

CALIFORNIA LEGISLATURE
2005–06 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 6, 2005
FIRST SESSION DAY
FIRST 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 Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 6, 2005

At 10:07 a.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Arnold Schwarzenegger, Governor of the State of California, dated January 5, 2005, convening the Legislature of the State of California on this day in extraordinary session.

In conformity with Government Code Section 9150, the following officers for the 2005–06 Regular Session were present and performing their respective duties: E. Dotson Wilson, Chief Clerk, Sue Parker, Minute Clerk, and Ronald E. Pane, Chief Sergeant-at-Arms.

Leland Yee, Speaker pro Tempore of the Assembly for the 2005–06 Regular Session, presiding.

Assistant Clerk Brian Ebbert, reading.

ROLL CALL

The roll was called, and the following answered to their names—79:

Aghazarian	Dymally	La Suer	Pavley
Arambula	Emmerson	Laird	Plescia
Baca	Evans	Leno	Richman
Bass	Frommer	Leslie	Ridley-Thomas
Benoit	Garcia	Levine	Runner
Berg	Goldberg	Lieber	Ruskin
Bermúdez	Gordon	Liu	Saldaña
Blakeslee	Hancock	Matthews	Salinas
Bogh	Harman	Maze	Spitzer
Calderon	Haynes	McCarthy	Strickland
Canciamilla	Horton, Jerome	Montañez	Torrico
Chan	Horton, Shirley	Mountjoy	Tran
Chavez	Houston	Mullin	Vargas
Chu	Huff	Nakanishi	Villines
Cogdill	Jones	Nation	Walters
Cohn	Karnette	Nava	Wolk
Coto	Keene	Negrete McLeod	Wyland
Daucher	Klehs	Niello	Yee
De La Torre	Koretz	Oropeza	Mr. Speaker
DeVore	La Malfa	Parra	

Quorum present.

PRAYER

Upon invitation of Speaker pro Tempore Yee, the following prayer was offered by Assembly Alternate Chaplain Pastor Ivan L. Williams, Sr., for the 2005–06 Regular Session:

O Gracious God, It is with seeking hearts that we call upon Your name this morning.

We seek Your will and Your way. We seek Your wisdom and pray that You will give us discernment in a world of unprecedented choices and voices. We seek for more compassion in this world rocked by the Tsunami disaster, poverty, ethnic fighting, and war.

And yes, O God, we seek Your guidance on this day of session in these legislative halls. So please guide us as You can.

In Thy powerful, compassionate, and merciful name I pray.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On legislative business: Assembly Member Umberg.

(NOTE: For explanation of absence of Assembly Member Umberg on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

The following communications were presented by the Chief Clerk, and ordered printed in the Journal:

December 6, 2004

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

Dear Mr. Wilson: This letter is to state for the record that I choose to waive my in session per diem for the 2005–06 legislative session.

Thank you for your assistance.

Sincerely,

DAVE JONES, Assembly Member
Ninth District

December 2, 2004

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

Dear Mr. Wilson: This is to notify you that I do not wish to receive any per diem payments.

Thank you for your assistance in this matter.

Sincerely,

ROGER NIELLO, Assembly Member-elect
Fifth District

December 6, 2004

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

Dear Mr. Wilson: This is to state for the Assembly Journal record that I have decided to decline per diem for 2005–06 legislative session.

Thank you for your attention to this matter.

Sincerely,

LOIS WOLK, Assembly Member
Eighth District

PROCLAMATION OF THE GOVERNOR

Speaker pro Tempore Yee 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, an extraordinary occasion has arisen and now exists requiring 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 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 6th day of January, 2005, at a time to be determined, for the following purpose and to legislate upon the following subjects:

1. To consider and act upon a Constitutional amendment to be placed before the voters and related legislation to reform the State's budget process so that government will be better able to keep spending within the amount of available revenues and thereby avoid budget deficits, and to require reductions in state expenditures when they exceed State revenues; and
2. To consider and act upon a Constitutional amendment to be placed before the voters and related legislation to reform the pension systems for future government employees from one that provides retirees a defined retirement benefit, to one that requires the state to pay a defined or fixed contribution each year into employee pension accounts; and
3. To consider and act upon a Constitutional amendment to be placed before the voters and related legislation to reform

- education by basing employment decisions concerning school teachers and administrators, including their compensation, on their successful performance not their longevity of service and to require more fiscal transparency and accountability on the part of local school districts; and
4. To consider and act upon a Constitutional amendment to be placed before the voters and related legislation that will reform the process of drawing California's legislative, congressional and Board of Equalization districts in order to ensure that the process of apportioning legislative, congressional and Board of Equalization districts is fair and equitable and free of undue political or partisan influences.

IN WITNESS WHEREOF I have hereunto set my hand
and caused the Great Seal of the State of California
to be affixed this 5th day
of January, 2005.

