

CALIFORNIA LEGISLATURE
2003–04 SECOND EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 23, 2003
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
Thursday, January 23, 2003

At 9:30 a.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Gray Davis, Governor of the State of California, dated January 22, 2003, 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 2003–04 Regular Session were present and performing their respective duties: E. Dotson Wilson, Chief Clerk, Pam Cavileer, Minute Clerk, and Ronald E. Pane, Chief Sergeant-at-Arms.

Hon. Christine Kehoe, Speaker pro Tempore of the Assembly for the 2003–04 Regular Session, presiding.

Assistant Clerk Brian Ebbert reading.

ROLL CALL

The roll was called and the following answered to their names—79:

Aghazarian	Dutton	Levine	Parra
Bates	Dymally	Lieber	Pavley
Benoit	Firebaugh	Liu	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Ridley-Thomas
Calderon	Harman	Maldonado	Runner
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chan	Horton, Shirley	McCarthy	Simitian
Chavez	Houston	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	

PRAYER

Upon invitation of Speaker pro Tempore Kehoe the following prayer was offered by Rev. Constantine C. Pappademos, Chaplain of the Assembly for the 2003–04 Regular Session:

Blessed Lord, Refresh us all who carry heavy burdens, with Your presence and Your power. Quiet our minds and ease our hearts by bringing us close to things infinite and eternal. Lead our footsteps to Your path, from darkness into light, that in Your light we may see light. And crown us as Your servants by making us springs of strength and joy to all whom we serve.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Strickland then led the Assembly in the pledge of allegiance to the Flag.

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 Firebaugh, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCES FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On legislative business: Assembly Member Garcia.

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

COMMUNICATIONS

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

December 4, 2002

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

Dear Mr. Wilson: This letter is to state for the record that I choose to waive my per diem for the 2003–04 legislative session.

Thank you for your assistance.

Sincerely,

DARRELL STEINBERG, Assembly Member
Ninth District

January 7, 2003

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

Dear Mr. Wilson: This is to state for the Assembly Journal record that I have decided to decline per diem for the 2003–04 legislative session.

Thank you for your attention to this matter.

Sincerely,

LOIS WOLK, Assembly Member
Eighth District

PROCLAMATION OF THE GOVERNOR

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

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 special session; and

WHEREAS, on December 30, 2002, the Court of Appeal held in the case of *Marine Forests Society et al. v. California Coastal Commission et al.* that the present statutory scheme of legislative appointment and removal of voting members of the California Coastal Commission violates the separation of powers provisions of the California Constitution; and

WHEREAS, unless the Court's decision is reversed or modified by further judicial review or unless the matter is addressed by legislation, the California Coastal Commission may be unable to grant permits or issue cease and desist orders that are legally binding; and

WHEREAS, inability of the Coastal Commission to grant legally binding permits or take effective enforcement actions could cause irreparable harm to California's economy and environment, affecting thousands of individuals who own homes businesses or other property within the coastal zone; and

WHEREAS, the Coastal Commission processes almost 2,000 permits per year, including applications for waivers and emergency permits; and

WHEREAS, if the Coastal Commission cannot approve legally binding permits, hundreds of property owners may be unable to build or make emergency repairs in compliance with the Coastal Act; and

WHEREAS, if the Coastal Commission cannot issue legally binding cease and desist orders, its ability to protect California's coastal resources will be severely limited; and

WHEREAS, almost 900 cases are pending before the Coastal Commission involving alleged violations of the Coastal Act, requiring resolution of the Commission's authority as soon as possible to avoid needless litigation, delay and costs to property owners and taxpayers; and

WHEREAS, the potential inability of the Coastal Commission to discharge its duties under the Coastal Act has created an extraordinary occasion requiring that the Legislature be convened in special session;

NOW, THEREFORE, I, GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by Article IV, Section 3(b) of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in special session at Sacramento, California, on the 23rd day of January, 2003, at a time appointed by each house of the Legislature of said day for consideration and adoption of legislation to amend the provisions of the Public Resources Code which provide for appointment and removal of members of the Coastal Commission.

IN WITNESS WHEREOF I have hereunto set
my hand and caused the Great Seal of the State of
California to be affixed this 22nd day
of January 2003.

GRAY DAVIS
Governor of California

ATTEST:

KEVIN SHELLEY
Secretary of State



ELECTION OF SPEAKER

Assembly Member Firebaugh moved that the unanimous consent vote on December 2, 2002, electing Assembly Member Herb J. Wesson, Jr. to the Office of Speaker of the Assembly for the 2003–04 Regular Session, and the Oath of Office administered (Assembly Journal, Page 7), be substituted in the 2003–04 Second Extraordinary Session.

