

CALIFORNIA LEGISLATURE
2023–24 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, December 5, 2022

FIRST SESSION DAY

FIRST CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



NOTE: Official record of rollcall votes. All amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. All Senate amendments to Assembly measures considered by the Assembly on this day are on file with the Secretary of the Senate and available on request. A list of all measures amended and on which amendments were offered in the Assembly 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 916-319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, December 5, 2022

The Assembly met at 1:27 p.m.

At 1:27 p.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Gavin Newsom, Governor of the State of California, dated November 30, 2022, 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 2023–24 Regular Session were present and performing their respective duties: Sue Parker, Chief Clerk, Amy Leach, Minute Clerk, and Alisa Buckley, Chief Sergeant at Arms.

Hon. Christopher M. Ward, Speaker pro Tempore of the Assembly for the 2023–24 Regular Session, presiding.

Reading Clerk David A. Bowman, reading.

ROLLCALL

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

Addis	Essayli	Lowenthal	Rodriguez
Aguiar-Curry	Flora	Maienschein	Rubio
Alanis	Fong, M.	Mathis	Sanchez
Alvarez	Fong, V.	McCarty	Santiago
Arambula	Friedman	McKinnor	Schiavo
Bains	Gabriel	Muratsuchi	Soria
Bauer-Kahan	Gallagher	Nguyen	Ta
Berman	Garcia	Ortega	Ting
Boerner Horvath	Gipson	Pacheco	Valencia
Bonta	Grayson	Papan	Villapudua
Bryan	Haney	Patterson, Jim	Waldron
Calderon	Hart	Patterson, Joe	Ward
Carrillo, J.	Holden	Pellerin	Weber
Carrillo, W.	Hoover	Petrie-Norris	Wicks
Cervantes	Irwin	Quirk-Silva	Wilson
Chen	Jackson	Ramos	Wood
Connolly	Jones-Sawyer	Rendon	Zbur
Dahle	Kalra	Reyes	
Davies	Lee	Rivas, L.	
Dixon	Low	Rivas, R.	

(NOTE: Assembly Member-elect Lackey took and subscribed to the oath of office for Member of the Assembly this day, Monday, December 5, 2022, at his district office in Palmdale; Assembly Member-elect Wallis took and subscribed to the oath of office for Member of the Assembly on Monday, December 12, 2022; Assembly Member-elect Bennett took and subscribed to the oath of office for Member of the Assembly on Thursday, December 15, 2022.)

Quorum present.

REGULAR BUSINESS SUBSTITUTED

Without objection, the regular order of business of the Assembly was substituted from the 2023–24 Regular Session.

PRAYER

The following prayer was offered by Assembly Member-elect Valencia from the 68th Assembly District:

Almighty God, As we embark on a new legislative session, we ask that You grant the individuals of this Assembly the courage, wisdom, integrity, and love to best serve the residents of our state of California.

Guide all Members, whether we are navigating our first terms or returning to continue the good works we have been elected to do. Nurture within us a collaborative spirit as we progress towards resolving challenges with commitment, purpose, and humility.

We ask, heavenly God, that the values of dedication and righteousness flow through each team member as they work to support this Assembly. By the same token, we ask for our families and loved ones who continue to provide encouragement and support along our journeys.

May the decisions we make, as elected leaders, serve as a catalyst for impactful change for the betterment of California. Few of the challenges our state faces are simple, but as a collective and through Your divinity, none are insoluble.

We thank You, God, for this responsibility and for the opportunity to serve.—AMEN.

PLEDGE OF ALLEGIANCE

Assembly Member-elect Villapudua from the 13th Assembly District led the Assembly in the pledge of allegiance to the Flag.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member and Assembly Member-elect were granted leaves of absence for the day:

On personal business, and waiving per diem: Assembly Member-elect Bennett.

Because of illness: Assembly Member Lackey.

PROCLAMATIONS OF THE GOVERNOR

Without objection, the following Proclamation of the Governor convening the Legislature in extraordinary session was deemed read:

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

WHEREAS from August to October 2022, Californians experienced some of the highest gasoline prices ever recorded in the State, even though the price of crude oil declined during that time, state taxes and fees remained unchanged, and gas prices did not increase outside the western United States; and

WHEREAS much of this increase was caused by refiners, which increased their share of the price consumers paid at the pump from \$0.64 per gallon on August 29, 2022, to \$2.48 per gallon on October 3, 2022, leading to prices that were \$2.61 higher per gallon than average U.S. prices; and

WHEREAS as a result of these increases, refiners earned record profits at the expense of Californians during the third quarter of 2022,

with Chevron earning \$11.2 billion; Phillips 66 earning \$5.4 billion (up from \$402 million during same period in 2021, an increase of over 1200%); Marathon Petroleum earning \$4.48 billion (up from \$694 million during the same period in 2021, a 545% increase); Valero earning \$2.82 billion (up from \$463 million during this same period in 2021, an increase of more than 500%), and PRF Energy earning \$1.06 billion (up from \$59.1 million during the same period in 2021, an increase of nearly 1700%); and

