

CALIFORNIA LEGISLATURE
2009–10 SIXTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, October 26, 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, October 26, 2009

At 1:03 p.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Arnold Schwarzenegger, Governor of the State of California, dated September 29, 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, and Ronald E. Pane, Chief Sergeant-at-Arms.

Lori Saldaña, 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—76:

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

Quorum present.

PRAYER

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

Lord, Your invisible power is like a fountain, and the streams that flow from it are peace. Your presence and grace in our life produce a sense of peace . . . peace with our family, peace with those around us. Lord, fill our heart with peace and calmness so that we will know we have Your presence in our life and in all that we do.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Saldaña, Assembly Member Davis 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 Lowenthal.

Because of illness: Assembly Member Tom Berryhill.

Because of a death in his family: Assembly Member Emmerson.

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 on September 29, 2009, the Commission on the 21st Century Economy issued its report with recommendations to change laws to improve the state's tax system; and

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 29th day of September 2009, at a time to be determined, for the following purpose and to legislate upon the following subject:

1. To consider and act upon legislation to address and improve the state tax system, including but not limited to the following: establish a tax structure that fits with the state's 21st century, stabilize state revenues and reduce volatility, promote the long-term economic prosperity of the state and its citizens, improve California's ability to successfully compete with other states and nations for jobs and investments, reflect principles of sound tax policy, and ensure that the tax structure is fair and equitable.

IN WITNESS WHEREOF I have hereunto set my hand
and caused the Great Seal of the State of California
to be affixed this 29th day
of September 2009.

ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:

DEBRA BOWEN
Secretary of State



RECEIPT

I acknowledge receipt this 29th day of September 2009 at 1:47 p.m., of a proclamation by the Governor, calling an extraordinary session regarding improving the state tax system, delivered to me personally by Jacque Roberts.

SUE L. PARKER
Assistant 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 Sixth 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 2009–10 Sixth Extraordinary Session:

OATH

for the Office of Speaker of the California 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 2009–10 Sixth Extraordinary Session.

Assembly Member De Léon seconded the motion.

Motion carried.

(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, officers, and attaches of the Assembly; and distribution of Weekly Histories, be substituted in the 2009–10 Sixth Extraordinary Session.

Assembly Member De Léon seconded the motion.

Motion carried.

(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.)

ELECTION OF OFFICERS OF THE ASSEMBLY

Assembly Member Krekorian moved that the following non-member-officers of the Assembly for the 2009–10 Regular Session be deemed the non-member-officers in the Sixth Extraordinary Session: E. Dotson Wilson, Chief Clerk; Ronald E. Pane, Chief Sergeant-at-Arms; Father Constantine C. Pappademos, Chaplain; Rev. Ivan L. Williams, Sr., Alternate Chaplain, and that their respective oaths in the 2009–10 Regular Session be substituted in the 2009–10 Sixth Extraordinary Session.

Assembly Member De León seconded the motion.

Motion carried.

(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 for the 2009–10 Regular Session, page 55.)

COMMUNICATIONS

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

October 26, 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 Sixth 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

October 26, 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 established and appointed membership to the following committees for the 2009–10 Sixth Extraordinary Session:

Appropriations

Assemblymember Kevin de León, Chair
Assemblymember Connie Conway, Vice Chair
Assemblymember Tom Ammiano
Assemblymember Charles Calderon
Assemblymember Joe Coto
Assemblymember Mike Davis
Assemblymember Felipe Fuentes
Assemblymember Isadore Hall
Assemblymember Diane Harkey
Assemblymember Jeff Miller
Assemblymember Jim Nielsen
Assemblymember John A. Pérez
Assemblymember Nancy Skinner
Assemblymember Jose Solorio
Assemblymember Audra Strickland
Assemblymember Tom Torlakson
Democratic vacancy

Rules

Assemblymember Ted Lieu, Chair
Assemblymember Ted Gaines, Vice Chair
Assemblymember Anthony Adams
Assemblymember Jean Fuller
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:

October 26, 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 Sixth 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 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, October 14, 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 Sixth Extraordinary Session.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 1—Nava (Coauthors: Ammiano, Brownley, Carter, Chesbro, Coto, Davis, Eng, Feuer, Fong, Krekorian, Ma, Monning, Ruskin, Salas, Skinner, Swanson, Torlakson, Torres, and Yamada). An act to add Part 21 (commencing with Section 42001) to Division 2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ADJOURNMENT

At 1:07 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk

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