

CALIFORNIA LEGISLATURE
2001–02 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 29, 2001
FORTY-SEVENTH SESSION DAY
EIGHTY-SIXTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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, March 29, 2001

The Assembly met at 8:59 a.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—77:

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

Quorum present.

PRAYER

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

A 19th century writer, Hannah Farnham Lee, observed that: "The knowledge of ourselves is a difficult study, and we must be willing to borrow the eyes of our enemies to assist the investigation."

It takes a particular kind of courage to let down your guard in order to see not only the world, but also yourself, through the eyes of your critics.

It is much easier to live with one's own images of self than to be open to critique. However, when we are open to seeing ourselves first as we are, then we can allow ourselves to become the type of person that we want to be.

May the Holy One of Blessing give us a clarity of vision to know ourselves and may we learn and grow from what we see.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Keeley, Assembly Member Cox 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 Cox.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

Because of illness: Assembly Member Runner.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 29, 2001

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

Assembly Bill No. 15

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Subcommittee on Natural Gas, Cost and Availability, on April 2, 2001 upon adjournment of the Committee on Utilities and Commerce.

REFERENCE OF BILLS TO COMMITTEE

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

*Assembly Concurrent**Resolution No.***6**

----- E.C. & A.

*Committee**Senate**Bill No.***28**

----- E.C. & A.

*Committee***RE-REFERENCE OF BILLS**

Assembly Member Shelley was granted unanimous consent that Assembly Bill No. 39 be re-referred from the Committee on Natural Resources to the Committee on Energy Costs and Availability.

CONSIDERATION OF DAILY FILE**SECOND READING OF ASSEMBLY BILLS**

ASSEMBLY BILL NO. 32—An act to amend Section 739 of, and to add Sections 739.9, 739.10, and 739.11 to, the Public Utilities Code, relating to public utilities.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 46—An act relating to public utilities, making an appropriation therefor.

Bill read second time, and ordered to third reading.

UNFINISHED BUSINESS**MOTION TO RECONSIDER ASSEMBLY BILL NO. 8 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 8 was continued until the next legislative day.

THIRD READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 75 (Calderon)—An act to add Section 380 to the Public Utilities Code, relating to public utilities.

Bill read third time, and passed by the following vote:

AYES—76

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

NOES—None

Bill ordered transmitted to the Senate.

RECESS

By unanimous consent, at 9:02 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 9:05 a.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Assembly Member Shelley was granted unanimous consent that the following statement of legislative intent be printed in the Journal:

March 27, 2001

Mr. E. Dotson Wilson

Chief Clerk, California State Assembly

*Assembly Desk, State Capitol
Sacramento, California*

RE: AB 1 (Keeley) of the First Extraordinary Session:
Power exchanges:
Department of Water Resources: electric power

Dear Mr. Wilson: This letter is to reiterate the legislative intent of portions of AB 1 (Keeley) of the First Extraordinary Session (Chapter 4, Statutes of 2001, First Extraordinary Session) related to the procurement and resale of electric power by the Department of Water Resources.

This letter is necessary because the investor-owned utilities are erroneously claiming that an ambiguity in AB 1 entitles them to a portion of the retail revenues attributable to the power provided by the Department of Water Resources. This claim is inconsistent with both the letter and the clear legislative intent of AB 1.

AB 1 provided that for each kilowatt-hour made available by the Department of Water Resources to retail end-use customers pursuant to Division 27 of the Water Code, the department is entitled to receive as revenue the generation related component of the retail rate for the serving electrical corporation in effect January 5, 2001, and that electrical corporation is not entitled to that revenue. Further, the bill provided that should the Department of Water Resources purchase any portion of the net short, the role of the utilities is only that of an agent for purposes of billing, collection, and other related services. These topics were discussed at length in policy committees of the Senate and Assembly and during floor debate on the bill.

Very truly yours,

ROBERT M. HERTZBERG
Speaker of the Assembly

HELEN THOMSON
JOE SIMITIAN
BARBARA MATTHEWS
GIL CEDILLO
ALAN LOWENTHAL
HANNAH-BETH JACKSON
CHRISTINE KEHOE
WILMA CHAN
LOUIS J. PAPAN
VIRGINIA STROM-MARTIN
JOHN LONGVILLE
JOHN DUTRA

LOU CORREA
TONY CARDENAS
DARRELL STEINBERG
JACKIE GOLDBERG
PATRICIA WIGGINS
CAROL LIU
ED CHAVEZ
GLORIA NEGRETE McLEOD
HERB WESSON
DENNIS CARDOZA
JOE NATION
ELAINE ALQUIST

ELLEN M. CORBETT
REBECCA COHN
DARIO FROMMER
MANNY DIAZ
JUAN VARGAS
CAROLE MIGDEN
SIMÓN SALINAS
FRAN PAVLEY
SALLY HAVICE
THOMAS M. CALDERON
KEVIN SHELLEY

SARAH REYES
CARL WASHINGTON
GEORGE NAKANO
DION ARONER
PAUL KORETZ
JENNY OROPEZA
DEAN FLOREZ
HOWARD WAYNE
JEROME HORTON
MARCO A. FIREBAUGH
FRED KEELEY

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Steinberg announced that the Subcommittees on Energy Oversight and Natural Gas Costs and Availability would convene jointly in Room 4202, upon adjournment of the Budget Committee.

RECESS

By unanimous consent, at 9:07 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

AUTHOR'S AMENDMENTS

Committee on Energy Costs and Availability

March 29, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 23

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

ASSEMBLY BILL NO. 23—An act to add Section 25524 to the Public Resources Code, and to add Section 743.2 to the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS

Committee on Energy Costs and Availability

March 29, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 52

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

ASSEMBLY BILL NO. 52—An act to add Section 743.5 to the Public Utilities Code, relating to energy, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS**Committee on Energy Costs and Availability**

March 29, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:
Assembly Bill No. 62

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

ASSEMBLY BILL NO. 62—An act to add Part 8.5 (commencing with Section 17750) to Division 4 of Title 2 of the Government Code, relating to local government finance, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS**Committee on Appropriations**

March 29, 2001

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 63

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

ASSEMBLY BILL NO. 63—An act to amend Section 80004 of the Water Code, relating to electric power, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

REPORTS OF STANDING COMMITTEES**Committee on Energy Costs and Availability**

Date of Hearing: March 28, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:
Assembly Bill No. 16

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill re-referred to the Committee on Appropriations.

Committee on Education

Date of Hearing: March 21, 2001

Mr. Speaker: Your Committee on Education reports:
Assembly Bill No. 50

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Energy Costs and Availability.

STROM-MARTIN, Chairwoman

Above bill ordered to second reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 11 a.m., Monday, April 2, 2001, or upon Call of the Speaker.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 29, 2001

The following measures were amended in the Assembly on this day:

AB	RN
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23	0110174
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32	0109834
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52	0109931
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62	0110065
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63	0110224
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Daily Total:	5
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Cumulative Total:	108
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