

CALIFORNIA LEGISLATURE  
2009–10 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, January 5, 2009**  
**FIRST SESSION DAY**  
**FIRST 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, January 5, 2009

The Assembly met at 1:21 p.m.  
Hon. Lori Saldaña, 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—78:

Adams	De León	Hill	Portantino
Ammiano	DeVore	Huber	Price
Arambula	Duvall	Huffman	Ruskin
Beall	Emmerson	Jeffries	Salas
Berryhill, Bill	Eng	Jones	Saldaña
Berryhill, Tom	Evans	Knight	Silva
Blakeslee	Feuer	Krekorian	Skinner
Block	Fletcher	Lieu	Smyth
Blumenfield	Fong	Logue	Solorio
Brownley	Fuentes	Lowenthal	Strickland
Buchanan	Fuller	Ma	Swanson
Caballero	Furutani	Mendoza	Torlakson
Calderon	Gaines	Miller	Torres
Carter	Galgiani	Monning	Torrico
Chesbro	Garrick	Nava	Tran
Conway	Gilmore	Nestande	Villines
Cook	Hagman	Niello	Yamada
Coto	Hall	Nielsen	Mme. Speaker
Davis	Harkey	Pérez, John	
De La Torre	Hernandez	Pérez, V. Manuel	

**PRAYER**

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

*Lord, As we begin the new year, we recall the events in our life in 2008 that You used to mature us and to equip us. As we remember those times, we are inspired to rise to a higher level, to cherish our time with our family and the “heart-to-hearts” with our spouse. Lord, there are lessons we learned and that we will remember. Inspire us to press onward in 2009 and bless us.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Saldaña, Assembly Member Block 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 Hayashi.*

*Due to travel delays: Assembly Member Anderson.*

**PROCLAMATION OF THE GOVERNOR**

Speaker pro Tempore Saldaña directed the Clerk to read the following Proclamation of the Governor convening the Legislature in extraordinary session:

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

WHEREAS, due to developments in the worldwide and national financial markets, and continuing weak performance in the California economy, there is an approximately \$15 billion General Fund deficit for the 2008–09 fiscal year, which without effective action, is estimated to grow to a \$42 billion General Fund budget shortfall over the next 18 months; and

WHEREAS on November 6, 2008, due to concerns regarding dramatically declining revenues, I issued a Special Session Proclamation and convened the Legislature of the State of California to meet in extraordinary session to address the fiscal crisis that California faces; and

WHEREAS the Legislature failed during that Special Session to enact any bills to address the State’s significant economic problems; and

WHEREAS on December 1, 2008, due to the worsening fiscal crisis, I declared that a fiscal emergency exists and convened the Legislature to meet in extraordinary session to address the fiscal crisis that California faces; and

WHEREAS on December 1, 2008, due to the fiscal emergency and the nationwide economic recession, I also issued a Special Session Proclamation and convened the Legislature of the State of California to meet in extraordinary session to address the economic crisis; and

WHEREAS on December 17, 2008, the California Pooled Money Investment Board took the unprecedented action to halt lending money for an estimated 2,000 infrastructure projects as a result of the cash crisis, including the substantial risk that California will have insufficient cash to meet its obligations starting in February 2009; and

WHEREAS the Legislature has failed to take action in the fiscal emergency extraordinary session to effectively address the unprecedented statewide fiscal crisis; and

WHEREAS immediate and comprehensive action is needed to address the revenue shortfall facing the State of California; and

WHEREAS within months the State will not be able to meet all of its expenses, outside of debt service, without immediate and comprehensive action; and

WHEREAS failure to substantially reduce the deficit carried forward from the current fiscal year into the next fiscal year will likely prevent the State from being able to finance the cashflow shortages of billions of dollars that will occur in July and August, thus making it likely that this fiscal year's deficit will cause the State to miss payroll and other essential services payments at the beginning of 2009; and

WHEREAS, according to the Legislative Analyst, next fiscal year's budget will be even more out of balance than the current year budget and balancing the 2009/2010 budget will be immeasurably more difficult if actions to reduce spending trends and increase revenue trends are not put into place immediately.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, in accordance with Section 10(f) of Article IV of the Constitution of the State of California, HEREBY DETERMINE that General Fund revenues for Fiscal Year 2008-09 will decline substantially below the estimate of General Fund revenues upon which the 2008 Budget Act was based.

I, ARNOLD SCHWARZENEGGER, Governor of the State of California, HEREBY DECLARE that a fiscal emergency exists.

I, ARNOLD SCHWARZENEGGER, Governor of the State of California, HEREBY IDENTIFY THE NATURE OF THIS FISCAL EMERGENCY to be the projected budget imbalance and insufficient cash reserves for Fiscal Year 2008-09 and the projected insufficient cash reserves and potential budgetary and cash deficit in Fiscal Year 2009-10 which are anticipated to result from the dramatically lower than estimated General Fund revenues in Fiscal Year 2008-09.

FURTHER, on this day, as required by Section (10f) of Article IV of the Constitution of the State of California, I will cause the Legislature to assemble in special session to address this fiscal emergency, and I will submit to the Legislature proposed legislation to address this fiscal emergency.

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 December, 2008

ARNOLD SCHWARZENEGGER  
Governor of California

ATTEST:

DEBRA BOWEN  
Secretary of State



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

WHEREAS on this date, pursuant to Section 10(f) of Article IV of the Constitution of the State of California, I have proclaimed a fiscal emergency; and

WHEREAS on this date, I am submitting to the Legislature proposed legislation to address that fiscal emergency; and

WHEREAS this extraordinary occasion having arisen and now existing, it requires that the Legislature of the State of California be convened in extraordinary session.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power and authority vested in me in accordance with Section 10(f) of 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 19th day of December 2008, at a time to be determined, to consider and act upon legislation to address the fiscal emergency proclaimed by me this day.