ARNOLD SCHWARZENEGGER
Governor of California



ELECTION OF SPEAKER

Assembly Member Frommer was granted unanimous consent that the election of Speaker Fabian Núñez on December 6, 2004, to the Office of Speaker of the Assembly for the 2005–06 Regular Session, and the Oath of Office administered (Assembly Journal, page 7), be substituted in the 2005–06 First Extraordinary Session.

OATH OF OFFICE OF SPEAKER OF THE ASSEMBLY

The following oath of office was administered to Speaker-elect Fabian Núñez, on Monday, December 6, 2004 by the Honorable Teresa Sanchez-Gordon, Judge of the Superior Court, County of Los Angeles:

OATH

for the Office of Speaker of the 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 Frommer was granted unanimous consent that the permanent Standing Rules of the Assembly for the 2005–06 Regular Session be adopted as the Rules for the 2005–06 First Extraordinary Session and that the roll call vote taken December 6, 2004 be substituted:

AYES—45

Arambula	Dymally	Leno	Ridley-Thomas
Baca	Evans	Levine	Ruskin
Bass	Frommer	Lieber	Saldaña
Berg*	Goldberg	Matthews	Salinas
Bermúdez	Gordon	Montañez	Torrico
Calderon	Hancock	Mullin	Vargas
Chan	Horton, Jerome	Nation	Wolk
Chavez	Jones	Nava	Yee
Chu	Karnette	Negrete McLeod	Mr. Speaker
Cohn	Klehs	Oropeza*	
Coto	Koretz	Parra	
De La Torre	Laird	Pavley	

NOES—33

Aghazarian	Garcia	Leslie	Spitzer
Benoit	Harman	Maze	Strickland
Blakeslee	Haynes	McCarthy	Tran
Bogh	Horton, Shirley	Mountjoy	Villines
Canciamilla	Houston	Nakanishi	Walters
Cogdill	Huff	Niello	Wyland
Daucher	Keene	Plescia	
DeVore	La Malfa	Richman	
Emmerson	La Suer	Runner	

*(NOTE: Assembly Members Berg and Oropeza were granted unanimous consent to add on to the December 6, 2004 roll call. Assembly Member Berg took and subscribed to the Oath of Office on Monday, January 3, 2005. Assembly Member Oropeza took and subscribed to the Oath of Office on December 20, 2004. Assembly Member Umberg was present when the above vote was taken on December 6, 2004, but was excused on this day.)

(NOTE: For the text of Assembly Standing Rules, see Assembly Journal for December 6, 2004 for the Regular Session, page 11; for roll call vote 44–33, see page 56.)

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

Assembly Member Frommer was granted unanimous consent that House Resolution No. 3 in the 2005–06 Regular Session, relative to payment of Members, officers, and attaches of the Assembly; and distribution of Assembly Weekly Histories be substituted in the 2005–06 First Extraordinary Session.

(NOTE: For text and roll call of House Resolution No. 3, see Assembly Journal for December 6, 2004 for the Regular Session, page 58.)

ELECTION OF OFFICERS OF THE ASSEMBLY

Assembly Member Frommer was granted unanimous consent that the non-member Officers in the 2005–06 Regular Session be deemed the non-member Officers in the 2005–06 First Extraordinary Session and that their Oaths of Office in the Regular Session be substituted: E. Dotson Wilson, Chief Clerk; Ronald E. Pane, Chief Sergeant at Arms; Father Constantine C. Pappademos, Chaplain; Rev. Ivan L. Williams, Sr., Alternate Chaplain.

(NOTE: For the roll call election of non-member officers for the 2005–06 Regular Session, see Journal for December 6, 2004, page 57.)

OATH OF OFFICE

The following oath of office was administered to Chief Clerk-elect E. Dotson Wilson, Chief Sergeant-at-Arms-elect Ronald E. Pane, Chaplain-elect Rev. Constantine C. Pappademos, and Alternate Chaplain-elect Rev. Ivan L. Williams, Sr. on Monday, December 6, 2004, by the Honorable Teresa Sanchez-Gordon, Judge of the Superior Court, County of Los Angeles.

OATH

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.

MOTION TO ADJOURN

At 10:10 a.m., Assembly Member Frommer moved that the Assembly do now adjourn.

Assembly Member Cogdill seconded the motion.

Motion carried.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 1—Richman. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 8 to Article XX thereof, relating to public pension or retirement benefits.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 2—Daucher. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8.5 of Article XVI thereof, relating to education finance.

MESSAGES FROM THE SENATE

Senate Chamber, January 6, 2005

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

Senate Concurrent Resolution No. 1

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. 1—Relative to the Joint Rules for the 2005–06 First Extraordinary Session.

ADJOURNMENT

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

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk