

CALIFORNIA LEGISLATURE  
2001–02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, February 5, 2001**  
**SEVENTEENTH SESSION DAY**  
**THIRTY-FOURTH 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, February 5, 2001

The Assembly met at 12:58 p.m.

Hon. Fred Keeley, 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—75:

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

Quorum present.

**PRAYER**

Upon invitation of Assistant Speaker pro Tempore Kehoe, the following prayer was offered by Assembly Member Carl Washington, of the 52nd Assembly District:

Let us pray,

Dear God we thank You for the opportunity to come together again. We pray now Thy blessing upon this legislature as we begin to do the people's business in California. We seek Your guidance. We seek Your understanding and Your directions.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Wright 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 Aroner, seconded by Assembly Member Campbell.

**LEAVES OF ABSENCE FOR THE DAY**

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

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

*Because of illness: Assembly Members Chan, Shelley, and Wyland.*

**COMMUNICATIONS**

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

February 5, 2001

*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 Business and Professions Committee for the 2001–02 1st Extraordinary Session:

Assemblymember Lou Correa, Chair  
Assemblymember John Campbell, Vice Chair  
Assemblymember Gilbert Cedillo  
Assemblymember Ed Chavez  
Assemblymember Dave Cox  
Assemblymember Dave Kelley  
Assemblymember Paul Koretz  
Assemblymember Lynne Leach  
Assemblymember Barbara Matthews  
Assemblymember Joe Nation  
Assemblymember Kevin Shelley  
Assemblymember Herb Wesson

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

February 5, 2001

*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 Education Committee for the 2001–02 1st Extraordinary Session:

Assemblymember Virginia Strom-Martin, Chair  
Assemblymember Lynne Leach, Vice Chair  
Assemblymember Elaine Alquist  
Assemblymember Tom Calderon  
Assemblymember Lou Correa  
Assemblymember Jackie Goldberg  
Assemblymember Carol Liu  
Assemblymember Ken Maddox  
Assemblymember Rod Pacheco  
Assemblymember Fran Pavley  
Assemblymember Simon Salinas  
Assemblymember Juan Vargas  
Assemblymember Carl Washington  
Assemblymember Mark Wyland  
Assemblymember Charlene Zettel

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

February 5, 2001

*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 2001–02 1st Extraordinary Session:

Assemblymember Howard Wayne, Chair  
Assemblymember Dennis Hollingsworth, Vice Chair  
Assemblymember Dick Dickerson  
Assemblymember Tom Harman  
Assemblymember Hannah-Beth Jackson  
Assemblymember Fred Keeley  
Assemblymember Alan Lowenthal  
Assemblymember Gloria Negrete McLeod  
Assemblymember Carole Migden  
Assemblymember Fran Pavley  
Assemblymember Phil Wyman

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

February 5, 2001

*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 Revenue and Taxation Committee for the 2001–02 1st Extraordinary Session:

Assemblymember Ellen Corbett, Chair  
 Assemblymember Tom Harman, Vice Chair  
 Assemblymember Elaine Alquist  
 Assemblymember Dion Aroner  
 Assemblymember Gilbert Cedillo  
 Assemblymember Paul Koretz  
 Assemblymember Helen Thomson  
 Assemblymember Mark Wyland

Sincerely,

ROBERT M. HERTZBERG  
 Speaker of the Assembly

#### MESSAGES FROM THE GOVERNOR

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

#### EXECUTIVE ORDER D-20-01

by the

**Governor of the State of California**

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

Whereas, California's energy shortage has resulted in unanticipated power outages for California residents and for critical services in the State, including but not limited to, schools, transportation facilities, businesses, and agriculture; and

Whereas, these power outages threaten the health and safety of California residents, critical services in the State, and vital segments of California's economy; and

Whereas, it is necessary for the State to take control of the block forward market contracts to ensure a sufficient and continuous supply of electricity to meet California's energy needs and to mitigate the effects of this energy shortage; and

Whereas, the circumstances require extraordinary measures beyond the authority vested in the California Public Utilities Commission;

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 to become effective immediately:

Pursuant to section 8572 of the California Emergency Services Act, it is ordered that the contracts and trades in the market for the sales and purchases of forward contracts and trades for electricity (known as the "Block Forward" market) for the delivery of electricity possessed by

Southern California Edison Company, a corporation organized and existing under the laws of the State of California with its principal place of business in California, and subject to actions, including liquidation, by the California Power Exchange Corporation, a non-profit public benefit corporation organized and existing under the laws of the State of California, is hereby commandeered by the State of California to be held subject to the control and coordination of the State of California.

