

CALIFORNIA LEGISLATURE  
2003–04 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, December 9, 2002**  
**FIRST SESSION DAY**  
**FIRST CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, December 9, 2002

At 1:11 p.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Gray Davis, Governor of the State of California, dated December 3, 2002, 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.

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—78:

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

**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:

*Lord, We gather this first day of the Special Session and we pray to You. Guide our hearts and our minds to do Your will in our deliberations and lead us to decisions that prove us to be good stewards of the responsibility entrusted to us by the people of this great state. In all we do let our hearts always turn to You, since denial of Your existence will inevitably lead to a contempt for humanity. We glorify Your holy name, O Lord, and we ask for Your blessing.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kehoe, Assembly Member Montanez 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 legislative business: Assembly Member Haynes.*

*Because of illness: Assembly Member Oropeza.*

(NOTE: For explanation of absence of Assembly Member Haynes 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

**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, the national and State economies have recovered very little from the recession of 2001; and

WHEREAS, the State's high tech sector has seen almost no signs of increased demand for its products and services; and

WHEREAS, the economies of the State's major trading partners continue to struggle, and thus demand for California-made goods and services is weak abroad; and

WHEREAS, the continuing decline in the stock market will further reduce personal income tax receipts from capital gains and stock options; and

WHEREAS, the expected economic recovery from the national recession has not materialized as anticipated, thus reducing personal income tax, sales tax, and corporation tax revenues; and

WHEREAS, on January 8, 2002 the Legislature was convened to meet in extraordinary session to make General Fund spending reductions in the 2001-02 fiscal year; and

WHEREAS, the Legislative Analyst's Office and the Department of Finance are now projecting a budget shortfall exceeding \$21 billion over the 2002-03 and 2003-04 fiscal years; and

WHEREAS, California's local, public, health care delivery systems face operating deficits now and in the future;

NOW, THEREFORE, I GRAY DAVIS, 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 special session at Sacramento, California, on the 9th day of December, 2002, at a time appointed by each house of the Legislature of said day for the following purpose:

1. To consider and act upon legislation to reduce General Fund expenditures and take other actions as necessary to address the budget shortfall.
2. To consider and act upon legislation to reorganize and consolidate state operations.

3. To consider and act upon legislation related to protecting access to services in local, public, health care delivery systems.

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of the State of California  
to be affixed this 3rd day of December 2002.



GRAY DAVIS  
Governor of California

ATTEST:

BILL JONES  
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 First 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**

Assembly Member Firebaugh was granted unanimous consent that the Standing Rules of the Assembly for the 2003–04 Regular Session be adopted as the Standing Rules of the Assembly for the 2003–04 First Extraordinary Session.

(NOTE: For text of Assembly Standing Rules, see Assembly Journal for December 2, 2002 for the Regular Session, page 9; for roll call vote of 66–1, see page 52.)

**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 First Extraordinary Session.

Motion carried by unanimous consent.

**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 First 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—78**

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

**NOES—None**

(NOTE: Assembly Members Haynes and Oropeza were present when the above vote was taken on December 2, 2002, but are 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.

**At 1:16 p.m., Hon. Herb Wesson, Speaker of the Assembly, presiding**

**MOTION TO ADJOURN**

At 1:20 p.m., Assembly Member Firebaugh moved that the Assembly do now adjourn.

Assembly Member Mountjoy seconded the motion.

**REMARKS ON CONDITION OF THE FILE**

Assembly Member Cox arose to speak on the condition of the file.

**FURTHER CONSIDERATION OF MOTION TO ADJOURN**

The question being on the motion of Assembly Member Firebaugh that the Assembly adjourn.

Motion carried.

**COMMUNICATIONS**

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

December 9, 2002

*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 First 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

The following communication was 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

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Firebaugh the Assembly adjourned until 12 noon, Monday, January 6, 2003.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

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