

CALIFORNIA LEGISLATURE
2009–10 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, August 31, 2009

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
Monday, August 31, 2009

At 4:32 p.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Arnold Schwarzenegger, Governor of the State of California, dated August 20, 2009, 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 2009–10 Regular Session were present and performing their respective duties: E. Dotson Wilson, Chief Clerk, Amy Leach, Minute Clerk, and Ronald E. Pane, Chief Sergeant-at-Arms.

Isadore Hall III, Assistant Speaker pro Tempore of the Assembly for the 2009–10 Regular Session, presiding.

Assistant Clerk Timothy Morland reading.

ROLL CALL

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

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

Quorum present.

PRAYER

Upon invitation of Assistant Speaker pro Tempore Hall, the following prayer was offered by Father Constantine C. Pappademos, Chaplain of the Assembly for the 2009–10 Regular Session:

Lord, The Prophet Isaiah said, “And in an instant, suddenly, you shall be visited and delivered by the Lord of hosts.” (Isaiah 29:5–6)

Lord, You can change things immediately. In a split second, You can turn things around. One touch of Your power can heal, or solve a problem, or change our life for the better. Give us the strength, the faith and peace in our hearts today, to wait patiently for You.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Assistant Speaker pro Tempore Hall, Assembly Member John A. Pérez 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 personal business, and waiving per diem: Assembly Member Portantino.

PROCLAMATION OF THE GOVERNOR

Assistant Speaker pro Tempore Hall 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 20th day of August 2009, at a time to be determined, for the following purpose and to legislate upon the following subject no later than October 5, 2009:

1. To consider and act upon legislation to address the federal Race to the Top eligibility requirements and guidelines, and other changes necessary to secure federal funding.

IN WITNESS WHEREOF I have hereunto set my hand
and caused the Great Seal of the State of California
to be affixed 20th day
of August, 2009.

ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:

DEBRA BOWEN
Secretary of State

**RECEIPT**

I acknowledge receipt this 20th day of August 2009 at 11:49 a.m., of a proclamation by the Governor, calling an extraordinary session regarding federal funding and Race to the Top eligibility requirements and guidelines, delivered to me personally by Jacque Roberts.

E. DOTSON WILSON
Chief Clerk of the Assembly

ELECTION OF SPEAKER

Assembly Member Krekorian 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 Fifth Extraordinary Session.

OATH OF OFFICE

The following oath of office was administered to Speaker-elect Karen Bass, on Monday, December 1, 2008 by the Honorable Kathryn M. Werdegar, Justice of the Supreme Court of California, and without objection was substituted in the Fifth Extraordinary Session:

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 Krekorian moved that the Permanent Standing Rules of the Assembly for the 2009–10 Regular Session and the organization of Standing Committees be adopted in the Fifth Extraordinary Session.

Motion carried by the following vote:

AYES—58

Ammiano	De León	Hernandez	Pérez, J.
Arambula	Emmerson	Hill	Pérez, V.M.
Beall	Eng	Huber	Ruskin
Block	Evans	Huffman	Saldaña
Blumenfield	Feuer	Jones	Skinner
Brownley	Fletcher	Knight	Smyth
Caballero	Fong	Krekorian	Solorio
Calderon	Fuentes	Lieu	Swanson
Carter	Fuller	Logue	Torlakson
Chesbro	Furutani	Lowenthal	Torrico
Conway	Galgiani	Ma	Tran
Cook	Gilmore	Mendoza	Yamada
Coto	Hagman	Monning	Mme. Speaker
Davis	Hall	Nava	
De La Torre	Hayashi	Niello	

NOES—None

(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 Krekorian 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 Fifth 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 John A. Pérez seconded the motion.

Without objection, the motion carried.

ELECTION OF OFFICERS OF THE ASSEMBLY

Assembly Member Krekorian moved that the non-member officers in the 2009–10 Regular Session be deemed the non-member officers in the Fifth 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 Fifth 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 John A. Pérez seconded the motion.

Without objection, the motion carried.

COMMUNICATIONS

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

August 31, 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 Fifth Extraordinary Session:

Speaker pro Tempore
Assistant Speaker pro Tempore
Majority Floor Leader
Assistant Majority Floor Leader
Majority Whip
Assistant Majority Whip
Rules Committee Chair

Hon. Lori Saldaña
Hon. Isadore Hall
Hon. Alberto Torrico
Hon. Paul Krekorian
Hon. Fiona Ma
Hon. Marty Block
Hon. Ted Lieu

Sincerely,

KAREN BASS
Speaker of the Assembly

August 31, 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 Fifth Extraordinary Session:

- Assemblymember Ted Lieu, Chair
- Assemblymember Ted Gaines, Vice Chair
- Assemblymember Anthony Adams
- Assemblymember Mike Duvall
- Assemblymember Warren Furutani
- 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

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

August 31, 2009

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

Dear Mr. Wilson: This letter is to notify you of the following Minority Leadership Team for the 2009/2010 Fifth Extraordinary Session:

- | | |
|--------------------------------|---|
| Assemblyman Sam Blakeslee | Minority Leader |
| Assemblyman Tom Berryhill | Assistant Minority Leader |
| Assemblyman Martin Garrick | Assistant Minority Leader |
| Assemblyman Cameron Smyth | 2nd Ranking Minority
Leader and Caucus Chair |
| Assemblyman Curt Hagman | Minority Caucus Floor
Leader |
| Assemblyman Mike Duvall | Deputy Floor Manager |
| Assemblyman Jim Nielsen | Budget and
Fiscal Accountability |
| Assemblywoman Diane Harkey | Solvency Strategies |
| Assemblywoman Jean Fuller | Caucus Best Practices |
| Assemblywoman Audra Strickland | Caucus Coalition Building |
| Assemblyman Bill Berryhill | Member Services
Coordination |
| Assemblywoman Connie Conway | Minority Whip |
| Assemblyman Brian Nestande | Minority Whip |
| Assemblyman Steve Knight | Minority Whip |

If you have any questions regarding this letter, please contact Christine Robertson at 319-2033. It is an honor working with you in the California State Assembly.

Sincerely,

SAM BLAKESLEE
Assembly Minority Leader

MESSAGES FROM THE SENATE

Senate Chamber, August 27, 2009

Mme. 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 2009–10 Fifth Extraordinary Session.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following item:

Krekorian Motion to Adopt Standing Rules: Arambula, Mendoza, and Tran—Aye.

ADJOURNMENT

At 6 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

KAREN BASS, Speaker

AMY LEACH, Minute Clerk