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 December, 2008.

ARNOLD SCHWARZENEGGER  
Governor of California

ATTEST:

DEBRA BOWEN  
Secretary of State

Receipt

I acknowledge receipt this 19th day of December 2008 at 3:20 p.m., of a proclamation by the Governor, regarding a fiscal emergency, accompanied by proposed legislation to address the fiscal emergency, delivered to me personally by Jacque Roberts.

BRIAN S. EBBERT  
Assistant Chief Clerk of the Assembly



### **ELECTION OF SPEAKER**

Assembly Member Torrico was granted unanimous consent that the election of Speaker Karen Bass on December 1, 2008, to the Office of Speaker of the Assembly for the 2009–10 Regular Session, and the Oath of Office administered (see Assembly Daily Journal for December 1, 2008 for the Regular Session, pages 6 and 7), be substituted in the 2009–10 Third Extraordinary Session.

### **OATH OF OFFICE ADMINISTERED**

Speaker-elect Bass appeared at the bar of the Assembly and took and subscribed to the following oath of office administered by the Honorable Kathryn M. Werdegar, Justice of the Supreme Court of California:

### **OATH**

*for the Office of Speaker of the California State Assembly*

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

### **ADOPTION OF STANDING RULES**

Assembly Member Torrico was granted unanimous consent that the Permanent Standing Rules of the Assembly for the 2009–10 Regular Session and the organization of Standing Committees be adopted in the Third Extraordinary Session.

(NOTE: For the text of the Assembly Standing Rules, see Assembly Daily Journal for December 1, 2008 for the Regular Session, page 10.)

### **MOTION RELATIVE TO ORGANIZATION OF THE ASSEMBLY**

Assembly Member Torrico moved that the provisions of House Resolution No. 3 in the 2009–10 Regular Session relative to the payment of Members and distribution of Weekly Histories be substituted in the 2009–10 Third Extraordinary Session.

(NOTE: For the text of House Resolution No. 3, see Assembly Daily Journal for December 1, 2008 for the 2009–10 Regular Session, page 56.)

Assembly Member De León seconded the motion.

Without objection, the motion carried.

### **ELECTION OF OFFICERS OF THE ASSEMBLY**

Assembly Member Torrico moved that the non-member officers in the 2009–10 Regular Session be deemed the non-member officers in the Third Extraordinary Session (Chief Clerk, Chief Sergeant-at-Arms, Chaplain, and Alternate Chaplain) and that their respective oaths in the Regular Session be substituted in the Third Extraordinary Session.

(NOTE: For the oaths of office for the non-member officers for the 2009–10 Regular Session, see Assembly Daily Journal for December 1, 2008, page 55.)

Assembly Member De León seconded the motion.

Without objection, the motion carried.

**COMMUNICATIONS**

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

January 5, 2009

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

Dear Dotson: This is to advise you that I have appointed the following Democratic Leadership for the 2009–10 Third Extraordinary Session:

- |                                 |                      |
|---------------------------------|----------------------|
| Speaker pro Tempore             | Hon. Lori Saldaña    |
| Majority Floor Leader           | Hon. Alberto Torrico |
| Assistant Majority Floor Leader | Hon. Paul Krekorian  |
| Majority Whip                   | Hon. Fiona Ma        |
| Assistant Majority Whip         | Hon. Isadore Hall    |
| Rules Committee                 | Hon. Ted Lieu        |

Sincerely,

**KAREN BASS**  
Speaker of the Assembly

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

- ASSEMBLY BILL NO. 1—Evans. An act relating to the Budget Act of 2008.
- ASSEMBLY BILL NO. 2—Evans. An act relating to the Budget Act of 2008.
- ASSEMBLY BILL NO. 3—Evans. An act relating to the Budget Act of 2008.
- ASSEMBLY BILL NO. 4—Evans. An act relating to the Budget Act of 2008.
- ASSEMBLY BILL NO. 5—Evans. An act relating to the Budget Act of 2008.
- ASSEMBLY BILL NO. 6—Evans. An act relating to the Budget Act of 2008.
- ASSEMBLY BILL NO. 7—Evans. An act relating to the Budget Act of 2008.
- ASSEMBLY BILL NO. 8—Evans. An act relating to the Budget Act of 2008.
- ASSEMBLY BILL NO. 9—Evans. An act relating to the Budget Act of 2008.
- ASSEMBLY BILL NO. 10—Evans. An act relating to the Budget Act of 2008.
- ASSEMBLY BILL NO. 11—Evans. An act relating to the Budget Act of 2008.
- ASSEMBLY BILL NO. 12—Evans. An act relating to the Budget Act of 2008.
- ASSEMBLY BILL NO. 13—Evans. An act relating to the Budget Act of 2008.
- ASSEMBLY BILL NO. 14—Evans. An act relating to the Budget Act of 2008.
- ASSEMBLY BILL NO. 15—Evans. An act relating to the Budget Act of 2008.
- ASSEMBLY BILL NO. 16—Evans. An act relating to the Budget Act of 2008.
- ASSEMBLY BILL NO. 17—Evans. An act relating to the Budget Act of 2008.
- ASSEMBLY BILL NO. 18—Evans. An act relating to the Budget Act of 2008.
- ASSEMBLY BILL NO. 19—Evans. An act relating to the Budget Act of 2008.
- ASSEMBLY BILL NO. 20—Evans. An act relating to the Budget Act of 2008.

**MOTION TO ADJOURN**

At 1:25 p.m., Assembly Member Torrico moved that the Assembly do now adjourn.

Assembly Member Villines seconded the motion.

Motion carried.

**ADJOURNMENT**

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

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KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk

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