

CALIFORNIA LEGISLATURE
2007-08 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, November 6, 2008
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
Sue Parker, Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, November 6, 2008

At 11:04 a.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Arnold Schwarzenegger, Governor of the State of California, dated November 6, 2008, 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 2007–08 Regular Session were present and performing their respective duties: E. Dotson Wilson, Chief Clerk, Sue Parker, Minute Clerk, and Ronald Pane, Chief Sergeant-at-Arms.

Hon. Sally Lieber, Speaker pro Tempore of the Assembly for the 2007–08 Regular Session, presiding.

Assistant Clerk Elizabeth Potter, reading.

ROLL CALL

The roll was called, and the following answered to their names—72:

| | | | |
|-------------|-----------|-----------|--------------|
| Adams | Duvall | Huffman | Núñez |
| Anderson | Dymally | Jeffries | Plescia |
| Arambula | Emmerson | Jones | Portantino |
| Beall | Eng | Karnette | Price |
| Benoit | Evans | Keene | Runner |
| Berg | Feuer | Krekorian | Salas |
| Berryhill | Fuentes | La Malfa | Saldaña |
| Blakeslee | Fuller | Laird | Smyth |
| Brownley | Furutani | Leno | Solorio |
| Caballero | Gaines | Lieber | Spitzer |
| Carter | Galgiani | Lieu | Strickland |
| Cook | Garcia | Ma | Swanson |
| Coto | Garrick | Maze | Torrico |
| Davis | Hancock | Mendoza | Tran |
| De La Torre | Hayashi | Mullin | Villines |
| De León | Hernandez | Nakanishi | Walters |
| DeSaulnier | Horton | Nava | Wolk |
| DeVore | Houston | Niello | Mme. Speaker |

PRAYER

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

Lord, Our lives are completely transparent before You. You know our thoughts and our words even before they are spoken (Psalm 139:1–4). Yet, You respect our freedom and will not intrude. Help us to lay our doubts and questions before You, Lord, and guide our footsteps along the path that leads to You.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Lieber, Assembly Member Laird 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 Members Aghazarian, Huff, Levine, Ruskin, and Silva.

Because of illness: Assembly Members Calderon and Soto.

Due to travel delays: Assembly Member Parra.

PROCLAMATION FROM THE GOVERNOR

Speaker pro Tempore Lieber directed the Clerk to read the following Proclamation from 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 November 2008, at a time to be determined, for the following purpose and to legislate upon the following subjects:

1. To consider and act upon legislation to address fiscal and budget-related matters.
2. To consider and act upon legislation to address the economy, including but not limited to efforts to stimulate California's economy and create and retain jobs.
3. To consider and act upon legislation to address the housing mortgage crisis.
4. To consider and act upon legislation to address the solvency of the Unemployment Insurance Fund.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed
6th day of November, 2008.

ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:

DEBRA BOWEN
Secretary of State

Receipt

I acknowledge receipt this 6th day of November 2008 at 9:55 a.m., of a proclamation by the Governor regarding an extraordinary session delivered to me personally by Jacque Roberts.

E. DOTSON WILSON
Chief Clerk of the Assembly



ELECTION OF SPEAKER

Assembly Member Torrico moved that the voice vote election of Speaker Karen Bass on February 28, 2008, to the Office of Speaker of the Assembly for the 2007–08 Regular Session, and the Oath of Office administered on May 13, 2008 (Assembly Journal, page 5103), be substituted in the Fourth Extraordinary Session.

Assembly Member Blakeslee seconded the motion.

Motion carried.

ADOPTION OF STANDING RULES

Assembly Member Torrico moved that the Permanent Standing Rules of the Assembly for the 2007–08 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 4, 2006, Regular Session, page 11.)

Assembly Member Blakeslee seconded the motion.

Motion carried by the following vote:

AYES—64

| | | | |
|-------------|-----------|-----------|--------------|
| Anderson | DeVore | Jeffries | Plescia |
| Arambula | Dymally | Jones | Portantino |
| Beall | Emmerson | Karnette | Price |
| Benoit | Eng | Keene | Runner |
| Berg | Evans | La Malfa | Salas |
| Berryhill | Feuer | Laird | Saldaña |
| Blakeslee | Fuller | Leno | Smyth |
| Brownley | Furutani | Lieber | Solorio |
| Caballero | Galgiani | Lieu | Strickland |
| Carter | Garcia | Ma | Swanson |
| Cook | Garrick | Maze | Torrico |
| Coto | Hancock | Mendoza | Tran |
| Davis | Hayashi | Mullin | Villines |
| De La Torre | Hernandez | Nakanishi | Walters |
| De León | Horton | Nava | Wolk |
| DeSaulnier | Huffman | Núñez | Mme. Speaker |

NOES—2

Adams Spitzer

MOTION RELATIVE TO ORGANIZATION OF THE ASSEMBLY

Assembly Member Torrico moved that the provisions of House Resolution No. 3 in the 2007–08 Regular Session relative to the payment of Members and distribution of Weekly Histories be substituted in the 2007–08 Fourth Extraordinary Session.

(NOTE: For the text of House Resolution No. 3, see Assembly Daily Journal for December 4, 2006, 2007–08 Regular Session, page 57.)

Assembly Member Blakeslee seconded the motion.

Without objection, the motion carried.

ANNOUNCEMENT

Speaker pro Tempore Lieber announced that the Speaker pro Tempore, Democratic and Republican Leadership, and Rules Committee members for the 2007–08 Regular Session will be appointed for these positions in the Fourth Extraordinary Session.

ELECTION OF OFFICERS OF THE ASSEMBLY

Assembly Member Torrico moved that the non-member officers in the 2007–08 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 2007–08 Regular Session, see Assembly Daily Journal for December 4, 2006, page 56.)

Assembly Member Blakeslee seconded the motion.

Without objection, the motion carried.

COMMUNICATIONS

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

November 6, 2008

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 2007–08 Fourth Extraordinary Session:

| | |
|---------------------------------|----------------------|
| Speaker pro Tempore | Hon. Sally Lieber |
| Assistant Speaker pro Tempore | Hon. Lori Saldaña |
| Majority Floor Leader | Hon. Alberto Torrico |
| Assistant Majority Floor Leader | Hon. Kevin de León |
| Majority Whip | Hon. Fiona Ma |
| Democratic Caucus Chair | Hon. Noreen Evans |
| Rules Committee Chair | Hon. Ted Lieu |

Sincerely,

KAREN BASS
Speaker of the Assembly

November 6, 2008

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 appointments to the following Assembly Standing Committees in the 2007–08 Fourth Extraordinary Session:

Budget

I have appointed Assemblymember John Laird as Chair and Assemblymember Roger Niello as Vice Chair.

Rules

I have appointed Assemblymember Ted Lieu as Chair and Assemblymember Sam Blakeslee as Vice Chair.

Sincerely,

KAREN BASS
Speaker of the Assembly

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

Per Diem

October 23, 2008

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

Dear Chief Clerk Wilson: This letter is to officially notify you of my intention to decline the per diem increase that was approved by The Victim Compensation and Government Claims Board effective October 1, 2008. Please withhold this per diem increase from my per diem checks from the effective date until further notice.

Please do not hesitate to contact me or my Chief of Staff, Steve Davey, at 319-2004 should you have any questions regarding this request.

Sincerely,

TED GAINES, Assembly Member
Fourth District

Per Diem

October 23, 2008

Mr. Dotson Wilson
Chief Clerk
State Capitol, Room 3196
Sacramento, California

Dear Mr. Wilson,

I respectfully waive the increase in per diem offered to members this year. I appreciate your attention to this matter.

Should you have any questions, please contact Rachel Francis in my office at 916-319-2012.

In Peace and Friendship,

FIONA MA, Assembly Member
Twelfth District

Per Diem

October 23, 2008

Mr. E. Dotson Wilson
Chief Clerk, California State Assembly
State Capitol
Sacramento, California

Dear Mr. Wilson: In light of our state's ongoing budget crisis, I will not be accepting the per diem increase that was approved today by the Victim Compensation and Government Claims Board.

Sincerely,

ANTHONY J. PORTANTINO, Assembly Member
Forty-fourth District

Per Diem

October 24, 2008

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

Dear Dotson: This correspondence is to let you know that I wish to decline the \$3.00 increase in the per diem rate, which became effective October 1, 2008.

Should you have any questions regarding this matter, you are welcome to contact me or my chief of staff, Megan Taylor, at (916) 319-2028.

Regards,

ANNA M. CABALLERO, Assembly Member
 Twenty-eighth District

Per Diem

October 28, 2008

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

Dear Mr. Wilson: I am hereby requesting that my raise in per diem effective October 1, 2008 not be increased.

Please contact my Chief of Staff, Nancy Taffet, with any questions. Thank you.

Sincerely,

SHIRLEY HORTON, Assembly Member
 Seventy-eighth District

Per Diem

October 28, 2008

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

Dear Mr. Wilson: Please use this letter as notification that I am electing not to take the increase in per diem effective October 1, 2008.

Thank you and should you have any questions or concerns, please feel free to contact me at my office at (909) 466-9096.

Sincerely,

BILL EMMERSON, Assembly Member
 Sixty-third District

Per Diem

October 29, 2008

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

Dear Dotson: Please be advised that I am declining the per diem increase, effective October 1, 2008.

Sincerely,

KAREN BASS
Speaker of the Assembly

November 6, 2008

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

Dear Mr. Wilson: This is to advise you that I've appointed the following members to the Republican Leadership Team for the 2007/2008 Fourth Extraordinary Session:

| | |
|---------------------------------|--|
| Assemblyman Michael N. Villines | Assembly Republican Leader |
| Assemblyman Bob Huff | 2 nd Ranking Republican Leader/ Caucus Chair |
| Assemblyman Roger Niello | Assembly Budget Committee Vice Chair and Assistant Republican Leader |
| Assemblywoman Mimi Walters | Assembly Appropriations Committee Vice Chair and Assistant Republican Leader |
| Assemblyman Bill Emerson | Assistant Republican Leader |
| Assemblyman Rick Keene | Assistant Republican Leader |
| Assemblyman Van Tran | Assistant Republican Leader |
| Assemblyman John J. Benoit | Chief Republican Whip |
| Assemblyman Doug La Malfa | Chief Republican Whip |
| Assemblyman Todd Spitzer | Chief Republican Whip |
| Assemblyman Chuck DeVore | Republican Whip |
| Assemblyman Anthony Adams | Republican Whip |
| Assemblywoman Jean Fuller | Republican Whip |
| Assemblyman Ted Gaines | Republican Whip |

If you have any questions regarding this letter, please contact Ivan Altamura at 319-2029.

It is an honor working with you in the California State Assembly.

Sincerely,

MICHAEL N. VILLINES
Assembly Republican Leader

VOTE ADDS

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

Torrico Motion to Adopt Standing Rules: DeVore and Strickland—Aye.

MESSAGES FROM THE SENATE

Senate Chamber, November 6, 2008

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 2007–08 Fourth Extraordinary Session.

ADJOURNMENT

At 5 p.m., the Assembly recessed upon Call of the Speaker.

KAREN BASS, Speaker

SUE PARKER, Minute Clerk

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