WHEREAS in addition to the State's refiners, oil companies took in astronomical profits during this time, including Shell (earning \$9.45 billion in the third quarter of 2022, up from \$4.1 billion in that time in 2021), Exxon (\$19.7 billion in the third quarter of 2022, the highest quarterly profits in its history), and BP (\$8.2 billion in profits in the third quarter); and

WHEREAS oil companies have earned these extraordinary profits at the expense of Californians' health, which continues to be harmed by the production and burning of fossil fuels, and at the expense of our air, land, and water, which continue to suffer billions of dollars of damage each year from the climate crisis that is caused by the combustion of fossil fuels; and

WHEREAS the burden of high gas prices is borne disproportionately by lower-income Californians, many of whom must drive to commute long distances for work and have less ability to absorb higher gas prices in their budgets and have been disproportionately impacted by inflation generally; and

WHEREAS the Assembly's Select Committee on Gasoline Supply and Pricing and the Energy Commission have been investigating the causes of gasoline price increases and supply shortages, but oil companies have refused to provide complete and adequate explanations for their actions; and

WHEREAS the limited explanations refiners have offered, such as low inventory levels and overlapping scheduled maintenance schedules, can account for only part of the 2022 price spike and suggest the need for closer oversight of the refining sector to prevent supply shortages that artificially drive up prices; and

WHEREAS gas prices in California have remained elevated, without explanation, since a price shock that followed a refinery explosion—an episode that was exacerbated by unlawful price manipulation by market participants, according to the Attorney General; and

WHEREAS the Legislature enacted, and I signed, the California Oil Refinery Cost Disclosure Act (Senate Bill No. 1322, Allen) in 2022, to provide more information about refiners' margins by requiring reporting of data that will make windfall profits more apparent, yet even greater transparency is needed in light of oil companies' recent pricing decisions, particularly with respect to information regarding the timing and production impact of refinery maintenance and timely information about inventory levels; and

WHEREAS oil companies are entitled to a reasonable return, but not to engage in opportunistic price gouging for gasoline, which remains a necessary commodity for most Californians even as the state begins the process of moving away from relying on fossil fuels to power our vehicles; and

WHEREAS the State was able to mitigate the effect of oil companies' excessive profits on Californians by funding the Middle Class Tax Refund and by transitioning to winter-blend gasoline a month early to increase the state's gasoline supply, yet these are stopgap measures and more fundamental changes are necessary to avoid oil company price gouging going forward; and

WHEREAS these extraordinary circumstances require the Legislature of the State of California to be convened in a special session.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with Section 3(b) of Article IV of the California Constitution, hereby convene the Legislature of the State of California to assemble in extraordinary session in Sacramento, California, on the 5th day of December 2022, at a time to be determined, for the following purposes:

To consider and act upon legislation necessary to:

- a. Deter price gouging by oil companies by imposing a financial penalty on excessive margins, with any penalties collected to be returned to Californians.
- b. Empower the Energy Commission and the Department of Tax and Fee Administration to more closely review and evaluate costs, profits, and pricing in the refining, distribution, and retail segments of the market for gasoline in California.
- c. Provide for greater regulatory oversight of the refining, distribution, and retail segments of the market to prevent avoidable supply shortages and excessive price increases.
- d. Make conforming changes to existing law consistent with paragraphs (a), (b), and (c).

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand
and caused the Great Seal of the State of California
to be affixed this 30th day of November, 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

Receipt of Proclamation

I acknowledge receipt this 30th day of November, 2022, at 4:58 p.m., of a proclamation by the Governor, regarding gas price gouging delivered to me personally by Samuel Miller.

SUE PARKER
Chief Clerk of the Assembly

ELECTION OF SPEAKER

Assembly Member Reyes requested unanimous consent that the election of Speaker Rendon and Speaker-designate Robert Rivas by voice vote of House Resolution No. 1 in the 2023–24 Regular Session, by the Members of the Assembly today, December 5, 2022, and by the Oath of Office for Speaker of the Assembly administered (Assembly Journal, page 8), be substituted in the 2023–24 First Extraordinary Session.

Assembly Member Ortega seconded the motion.

Motion carried.

OATH OF OFFICE ADMINISTERED

The following oath of office was administered to Speaker-elect Rendon, on Monday, December 5, 2023 by the Honorable Patricia Guerrero, Chief Justice-elect of the California Supreme Court, and without objection was substituted in the First Extraordinary Session:

OATH

for the Office of Speaker of the California Assembly

I, Anthony Rendon, do solemnly swear 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 the State 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.