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 31st day of January 2001.

GRAY DAVIS  
Governor of California

ATTEST:

BILL JONES  
Secretary of State



**EXECUTIVE ORDER D-21-01**

by the

**Governor of the State of California**

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

Whereas, California's energy shortage has resulted in unanticipated power outages for California residents and for critical services in the State, including but not limited to, schools, transportation facilities, businesses, and agriculture; and

Whereas, these power outages threaten the health and safety of California residents, critical services in the State, and vital segments of California's economy; and

Whereas, it is necessary for the State to take control of the block forward market contracts to ensure a sufficient and continuous supply of electricity to meet California's energy needs and to mitigate the effects of this energy shortage; and

Whereas, the circumstances require extraordinary measures beyond the authority vested in the California Public Utilities Commission;

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 to become effective immediately:

Pursuant to section 8572 of the California Emergency Services Act, it is ordered that the contracts and trades in the market for the sales and purchases of forward contracts and trades for electricity (known as the "Block Forward" market) for the delivery of electricity possessed by Pacific Gas and Electric Company, a corporation organized and existing

under the laws of the State of California with its principal place of business in California, and subject to actions, including liquidation, by the California Power Exchange Corporation, a non-profit public benefit corporation organized and existing under the laws of the State of California, is hereby commandeered by the State of California to be held subject to the control and coordination of the State of California.

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 31st day of January 2001.



GRAY DAVIS  
Governor of California

ATTEST:

BILL JONES  
Secretary of State

#### RECESS

By unanimous consent, at 12:59 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

#### INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 29—Kehoe and Shelley (Coauthors: Cedillo, Nakano, and Wesson).** An act to add Chapter 5.3 (commencing with Section 25425) to Division 15 of the Public Resources Code, and to add Section 17053.95 to the Revenue and Taxation Code, relating to energy conservation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 30—Cardoza and Salinas (Coauthors: Cohn, Frommer, and Reyes).** An act to add Section 671 to the Penal Code, and to add Section 2774.5 to the Public Utilities Code, relating to crime, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 31—Wright (Coauthors: Briggs, Dickerson, Kelley, Leonard, Runner, and Wyman).** An act to amend Section 42359.5 of, and to add Section 42317 to, the Health and Safety Code, to amend Section 743.1 of, and to add Sections 367.1, 743.4, 743.5, 743.6, and 743.7 to, the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 32—Nation and Aroner (Principal coauthors: Calderon and Longville) (Coauthor: Matthews).** An act to amend Section 739 of, and to add Sections 739.9, 73910, and 739.11 to, the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 33—Robert Pacheco.** An act to add Chapter 9.5 (commencing with Section 25850) to Division 15 of the Public Resources Code, relating to energy, and making an appropriation therefor.

#### RESOLUTIONS

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 2—Cogdill.** Relative to the electrical energy crisis.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

<i>Assembly Bill No.</i>	<i>Committee</i>
<b>3</b> -----	E. C. & A.
<b>4</b> -----	Nat. Res. and E. C. & A.
<b>8</b> -----	E. C. & A.
<b>9</b> -----	Nat. Res. and E. C. & A.
<b>11</b> -----	Rev. & Tax. and E. C. & A.
<b>12</b> -----	E. C. & A.
<b>13</b> -----	E. C. & A.
<b>14</b> -----	E. C. & A.
<b>15</b> -----	Rev. & Tax. and E. C. & A.
<b>16</b> -----	E. C. & A.
<b>17</b> -----	E. C. & A.
<b>19</b> -----	Rev. & Tax. and E. C. & A.
<b>20</b> -----	Nat. Res. and E. C. & A.
<b>21</b> -----	E. C. & A.
<b>22</b> -----	B. & P. and E. C. & A.
<b>23</b> -----	E. C. & A.
<b>24</b> -----	E. C. & A.
<b>25</b> -----	Ed. and E. C. & A.
<b>26</b> -----	Ed. and E. C. & A.
<b>27</b> -----	Rev. & Tax. and E. C. & A.
<b>28</b> -----	Nat. Res. and E. C. & A.
<b>29</b> -----	Rev. & Tax. and E. C. & A.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until Friday, February 9, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk