

CALIFORNIA LEGISLATURE
2001-02 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, January 3, 2001

FIRST SESSION DAY

FIRST CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



(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
Wednesday, January 3, 2001

At 12:46 p.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Gray Davis, Governor of the State of California, dated January 3, 2001, 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 2001–02 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.

Fred Keeley, Speaker pro Tempore of the Assembly for the 2001–02 Regular Session, presiding.

Assistant Clerk Sue Parker reading.

ROLL CALL

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

Aanestad	Diaz	Liu	Salinas
Alquist	Dickerson	Longville	Shelley
Aroner	Dutra	Lowenthal	Simitian
Ashburn	Firebaugh	Maddox	Steinberg
Bates	Florez	Maldonado	Strickland
Briggs	Frommer	Matthews	Strom-Martin
Calderon	Goldberg	Migden	Thomson
Campbell, Bill	Harman	Mountjoy	Vargas
Canciamilla	Havice	Nakano	Washington
Cardenas	Hollingsworth	Nation	Wayne
Cardozo	Horton	Negrete McLeod	Wesson
Cedillo	Jackson	Oropeza	Wiggins
Chan	Keeley	Pacheco, Rod	Wright
Chavez	Kehoe	Papan	Wyland
Cogdill	Kelley	Pavley	Wyman
Cohn	Koretz	Pescetti	Zettel
Corbett	La Suer	Reyes	Mr. Speaker
Correa	Leach	Richman	
Cox	Leonard	Romero	
Daucher	Leslie	Runner	

PRAYER

Upon invitation of Speaker Hertzberg the following prayer was offered by Rev. Constantine C. Pappademos, Alternate Chaplain of the Assembly for the 2001–02 Regular Session:

Great Shepherd of Our Souls and Bodies, From age to age, You have led Your people in the paths of righteousness and truth for Your Own Name's sake. Throughout the years of our lives, You have guided us faithfully into green pastures and beside still waters. You have restored our souls. Even in the valley of the shadow of death, You are with us there, to find us, to rescue us, and to restore us to Your flock once more. Will You grant us also, O Good Shepherd of Lives, in the year and the millennium that lie ahead, that Your sheep throughout this beautiful state, this country and the whole world may hear Your voice and follow You, so that as one flock under One Shepherd, we may glorify You in all that we do.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Hertzberg, Assembly Member Vargas 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 Robert Pacheco.

Due to a flight cancellation: Assembly Member John Campbell.

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

COMMUNICATIONS

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

Leave of Absence—Balance of the Day

January 3, 2001

*The Honorable Robert M. Hertzberg
Speaker of the Assembly
California State Assembly
State Capitol
Sacramento, California*

Dear Mr. Speaker: This letter respectfully requests that I be excused early from session on Wednesday January 3, 2001. I will be conducting official business in my district due to the devastating fires currently raging in East San Diego County.

Thank you for your assistance.

Sincerely,

CHARLENE ZETTEL, Assembly Member
Seventy-fifth District

PROCLAMATION OF THE GOVERNOR

Speaker pro Tempore Keeley directed the Clerk to read the following Proclamation of 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 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 extraordinary session at Sacramento, California, on the 3rd day of January, 2001, at a time appointed by each house of the Legislature of said day for the following purpose and to legislate upon the following subjects:

1. To consider and act upon legislation affecting the availability, supply, consumption, and use of energy in California.
2. To consider and act upon legislation affecting the organization, corporate governance, including finances, and oversight of the California Independent System Operator (CAISO) and the California Power Exchange (CalPX), California not-for-profit corporations.
3. To consider and act upon legislation affecting the operation, maintenance, and finances of facilities owned or controlled directly or indirectly by persons or corporations that provide heat, light, and power to California residents and businesses.
4. To consider and act upon legislation affecting the interaction between wholesale and retail markets for energy supply, capacity and reliability.
5. To consider and act upon legislation protecting the health and safety of California residents with respect to facilities that generate and deliver energy service in California.

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 January 2001.

GRAY DAVIS
Governor of California

ATTEST:
BILL JONES
Secretary of State



ELECTION OF SPEAKER

Assembly Member Shelley moved that the vote electing Assembly Member Robert Myles Hertzberg to the Office of Speaker of the Assembly for the 2001–02 Regular Session (Assembly Journal, page 6), and the oath of office administered (Assembly Journal, page 7) be substituted in the 2001–02 First Extraordinary Session.

Motion carried.

OATH OF OFFICE

The following oath of office was administered to Speaker-elect Robert Myles Hertzberg on Monday, December 4, 2000, by the Honorable Ronald M. George, Chief Justice of California:

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.

REMARKS TO THE BODY

Speaker Hertzberg and Minority Floor Leader Bill Campbell then offered remarks to the Body.

ADOPTION OF STANDING RULES OF THE ASSEMBLY

Assembly Member Shelley moved that the Standing Rules of the Assembly for the 2001–02 Regular Session be adopted as the Standing Rules of the Assembly for the 2001–02 First Extraordinary Session.

(For text of Assembly Standing Rules, see Assembly Journal for December 4, 2000, Page 6.)

Assembly Member Washington seconded the motion.

Motion carried by the following vote:

AYES—75

Aanestad	Daucher	Leonard	Richman
Alquist	Diaz	Leslie	Romero
Aroner	Dickerson	Liu	Runner
Ashburn	Dutra	Longville	Salinas
Bates	Firebaugh	Lowenthal	Shelley
Briggs	Florez	Maddox	Simitian
Calderon	Frommer	Maldonado	Steinberg
Campbell, Bill	Goldberg	Matthews	Strickland
Canciamilla	Harman	Migden	Strom-Martin
Cardenas	Havice	Mountjoy	Thomson
Cardoza	Hollingsworth	Nakano	Vargas
Cedillo	Horton	Nation	Washington
Chan	Jackson	Negrete McLeod	Wayne
Chavez	Keeley	Oropeza	Wesson
Cogdill	Kehoe	Pacheco, Rod	Wiggins
Cohn	Kelley	Papan	Wyland
Corbett	Koretz	Pavley	Wyman
Correa	La Suer	Pescetti	Mr. Speaker
Cox	Leach	Reyes	

NOES—None

SHELLEY MOTION RELATIVE TO ORGANIZATION OF THE ASSEMBLY

Assembly Member Shelley moved that the vote taken in the 2001–02 Regular Session (House Resolution No. 3) relative to payment of Members, officers, and attaches of the Assembly; and distribution of Assembly Weekly Histories be substituted in the 2001–02 First Extraordinary Session.

Motion carried and the following vote substituted:

AYES—77

Aanestad	Diaz	Liu	Salinas
Alquist	Dickerson	Longville	Shelley
Aroner	Dutra	Lowenthal	Simitian
Ashburn	Firebaugh	Maddox	Steinberg
Bates	Florez	Maldonado	Strickland
Briggs	Frommer	Matthews	Strom-Martin
Calderon	Goldberg	Migden	Thomson
Campbell, Bill	Harman	Mountjoy	Vargas
Canciamilla	Havice	Nakano	Washington
Cardenas	Hollingsworth	Nation	Wayne
Cardoza	Horton	Negrete McLeod	Wesson
Cedillo	Jackson	Oropeza	Wiggins
Chan	Keeley	Pacheco, Rod	Wright
Chavez	Kehoe	Papan	Wyland
Cogdill	Kelley	Pavley	Wyman
Cohn	Koretz	Pescetti	Zettel
Corbett	La Suer	Reyes	Mr. Speaker
Correa	Leach	Richman	
Cox	Leonard	Romero	
Daucher	Leslie	Runner	

NOES—None

(NOTE: Assembly Members John Campbell and Robert Pacheco were present when the above vote was taken on December 4, 2000, but are excused on this day.)

LEADERSHIP AND COMMITTEE CHAIR ANNOUNCEMENTS

Speaker Hertzberg announced the following leadership and committee chair appointments:

Assembly Member Keeley, Speaker pro Tempore;
Assembly Member Shelley, Majority Floor Leader;
Assembly Member Cardoza, Rules Committee Chair;
Assembly Member Aroner, Democratic Caucus Chair;
Assembly Member Migden, Appropriations Committee Chair;
Assembly Member Cardenas, Budget Committee Chair.

COMMUNICATIONS

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

January 3, 2001

E. Dotson Wilson

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

Dear Mr. Wilson: This letter is to confirm that I have been elected by the Republican Caucus as the Assembly Republican Leader and will serve as such for the first Special Session.

Thank you for your consideration in this matter. Please contact Richard Costigan III or Bob Becker in my capitol office at (916) 319-2071 if you have any further questions.

Sincerely,

BILL CAMPBELL
Assembly Republican Leader

January 3, 2001

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

Dear Mr. Wilson: I am pleased to inform you that Assemblyman Bill Leonard is hereby appointed as Vice Chairman of Rules in the First Extraordinary Session.

If you have any questions, please feel free to contact myself or Richard Costigan III, my Chief of Staff at 319-2071.

Sincerely,

BILL CAMPBELL
Assembly Republican Leader

ELECTION OF OFFICERS OF THE ASSEMBLY

Assembly Member Shelley moved that the following persons constitute officers of the Assembly for the 2001–02 First Extraordinary Session, as elected in the 2001–02 Regular Session, and that the roll call vote and oaths of office taken on December 4, 2000 be substituted:

E. Dotson Wilson, Chief Clerk
Ronald E. Pane, Chief Sergeant at Arms
Rabbi Mona Alfi, Chaplain
Father Constantine C. Pappademos, Alternate Chaplain

Motion carried and the following vote substituted:

AYES—77

Aanestad	Diaz	Liu	Salinas
Alquist	Dickerson	Longville	Shelley
Aroner	Dutra	Lowenthal	Simitian
Ashburn	Firebaugh	Maddox	Steinberg
Bates	Florez	Maldonado	Strickland
Briggs	Frommer	Matthews	Strom-Martin
Calderon	Goldberg	Migden	Thomson
Campbell, Bill	Harman	Mountjoy	Vargas
Canciamilla	Havice	Nakano	Washington
Cardenas	Hollingsworth	Nation	Wayne
Cardoza	Horton	Negrete McLeod	Wesson
Cedillo	Jackson	Oropeza	Wiggins
Chan	Keeley	Pacheco, Rod	Wright
Chavez	Kehoe	Papan	Wyland
Cogdill	Kelley	Pavley	Wyman
Cohn	Koretz	Pescetti	Zettel
Corbett	La Suer	Reyes	Mr. Speaker
Correa	Leach	Richman	
Cox	Leonard	Romero	
Daucher	Leslie	Runner	

NOES—None

(NOTE: Assembly Members John Campbell and Robert Pacheco were present when the above vote was taken on December 4, 2000, 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 Rabbi Mona Alfi and Alternate Chaplain-elect Rev. Constantine C. Pappademos on Monday, December 4, 2000 administered by the Honorable Ronald M. George, Chief Justice 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.

DESK OPEN FOR INTRODUCTION OF BILLS

Speaker pro Tempore Keeley announced that the Desk would remain open for introduction of bills until 3 p.m. adjournment.

RECESS

By unanimous consent, at 1:02 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 1—Migden. An act relating to public utilities.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Thursday, January 4, 2001.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

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