

CALIFORNIA LEGISLATURE
2001-02 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 1, 2001
SIXTEENTH SESSION DAY
THIRTIETH 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
Thursday, February 1, 2001

The Assembly met at 1:32 p.m.

Hon. Christine Kehoe, Assistant Speaker pro Tempore 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 —79:

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

Quorum present.

PRAYER

The following prayer was offered by Assistant Speaker pro Tempore Kehoe:

(Assembly Prayers, 1972, p. 72)

Eternal Are Your Mercies,

Your grace sustains us throughout every difficulty and supplies our needy hearts with encouragement. Give us wisdom for the work that is before us. Calm our attitudes; bless us with strength to do the work of this new day.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Leslie 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 Shelley, seconded by Assembly Member Dickerson.

COMMUNICATIONS

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

January 31, 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 the appointment of the following Members to the following Caucus positions whom will serve as such in the First Extraordinary Session.

Keith Richman, Whip

Anthony Pescetti, Caucus Chair and Assistant
Republican Leader

Dave Cox, Assistant Republican Leader

John Campbell, Assistant Republican Leader

Mike Briggs, Assistant Republican Leader

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

Very truly yours,

BILL CAMPBELL

Assembly Republican Leader

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)**

**ASSEMBLY BILL NO. 1 RECONSIDERED
BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Keeley was granted unanimous consent that the vote be reconsidered whereby Assembly Bill No. 1 was refused concurrence.

Further Consideration of Assembly Bill No. 1

ASSEMBLY BILL NO. 1 (Keeley)—An act to amend Section 366.5 of, and to add Section 360.5 to, and to repeal Section 355.1 of, the Public Utilities Code, and to add Division 27 (commencing with Section 80000) to the Water Code, relating to electric power, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—54

Alquist	Dutra	Lowenthal	Shelley
Aroner	Firebaugh	Matthews	Simitian
Calderon	Florez	Migden	Steinberg
Campbell, Bill	Frommer	Nakano	Strom-Martin
Canciamilla	Goldberg	Nation	Thomson
Cardenas	Havice	Negrete McLeod	Vargas
Cardoza	Horton	Oropeza	Washington
Cedillo	Jackson	Pacheco, Robert	Wayne
Chan	Keeley	Papan	Wesson
Chavez	Kehoe	Pavley	Wiggins
Cohn	Kelley	Pescetti	Wright
Corbett	Koretz	Reyes	Mr. Speaker
Correa	Liu	Romero	
Diaz	Longville	Salinas	

NOES—25

Aanestad	Daucher	Leslie	Strickland
Ashburn	Dickerson	Maddox	Wyland
Bates	Harman	Maldonado	Wyman
Briggs	Hollingsworth	Mountjoy	Zettel
Campbell, John	La Suer	Pacheco, Rod	
Cogdill	Leach	Richman	
Cox	Leonard	Runner	

Bill ordered enrolled immediately.

RECESS

By unanimous consent, at 1:56 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 1, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1

And reports the same correctly enrolled, and presented to the Governor on the 1st day of February, 2001, at 2:15 p.m.

E. DOTSON WILSON, Chief Clerk

MESSAGES FROM THE GOVERNOR

The following messages from the Governor were received and ordered printed in the Journal:

EXECUTIVE ORDER D-18-01

By the

Governor of the State of California

WHEREAS, on January 17, 2001, I proclaimed a State of Emergency to exist due to the energy shortage in the State of California;

WHEREAS, on January 11, 2001, California submitted to the Federal Energy Regulatory Commission a certification that the state "will initiate a program to reduce peak load electricity consumption" in response to the U.S. Secretary of Energy's mandate that "all California consumers make the maximum effort to reduce electricity use and conserve power";

WHEREAS, some consumers are not aware of all they can do to reduce energy consumption. Specific awareness campaigns can encourage and educate consumers about effective conservation strategies;

WHEREAS, the Department of Consumer Affairs is charged with promoting and protecting the interest of California's consumers and serving as an advocate for their health, safety, privacy and economic well-being;

NOW THEREFORE, I, GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and the statutes of the State of California, including the California Emergency Services Act, and in furtherance of my Proclamation of a State of Emergency, do hereby issue this order:

IT IS ORDERED that the Department of Consumer Affairs conduct a media awareness campaign to inform the public on the importance of, and methods to, reduce energy consumption and resulting savings;

IT IS FURTHER ORDERED that this campaign shall be paid for with any funds available to the Department of Consumer Affairs including, but not limited to, funds available to the Department pursuant to Government Code section 8628, funds directed from the Energy Efficiency Public Goods Charge by the Public Utilities Commission, and any other appropriations available to the Department;

IT IS FURTHER ORDERED that the Department shall enter into any contracts necessary in furtherance of this order as expeditiously as possible, and is hereby authorized to do so, notwithstanding the provisions of the Government Code and the Public Contract Code applicable to state contracts, including but not limited to, advertising and competitive bidding requirements, which provisions are suspended pursuant to Government Code section 8571 to the extent that they would prevent, hinder or delay the prompt mitigation of the effects of this emergency.

I FURTHER DIRECT that as soon as hereafter possible, this order shall be filed with the Office of the Secretary of State and that widespread publicity and notice be given to this order.

IN WITNESS WHEREOF, I have hereunto set my hand
and caused the Great Seal of California
to be affixed this 1st day of February 2001.



GRAY DAVIS
Governor of California

ATTEST:

BILL JONES
Secretary of State

EXECUTIVE ORDER D-19-01

by the

Governor of the State of California

WHEREAS, on January 17, 2001, I proclaimed a State of Emergency to exist due to the energy shortage in the State of California; and

WHEREAS, efforts by California residents to conserve energy are essential to alleviating the energy shortage; and

WHEREAS, substantial amounts of electricity are consumed through unnecessary outdoor lighting by retail establishments after business hours, including but not limited to, shopping centers, auto malls and dealerships; and

WHEREAS, it is imperative that unnecessary consumption of electricity be eliminated to mitigate the effects of this emergency; and

WHEREAS, the energy shortage is a matter of public safety;

NOW, THEREFORE, I, GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and the statutes of the State of California, including the California Emergency Services Act, and in furtherance of my Proclamation of a State of Emergency, do hereby issue this order:

All California retail establishments, including but not limited to shopping centers, auto malls and dealerships, shall substantially reduce maximum outdoor lighting capability during non-business hours, except as necessary for the health and safety of the public, employees, or property.

“Maximum outdoor lighting capability” means the total amount of wattage used in outdoor lighting to illuminate the outdoor premises of the retail establishment.

On or before February 9, 2001, the Office of Emergency Services in consultation with the Commissioner of the California Highway Patrol and the Sheriffs of the following counties: Los Angeles, Orange, Santa Barbara, Alameda, Shasta, Stanislaus, Sacramento, Fresno, and San Bernardino shall develop plans: (1) for the voluntary implementation of this order as soon as practicable and (2) the mandatory implementation of the provisions of this order by March 15, 2001.

The Technology, Trade and Commerce Agency shall be responsible for publication, notification, and communication about this Executive Order to the public, retail establishments and local officials. The State and Consumer Services Agency and the Office of Emergency Services shall assist the Technology, Trade and Commerce Agency, as needed. The Technology, Trade and Commerce Agency, working with the State and Consumer Services Agency, shall submit a report recommending additional steps by commercial establishments to conserve energy.

Failure to comply with this order following a warning by law enforcement officials shall be punishable as a misdemeanor with a fine not to exceed \$1000, in accordance with section 8665 of the California Government Code.

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

IN WITNESS WHEREOF, I have hereunto set my hand
and caused the Great Seal of California
to be affixed this 1st day of February 2001.



GRAY DAVIS
Governor of California

ATTEST:

BILL JONES
Secretary of State

ADJOURNMENT

At 3 p.m., the Assembly adjourned until Noon, Monday, February 5, 2001.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

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