Assembly Member Chan seconded the motion.

Motion carried.

OATH OF OFFICE

The following oath of office was administered to Speaker-elect Herb J. Wesson, Jr., on Monday, December 2, 2002 by the Honorable Willie L. Brown, Jr., Mayor of San Francisco:

OATH

for the Office of Speaker of the 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**Motion by Assembly Member Firebaugh**

Assembly Member Firebaugh moved that the Permanent Standing Rules of the Assembly for the 2003–04 Regular Session, contained in House Resolution No. 1, be hereby adopted as the Permanent Standing Rules for the 2003–04 Second Extraordinary Session.

(NOTE: For text of Assembly Standing Rules, see Assembly Journal for December 2, 2002 for the Regular Session, page 9.)

Motion carried by the following vote:

AYES—73

Aghazarian	Dutra	Leslie	Parra
Bates	Dutton	Levine	Pavley
Benoit	Firebaugh	Lieber	Plescia
Berg	Frommer	Liu	Reyes
Bermudez	Goldberg	Longville	Richman
Bogh	Hancock	Lowenthal	Runner
Calderon	Harman	Maddox	Salinas
Campbell	Haynes	Maldonado	Spitzer
Canciamilla	Horton, Jerome	Matthews	Steinberg
Chan	Horton, Shirley	Maze	Strickland
Chavez	Houston	McCarthy	Vargas
Chu	Jackson	Montanez	Wiggins
Cogdill	Keene	Mullin	Wolk
Cohn	Kehoe	Nakanishi	Wyland
Corbett	Koretz	Nakano	Yee
Correa	La Malfa	Nation	Mr. Speaker
Cox	La Suer	Negrete McLeod	
Daucher	Laird	Nunez	
Diaz	Leno	Oropeza	

NOES—None

FIREBAUGH MOTION RELATIVE TO ORGANIZATION OF THE ASSEMBLY

Assembly Member Firebaugh moved that House Resolution No. 3 in the 2003–04 Regular Session, relative to payment of Members, officers, and attaches of the Assembly; and distribution of Assembly Weekly Histories be substituted in the 2003–04 Second Extraordinary Session.

Motion carried by unanimous consent.

COMMUNICATIONS

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

January 23, 2003

*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 2003–04 Second Extraordinary Session, consistent with the Regular Session:

- | | |
|-------------------------------|----------------------|
| Speaker pro Tempore | Hon. Christine Kehoe |
| Assistant Speaker pro Tempore | Hon. Leland Yee |
| Majority Floor Leader | Hon. Marco Firebaugh |
| Majority Leader | Hon. Wilma Chan |
| Majority Whip | Hon. Fabian Nunez |
| Democratic Caucus Chair | Hon. George Nakano |
| Rules Committee Chair | Hon. Joe Nation |

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

Election of Officers of the Assembly

Assembly Member Firebaugh moved that the following officers of the Assembly for the 2003–04 Regular Session be deemed elected in the 2003–04 Second Extraordinary Session and that the roll call vote and oaths of office taken on December 2, 2002 be substituted: E. Dotson Wilson, Chief Clerk; Ronald E. Pane, Chief Sergeant at Arms, Father Constantine C. Pappademos, Chaplain; Rev. Ivan L. Williams, Sr., Alternate Chaplain.

Assembly Member Chan seconded the motion.

Motion carried and the following vote substituted:

AYES—79

Aghazarian	Dutton	Levine	Parra
Bates	Dymally	Lieber	Pavley
Benoit	Firebaugh	Liu	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Ridley-Thomas
Calderon	Harman	Maldonado	Runner
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chan	Horton, Shirley	McCarthy	Simitian
Chavez	Houston	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	

NOES—None

(NOTE: Assembly Member Garcia was present when the above vote was taken on December 2, 2002, but is excused on this day.)