ELECTION OF OFFICERS OF THE ASSEMBLY

Assembly Member Reyes moved that the non-member-officers in the Assembly for the 2023–24 Regular Session be deemed the non-member-officers in the 2023–24 First Extraordinary Session and that the roll call vote and their Oaths of Office in the Regular Session be substituted: Sue Parker, Chief Clerk; Alisa Buckley, Chief Sergeant at Arms; and Imam Mohammad Yasir Khan, Chaplain.

Assembly Member Gipson seconded the motion.

Motion carried and the following vote substituted:

AYES—77

Addis	Essayli	Lowenthal	Rodriguez
Aguiar-Curry	Flora	Maienschein	Rubio
Alanis	Fong, M.	Mathis	Sanchez
Alvarez	Fong, V.	McCarty	Santiago
Arambula	Friedman	McKinnor	Schiavo
Bains	Gabriel	Muratsuchi	Soria
Bauer-Kahan	Gallagher	Nguyen	Ta
Berman	Garcia	Ortega	Ting
Boerner Horvath	Gipson	Pacheco	Valencia
Bonta	Grayson	Papan	Villapudua
Bryan	Haney	Patterson, Jim	Waldron
Calderon	Hart	Patterson, Joe	Ward
Carrillo, J.	Holden	Pellerin	Weber
Carrillo, W.	Hoover	Petrie-Norris	Wicks
Cervantes	Irwin	Quirk-Silva	Wilson
Chen	Jackson	Ramos	Wood
Connolly	Jones-Sawyer	Rendon	Zbur
Dahle	Kalra	Reyes	
Davies	Lee	Rivas, L.	
Dixon	Low	Rivas, R.	

NOES—None**OATHS OF OFFICE ADMINISTERED**

The following Oath of Office was administered to Chief Clerk-elect Sue Parker, Chief Sergeant at Arms-elect Alisa Buckley, and Chaplain-elect Imam Mohammad Yasir Khan, on December 5, 2022 by the Honorable Patricia Guerrero, Chief Justice-elect of the California Supreme Court, and without objection was substituted in the First Extraordinary Session:

OATH

I do solemnly swear 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 the State 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 RELATIVE TO ORGANIZATION OF THE ASSEMBLY

Assembly Member Reyes moved that the provisions of House Resolution No. 4 in the 2023–24 Regular Session, relative to the payment of Members, officers, and attachés of the Assembly; and distribution of Weekly Histories, be deemed adopted in the 2023–24 First Extraordinary Session.

Assembly Member Ting seconded the motion.

Motion carried and the following vote substituted:

AYES—77

Addis	Essayli	Lowenthal	Rubio
Aguiar-Curry	Flora	Maienschein	Sanchez
Alanis	Fong, M.	Mathis	Santiago
Alvarez	Fong, V.	McCarty	Schiavo
Arambula	Friedman	McKinnor	Soria
Bains	Gabriel	Muratsuchi	Ta
Bauer-Kahan	Gallagher	Nguyen	Ting
Berman	Garcia	Ortega	Valencia
Boerner Horvath	Gipson	Pacheco	Villapudua
Bonta	Grayson	Papan	Waldron
Bryan	Haney	Patterson, Jim	Ward
Calderon	Hart	Patterson, Joe	Weber
Carrillo, J.	Holden	Pellerin	Wicks
Carrillo, W.	Hoover	Petrie-Norris	Wilson
Cervantes	Irwin	Quirk-Silva	Wood
Chen	Jackson	Ramos	Zbur
Connolly	Jones-Sawyer	Reyes	Mr. Speaker
Dahle	Kalra	Rivas, L.	
Davies	Lee	Rivas, R.	
Dixon	Low	Rodriguez	

NOES—None**COMMUNICATIONS**

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

December 5, 2022

Sue Parker

*Chief Clerk of the Assembly
State Capitol, Room 319
Sacramento, California*

Dear Ms. Parker: Please be advised that I have appointed the following Democratic Leadership for the 2023–24 First Extraordinary Session:

Speaker pro Tempore

Assemblymember Christopher M. Ward

Majority Leader

Assemblymember Eloise Gómez Reyes

Democratic Caucus Chair

Assemblymember Mike Gipson

Sincerely,

ANTHONY RENDON
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—Ting. An act relating to oil refineries.

ASSEMBLY BILL NO. 2—Vince Fong, Alanis, and Hoover (Coauthors: Chen, Megan Dahle, Mathis, Joe Patterson, Sanchez, and Waldron). An act to amend Sections 7360, 7362, 7363, and 7364 of, and to add Section 7374 to, the Revenue and Taxation Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

RECESS

By unanimous consent, at 1:30 p.m., Speaker pro Tempore Ward declared the Assembly recessed to reconvene Regular Session.

ADJOURNMENT

At 4 p.m., the Assembly adjourned to reconvene upon call of the Speaker.

ANTHONY RENDON, Speaker

AMY LEACH, Minute Clerk