme. Speaker
DeSaulnier	Jones	Núñez	
Dymally	Karnette	Parra	
Eng	Krekorian	Portantino	

NOES—31

Adams	Duvall	Huff	Silva
Aghazarian	Emmerson	Jeffries	Smyth
Anderson	Fuller	Keene	Spitzer
Benoit	Gaines	La Malfa	Strickland
Berryhill	Garcia	Maze	Tran
Blakeslee	Garrick	Nakanishi	Villines
Cook	Horton	Niello	Walters
DeVore	Houston	Plescia	

Consideration of Senate Bill No. 1, as Amended

SENATE BILL NO. 1 (Perata)—An act to add and repeal Section 65595.5 of the Government Code, and to add Sections 127.5 and 134.5 to, to add Division 33 (commencing with Section 83000) to, and to repeal and add Part 2.2 (commencing with Section 10530) of Division 6 of, the Water Code, relating to water, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Wolk.

Bill passed by the following vote:

AYES—43

Arambula	Eng	Krekorian	Portantino
Beall	Evans	Laird	Price
Berg	Feuer	Leno	Ruskin
Brownley	Fuentes	Levine	Salas
Caballero	Furutani	Lieber	Saldaña
Calderon	Hancock	Lieu	Solorio
Carter	Hayashi	Ma	Swanson
Coto	Hernandez	Mendoza	Torrico
De León	Huffman	Mullin	Wolk
DeSaulnier	Jones	Nava	Mme. Speaker
Dymally	Karnette	Núñez	

NOES—25

Adams	Fuller	Keene	Spitzer
Anderson	Gaines	La Malfa	Tran
Benoit	Garcia	Maze	Villines
Blakeslee	Garrick	Nakanishi	Walters
Cook	Houston	Niello	
DeVore	Huff	Silva	
Duvall	Jeffries	Smyth	

Bill ordered transmitted to the Senate.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

Torrigo Motion, Suspend the Rules: Arambula, Eng, Mullin, and Núñez—Aye; Houston, Plescia, Silva, and Villines—No.

Senate Bill No. 1, Wolk Amendments: Huffman—Aye; Villines—No.

Torrigo Motion, Suspend the Rules: Huffman—Aye.

Senate Bill No. 1: Huffman—Aye.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

KAREN BASS, Speaker

TRESHA PETIT-PHAR, Assistant Minute Clerk

(NOTE: The proclamation by the Governor convening the Legislature in extraordinary session was printed Tuesday, September 11, 2007. See Assembly Journal, page 4.)

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 28, 2008**

The following measure was amended in the Assembly on this day:

SB RN

1 0827041

1 0827101

Daily Total: 2

Cumulative Total: 3

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