

CALIFORNIA LEGISLATURE  
2003–04 FIFTH EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, February 12, 2004**  
**NINTH SESSION DAY**  
**EIGHTY-SEVENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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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, February 12, 2004

The Assembly met at 9:17 a.m.

Hon. Fabian Nunez, Speaker of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

### ROLL CALL

The roll was called, and the following answered to their names—73:

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

Quorum present.

**PRAYER**

Upon invitation of Speaker Nunez, the following prayer was offered by Assembly Chaplain Rev. Constantine C. Pappademos:

*Lord God,* We cannot place ourselves directly in Your presence unless we impose upon ourselves, interior and exterior silence. Help us to accustom ourselves to stillness of the soul, stillness of the eyes and stillness of the tongue. For there is no life of prayer without silence. Everything good that happens in our life begins with prayer to You, and that prayer is born in the silence of our hearts.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker Nunez, Assembly Member Chan 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 Frommer, seconded by Assembly Member McCarthy.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Daucher, Kehoe, Longville, Maddox, and Richman.*

*On personal business, and waiving per diem: Assembly Member Campbell.*

*Because of illness: Assembly Member Wyland.*

(NOTE: For explanations of absences of Assembly Members Daucher, Kehoe, Longville, Maddox, and Richman on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**ELECTION OF SPEAKER**

Assembly Member Frommer was granted unanimous consent that the unanimous consent vote on January 8, 2004 (Assembly Journal, page 4172), electing Assembly Member Fabian Nunez to the Office of Speaker of the Assembly for the 2003–04 Regular Session, and the Oath of Office administered on February 9, 2004 (Assembly Journal, page 4502) by Hon. Ronald M. George, Chief Justice of California, be substituted in the 2003–04 Fifth Extraordinary Session.

**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.

**RECESS**

By unanimous consent, at 9:18 a.m., Speaker Nunez declared the Assembly recessed.

**COMMUNICATIONS**

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

February 12, 2004

*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 Democratic Leadership for the 2003–04 Fifth Extraordinary Session, consistent with the Regular Session:

Speaker pro Tempore	Hon. Leland Yee
Assistant Speaker pro Tempore	Hon. Sally Lieber
Majority Floor Leader/Majority Leader	Hon. Dario Frommer
Assistant Majority Leader	Hon. Ron Calderon
Majority Whip	Hon. Lloyd Levine
Democratic Caucus Chair	Hon. George Nakano
Rules Committee Chair	Hon. Cindy Montanez

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

February 12, 2004

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I am reappointing the Democratic membership of the Assembly Rules Committee for the 2003–04 Fifth Extraordinary Session as follows:

Assemblymember Cindy Montanez, Chair  
Assemblymember Marco Firebaugh  
Assemblymember Loni Hancock  
Assemblymember Christine Kehoe  
Assemblymember Gene Mullin  
Assemblymember Ron Calderon, Democratic Alternate

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

February 12, 2004

*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 Elections, Redistricting and Constitutional Amendments Committee for the 2003–04 Fifth Extraordinary Session, consistent with the Regular Session:

Assemblymember John Longville, Chair  
Assemblymember Steven Samuelian, Vice Chair  
Assemblymember Jerome Horton  
Assemblymember Lloyd Levine  
Assemblymember Tony Strickland  
Two Democratic vacancies

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

February 12, 2004

*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 Budget Committee for the 2003–04 Fifth Extraordinary Session, consistent with the Regular Session:

Assemblymember Darrell Steinberg, Chair  
Assemblymember Rick Keene, Vice Chair  
Assemblymember Patricia Bates  
Assemblymember John Benoit  
Assemblymember Rudy Bermudez  
Assemblymember John Campbell  
Assemblymember Joe Canciamilla  
Assemblymember Wilma Chan  
Assemblymember Dave Cogdill  
Assemblymember Lynn Daucher  
Assemblymember Manny Diaz  
Assemblymember John Dutra  
Assemblymember Mervyn Dymally  
Assemblymember Jackie Goldberg  
Assemblymember Loni Hancock  
Assemblymember Tom Harman  
Assemblymember Ray Haynes  
Assemblymember Hannah-Beth Jackson  
Assemblymember Lloyd Levine  
Assemblymember Carol Liu  
Assemblymember Bill Maze  
Assemblymember Cindy Montanez

Assemblymember George Nakano  
Assemblymember Robert Pacheco  
Assemblymember Fran Pavley  
Assemblymember George Plescia  
Assemblymember Sarah Reyes  
Assemblymember Sharon Runner  
Assemblymember Joe Simitian  
Assemblymember Lois Wolk  
One Democratic vacancy

Sincerely,

FABIAN NUÑEZ  
Speaker of the Assembly

**ADJOURNMENT**

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

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FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

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