

CALIFORNIA LEGISLATURE  
2009–10 FOURTH EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, July 2, 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 Minute Clerk: Phone 319-2360)

## PROCEEDINGS OF THE ASSEMBLY

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Thursday, July 2, 2009

The Assembly met at 10:17 a.m.

Hon. Lori Saldaña, Speaker pro Tempore of the Assembly,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Timothy Morland reading.

#### ROLL CALL

The roll was called, and the following answered to their names—77:

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

**PRAYER**

Upon invitation of Speaker pro Tempore Saldaña, the following prayer was offered by Assembly Member Gilmore, 30th Assembly District:

*Our Heavenly Father,* We thank You today for the precious gift of life, for each and every one of us in this wonderful state of California. We further thank You for the great gift of freedom You have given each of us here today, and have so generously bestowed upon all who reside in the United States of America.

Two hundred and thirty-three years ago this Saturday, in a hall some three thousand miles away, our nation was officially born. Its Founders—each of whom pledged a firm reliance on the protection of Your Divine Providence—affixed their signatures to a Declaration of Independence that for the first time in human history acknowledged the truth that all men are created equal . . . that each and every human being on the face of this earth is endowed by You, O Lord, with certain unalienable rights . . . rights that no man, and no government, can take away. It is therefore the duty of each one of us—particularly those who are privileged to serve in positions of elected office and public trust—to further the cause of these unalienable rights and timeless truths, which today are but imperfectly realized. To this end, we invoke Your blessings, Your strength, Your wisdom, guidance and support, and humbly offer our sincere thanks.

As we today hear the words that announced the birth of our new nation, we also ask You to confer Your blessings, Your mercy and Your healing grace upon all those who have defended our freedoms, particularly those brave men and women who have suffered the injuries of battle, and who have given their last full measure of devotion to the nation to which we pledge our allegiance. May all who have served in the armed forces of the United States of America, together with their families and loved ones, fully appreciate the magnitude of our thanks for their service and their sacrifice. And may we all be heartened and healed by the infinite power of Your mercy and grace, to better do Your will. For all these things, we offer this day our prayer of thanks. In Your Name.—AMEN.

**PRESENTATION OF COLORS  
AND PLEDGE OF ALLEGIANCE TO THE FLAG**

The Presentation of Colors by Honor Guard members: Staff Sergeant Glen Beedy, Sergeant Robert Kilday, Sergeant Priscilla Sepulveda, and Specialist Steven Pearson, from the Army National Guard, was followed by the Pledge of Allegiance to the Flag, led by Assembly Member Silva.

**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 Gaines.

**LEAVES OF ABSENCE FOR THE DAY**

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

*On legislative business: Assembly Member De La Torre.*

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

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

**PROCLAMATION OF THE GOVERNOR**

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

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

WHEREAS the global recession has caused California's revenues to continue to plummet, leaving our state with an unprecedented budget deficit that forces the State to take drastic actions to fix it that will affect every Californian; and

WHEREAS on November 6, 2008, and again on December 1, 2008, due to concerns regarding dramatically declining revenues and worsening economy, 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 on February 20, 2009, a revised state budget for fiscal year 2008–09 was adopted and a state budget for fiscal year 2009–10 was adopted; and

WHEREAS within a few weeks after the passage of these budgets, the global recession caused California's revenues to worsen even more, thus creating a new budget deficit of approximately \$15.4 billion for fiscal years 2008–09 and 2009–10; and

WHEREAS on May 20, 2009, after the failure of Propositions 1A through 1 E, California faced a budget deficit of \$21.3 billion for fiscal years 2008–09 and 2009–10; and

WHEREAS California planned to borrow up to \$6 billion through Reimbursement Warrants (commonly referred to as "RAWs") to address the budget deficit to address part of the budget deficit, but this short-term borrowing is no longer an available option due to the recent decision of the federal government not to provide financial assistance or loan guarantees for this emergency, short-term borrowing; and

WHEREAS the state's inability to borrow through RAWs will result in more severe spending cuts in the state's programs and services; and

WHEREAS on May 22, 2009, the Legislative Analyst predicted that the Governor's May Revision revenue projections may prove overly optimistic, and instead, projected that the drop in revenues will be at least \$3 billion worse than projected putting the size of the state's shortfall at more than \$24 billion for fiscal years 2008–09 and 2009–10; and

WHEREAS the State Controller has determined that the State's \$2.8 billion cash shortage in July 2009 will grow to \$6.5 billion in September, and a double-digit freefall after September; and

WHEREAS the State Controller has determined that without effective action to address the budget and cash crisis, the State will have insufficient cash to meet its obligations starting July 2009 and will need to issue registered warrants (IOUs) in order to preserve cash and protect payments the State must make to fund education and repay outstanding debt; and

WHEREAS on June 30, 2009, the Legislature failed to take action to pass a revised budget for fiscal years 2008–09 and 2009–10 to effectively address the unprecedented statewide fiscal crisis, thereby requiring billions of dollars in additional solutions; and

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

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 Years 2008–09 and 2009–10 will decline substantially below the estimate of General Fund revenues upon which the 2009 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 2009–10 and the projected insufficient cash reserves and potential budgetary deficit in Fiscal Year 2010–11 which are anticipated to result from the dramatically lower than estimated General Fund revenues in Fiscal Years 2008–09 and 2009–10.

FURTHER, on this day, as required by Section 10(f) 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 1st day of July, 2009.

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 1st day of July, 2009, 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 1st day of July, 2009.

ARNOLD SCHWARZENEGGER  
Governor of California

ATTEST:

DEBRA BOWEN  
Secretary of State



**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 Fourth 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 Fourth 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 Fourth 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 Krekorian 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 Fourth 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 Fourth 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 Krekorian seconded the motion.

Without objection, the motion carried.

**COMMUNICATIONS**

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

July 2, 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 Fourth Extraordinary Session:

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

Sincerely,

**KAREN BASS**  
 Speaker of the Assembly

July 2, 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 made the following changes to the Assembly Rules Committee for the 2009–10 Fourth Extraordinary Session:

Assemblymember Ted Lieu, Chair  
 Assemblymember Ted Gaines, Vice Chair  
 Assemblymember Anthony Adams  
 Assemblymember Tom Ammiano  
 Assemblymember Mike Duvall  
 Assemblymember Isadore Hall  
 Assemblymember Tony Mendoza  
 Assemblymember Jim Silva  
 Assemblymember Sandré Swanson  
 Assemblymember Tom Torlakson  
 Assemblymember Mariko Yamada  
 Assemblymember Mike Davis, Democratic Alternate  
 Assemblymember Jim Nielsen, Republican Alternate

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 2009.
- ASSEMBLY BILL NO. 2—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 3—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 4—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 5—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 6—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 7—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 8—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 9—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 10—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 11—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 12—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 13—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 14—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 15—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 16—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 17—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 18—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 19—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 20—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 21—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 22—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 23—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 24—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 25—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 26—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 27—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 28—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 29—Evans.** An act relating to the Budget Act of 2009.
- ASSEMBLY BILL NO. 30—Evans.** An act relating to the Budget Act of 2009.

**ADJOURNMENT**

At 10:22 a.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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KAREN BASS, Speaker

AMY LEACH, Minute Clerk

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