OATH OF OFFICE

The following oath of office was administered to Chief Clerk-elect E. Dotson Wilson, Chief Sergeant-at-Arms-elect Ronald E. Pane, Chaplain-elect Rev. Constantine C. Pappademos, and Alternate Chaplain-elect Rev. Ivan L. Williams, Sr. on Monday, December 2, 2002, by the Honorable Joyce L. Kennard, Associate Justice of the Supreme Court of California:

OATH

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.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 1—Jackson, Wesson, and Pavley (Coauthors: Berg, Chan, Chu, Cohn, Corbett, Diaz, Dymally, Firebaugh, Frommer, Goldberg, Hancock, Kehoe, Koretz, Laird, Leno, Levine, Lieber, Liu, Longville, Lowenthal, Matthews, Montanez, Mullin, Nakano, Nation, Negrete McLeod, Nunez, Oropeza, Salinas, Simitian, Steinberg, Vargas, Wiggins, Wolk, and Yee). An act to amend Section 30312 of the Public Resources Code, relating to the California Coastal Commission.

COMMUNICATIONS

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

January 23, 2003

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 members to the Assembly Natural Resources Committee for the 2003–04 Second Extraordinary Session:

Assemblymember Hannah-Beth Jackson, Chair
Assemblymember Doug La Malfa, Vice Chair
Assemblymember Loni Hancock
Assemblymember Tom Harman
Assemblymember Ray Haynes
Assemblymember Rick Keene
Assemblymember Paul Koretz
Assemblymember John Laird
Assemblymember Sally Lieber
Assemblymember Alan Lowenthal
Assemblymember Cindy Montanez
Assemblymember Lois Wolk

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

January 23, 2003

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 members to the Assembly Rules Committee for the 2003–04 Second Extraordinary Session:

Assemblymember Joe Nation, Chair
 Assemblymember Dave Cogdill, Vice Chair
 Assemblymember John Benoit
 Assemblymember Ron Calderon
 Assemblymember Judy Chu
 Assemblymember Merv Dymally
 Assemblymember Tim Leslie
 Assemblymember Cindy Montanez
 Assemblymember Loni Hancock, Democratic Alternate
 Assemblymember Lynn Daucher, Republican Alternate

Sincerely,

HERB J. WESSON, JR.
 Speaker of the California Assembly

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

November 8, 2002

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

Dear Mr. Wilson: The Members of the Assembly Republican Caucus, in a meeting yesterday, have selected Assembly Member Dave Cox to serve as the Assembly Republican Leader for the upcoming 2003–2004 legislative session.

Additionally, I have been selected by my colleagues as the Assembly Republican Caucus Chairman and the Second Ranking Republican Leader. Both of these selections are effective immediately.

Thank you in advance for your assistance. If you have any questions, please contact the Republican Leader's office at 319-2005.

Sincerely,

TONY STRICKLAND
 Assembly Republican Caucus Chairman

January 7, 2003

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

Dear Mr. Wilson: This letter is to confirm the appointment of the following Members to the following Caucus positions whom have served and will serve as such in the Second Extraordinary Session.

Tony Strickland, Caucus Chair

John Campbell, Assistant Republican Leader

Patricia Bates, Assistant Republican Leader

Dave Cogdill, Assistant Republican Leader

Bill Maze, Assistant Republican Leader

Guy Houston, Assistant Republican Leader

Bonnie Garcia, Assistant Republican Leader

Russ Bogh, Assistant Republican Leader

Tom Harman, Assistant Republican Leader

Keith Richman, Assistant Republican Leader

Lynn Daucher, Assistant Republican Leader

Robert Pacheco, Assistant Republican Leader

Ray Haynes, Assistant Republican Leader

Ken Maddox, Assistant Republican Leader

Sharon Runner, Assistant Republican Leader

Shirley Horton, Assistant Republican Leader

George Plescia, Whip

Mark Wyland, Whip

Kevin McCarthy, Whip

Rick Keene, Whip

Thank you for your consideration in this matter. Please contact Kevin Bassett in my office at 319-2005 if you have any questions.

Sincerely,

DAVE COX

Assembly Republican Leader

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Firebaugh announced that the Committee on Natural Resources would meet on Monday, January 27, 2003 at 1:30 p.m. in Room 447, for purpose of hearing Assembly Bill No. 1, pending referral by the Rules Committee.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

Firebaugh Motion for Adoption of Assembly Standing Rules: Haynes and Shirley Horton—Aye.

Firebaugh Motion for Election of Officers of the Assembly: Bates—Aye.

RECESS

By unanimous consent, at 9:36 a.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bill was referred to committee:

Assembly

Bill No.

1

Committee

Nat. Res.

MESSAGES FROM THE SENATE

Senate Chamber, January 23, 2003

Mr. 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 John W. Rovane, Assistant Secretary

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 1—Relative to the Joint Rules for the 2003–04 Second Extraordinary Session.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk