

CALIFORNIA LEGISLATURE
2007-08 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Friday, September 19, 2008

THIRTY-FIFTH SESSION DAY

THREE HUNDRED SEVENTY-FIFTH 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, September 19, 2008

The Assembly met at 5:22 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—76:

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

Quorum present.

PRAYER

Upon invitation of Speaker pro Tempore Lieber, the following prayer was offered by Hon. Mike Feuer, Assembly Member, District 42:

Creator, We live in a world of great confusion, despair, and problems. We need, therefore, the strength to recognize our weaknesses and the vision to identify what needs to be done. Give us the wisdom to do that which is right, the will and the determination to stand for truth even though it may be at times unpopular. But above all, help us serve with dignity and honor the good people of this great state.

Ba'ruch atah adonoi, eloheynu melech ha'olom sh'hecheyanu, v'keyemanu, v'hegeyanu, la'z'man hazeh.

Blessed are you Creator of the Universe, who has given us life, sustained us and brought us to this time and place.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

READING OF THE JOURNAL DISPENSED WITH

By unanimous consent, reading of the Journal of the previous legislative day was dispensed with.

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 Members Levine and Plescia.

Because of illness: Assembly Member Soto.

Due to travel delays: Assembly Member Ma.

MESSAGE FROM THE GOVERNOR

The following message from the Governor was received and ordered printed in the Journal.

A PROCLAMATION**BY THE GOVERNOR OF THE STATE OF CALIFORNIA**

WHEREAS, on September 11, 2007, I issued a proclamation to cause the Legislature to convene in extraordinary session to consider and act upon legislation relating to health care reform; and

WHEREAS, an extraordinary occasion has arisen and now exists requiring that this proclamation be amended to include an additional subject in the extraordinary session.

NOW THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power and authority vested in me by Section 3(b) Article IV of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California on the 11th day of September 2007, at a time to be determined, and thereafter, for the following purposes and to legislate upon the following subjects:

1. To consider and act upon legislation to comprehensively reform California's health care system that relies on shared financing and contributions from individuals, employers, health providers, federal, state and local government, and others.
2. To consider and act upon legislation that will provide for health care coverage for all Californians and access to health insurance without regard to medical history.
3. To consider and act upon legislation to make health care more affordable by: (a) reducing the cost to employers and insured individuals associated with uncompensated health care services delivered to the uninsured and low Medi-Cal reimbursement rates, (b) preventing chronic diseases, and (c) promoting more cost effective health care delivery.
4. To consider and act upon legislation to modify or extend existing programs to provide for a transition to comprehensive health care reform.
5. To consider and act upon legislation to address fiscal and budget-related matters.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 19th day of September, 2008.

ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:

DEBRA BOWEN
Secretary of State



Receipt

I acknowledge receipt this 19th day of September 2008 at 12:10 p.m., of a proclamation by the Governor, regarding the First Extraordinary Session regarding health care, delivered to me personally by Jacques Roberts.

E. DOTSON WILSON
Chief Clerk of the Assembly

MESSAGES FROM THE SENATE

Senate Chamber, September 19, 2008

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

Senate Bill No. 28

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

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 28—An act to amend Section 19025 of, to add Sections 19136.1, 19136.3, and 19138 to, to repeal Section 19137 of, and to repeal Chapter 9.2 (commencing with Section 19740) of Part 10.2 of Division 2 of, the Revenue and Taxation Code, and to amend Section 35.20 as added to the Budget Act of 2008 by Assembly Bill 88 of the 2007–2008 Regular Session, relating to taxation.

MESSAGES FROM THE SENATE

Senate Chamber, September 19, 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—Final adjournment: 2007–08 First Extraordinary Session.

RESOLUTIONS

The following resolution was offered:

Resolution to Dispense With Constitutional Provision

By Assembly Member Torrico.

Resolved, That Senate Bill No. 28 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.

Resolution read, and adopted by the following vote:

AYES—64

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

NOES—3

DeVore	Maze	Spitzer
--------	------	---------

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

Second Reading of Senate Bill No. 28

SENATE BILL NO. 28—An act to amend Section 19025 of, to add Sections 19136.1, 19136.3, and 19138 to, to repeal Section 19137 of, and to repeal Chapter 9.2 (commencing with Section 19740) of Part 10.2 of Division 2 of, the Revenue and Taxation Code, and to amend Section 35.20 as added to the Budget Act of 2008 by Assembly Bill 88 of the 2007–2008 Regular Session, relating to taxation.

Bill read second time.

**CONSIDERATION OF SENATE BILL NO. 28
BY UNANIMOUS CONSENT**

Assembly Member Laird was granted unanimous consent to take up Senate Bill No. 28 without reference to committee or file, for purpose of consideration.

SENATE BILL NO. 28 (Committee on Budget and Fiscal Review)—An act to amend Section 19025 of, to add Sections 19136.1, 19136.3, and 19138 to, to repeal Section 19137 of, and to repeal Chapter 9.2 (commencing with Section 19740) of Part 10.2 of Division 2 of, the Revenue and Taxation Code, and to amend Section 35.20 as added to the Budget Act of 2008 by Assembly Bill 88 of the 2007–2008 Regular Session, relating to taxation.

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

Bill passed by the following vote:

AYES—43

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

NOES—30

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

Bill ordered transmitted to the Senate.

**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 committee or file, for purpose of consideration.

SENATE CONCURRENT RESOLUTION NO. 2 (Perata)—Final adjournment: 2007–08 First Extraordinary Session.

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

AYES—73

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

NOES—1

Garcia

Resolution 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):

Invoke Constitution: Coto—Aye; DeVore—No.

Senate Bill No. 28: Coto and Nava—Aye.

Senate Concurrent Resolution No. 2: Coto, Gaines, Horton, and Maze—Aye.

ADJOURNMENT

At 5:28 p.m., pursuant to the provisions of Senate Concurrent Resolution No. 2, the 2007–08 First Extraordinary Session of the Legislature adjourned *sine die*.

KAREN BASS, Speaker

SUE PARKER, 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. For above proclamation as amended by the Governor see Assembly Journal, Friday, September 19, 2008, page 170.)

O