

CALIFORNIA LEGISLATURE  
2007-08 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, September 15, 2008**  
**FORTY-FOURTH SESSION DAY**  
**TWO HUNDRED FORTY-SIXTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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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  
Monday, September 15, 2008

The Assembly met at 10:02 p.m.  
Hon. Sally J. Lieber, Speaker pro Tempore of the Assembly,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.  
Assistant Clerk Brian Ebbert reading.

#### ROLL CALL

The roll was called, and the following answered to their names—78:

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

**PRAYER**

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

*Lord, The strong spirit of individualism that prevails in our world today may give us the illusion that we can make it on our own without any connection to You. But such an attitude can be a formula for disaster. The world around us becomes more beautiful when we can see Your hand in nature and Your face in the faces of those around us. Help us to understand, Lord, that in order to find true fulfillment, we need to find You.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Lieber, Assembly Member Leno 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 Torrico, seconded by Assembly Member Benoit.

**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 Plescia.*

*Because of illness: Assembly Member Soto.*

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 36—Laird.** An act to amend Sections 18663 and 19025 of, and to add Sections 19136.1 and 19136.3 to, the Revenue and Taxation Code, and to amend Section 13020 of the Unemployment Code, relating to taxation.

**RESOLUTIONS**

The following resolution was offered:

**Resolution to Dispense With Constitutional Provision**

By Assembly Member Laird.

*Resolved,* That Assembly Bill No. 36 presents a case of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage, and considered engrossed.

Resolution read, and adopted by the following vote:

**AYES—58**

Adams	DeSaulnier	Huffman	Niello
Aghazarian	DeVore	Jones	Núñez
Arambula	Dymally	Karnette	Portantino
Beall	Emmerson	Keene	Price
Benoit	Eng	Krekorian	Runner
Berg	Evans	La Malfa	Ruskin
Blakeslee	Feuer	Laird	Salas
Brownley	Fuentes	Leno	Saldaña
Caballero	Fuller	Levine	Solorio
Carter	Furutani	Lieber	Swanson
Cook	Galgiani	Lieu	Torrico
Coto	Hancock	Ma	Villines
Davis	Hayashi	Mendoza	Mme. Speaker
De La Torre	Hernandez	Nakanishi	
De León	Huff	Nava	

**NOES—4**

Anderson	Berryhill	Maze	Spitzer
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Article IV, Section 8(b) of the Constitution was declared dispensed with.

**Second Reading of Assembly Bill No. 36**

**ASSEMBLY BILL NO. 36**—An act to amend Sections 18663 and 19025 of, and to add Sections 19136.1 and 19136.3 to, the Revenue and Taxation Code, and to amend Section 13020 of the Unemployment Code, relating to taxation.

Bill read second time.

**CONSIDERATION OF ASSEMBLY BILL NO. 36  
BY UNANIMOUS CONSENT**

Assembly Member Laird was granted unanimous consent to take up Assembly Bill No. 36 without reference to file, for purpose of consideration.

**ASSEMBLY BILL NO. 36 (Laird)**—An act to amend Sections 18663 and 19025 of, and to add Sections 19136.1 and 19136.3 to, the Revenue and Taxation Code, and to amend Section 13020 of the Unemployment Code, relating to taxation.

Bill read third time, and passed by the following vote:

**AYES—43**

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

**NOES—29**

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

Bill ordered transmitted to the Senate immediately.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 1—Bass.** Relative to final adjournment of the 2007–08 Third Extraordinary Session of the Legislature.

**RECESS**

By unanimous consent, at 10:14 p.m., Speaker pro Tempore Lieber declared the Assembly recessed.

**TWO HUNDRED FORTY-SEVENTH CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**

Assembly Chamber, September 16, 2008

At 12 midnight.

Speaker pro Tempore Sally Lieber, presiding.

**RECONVENED**

At 2:16 a.m., the Assembly reconvened.

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

**MESSAGES FROM THE SENATE**

Senate Chamber, September 15, 2008

Mme. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 36

And respectfully requests the Assembly to concur in said amendments.

GREGORY P. SCHMIDT, Secretary of the Senate  
By David Valverde, Assistant Secretary

Senate Chamber, September 15, 2008

Mme. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 2

GREGORY P. SCHMIDT, Secretary of the Senate  
By David Valverde, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following resolution was read:

**SENATE CONCURRENT RESOLUTION NO. 2**—Relative to final adjournment of the 2007–08 Third Extraordinary Session of the Legislature.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 2 BY UNANIMOUS CONSENT**

Assembly Member Torrico was granted unanimous consent to take up Senate Concurrent Resolution No. 2 without reference to file, for purpose of consideration.

**SENATE CONCURRENT RESOLUTION NO. 2 (Perata)**—Relative to final adjournment of the 2007–08 Third Extraordinary Session of the Legislature.

Resolution read, presented by Assembly Member Torrico, and adopted by the following vote:

**AYES—76**

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

**NOES—None**

**ADJOURNMENT**

At 2:18 a.m., pursuant to the provisions of Senate Concurrent Resolution No. 2, the 2007–08 Third Extraordinary Session of the Legislature was adjourned *sine die*.

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KAREN BASS, Speaker

SUE PARKER, Minute Clerk

(NOTE: The proclamation by the Governor convening the Legislature in extraordinary session was printed Monday, January 14, 2008. See Assembly Journal, pages 3–4.)

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