

CALIFORNIA LEGISLATURE
2001-02 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, April 4, 2001
FIFTIETH SESSION DAY
NINETY-SECOND 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
Wednesday, April 4, 2001

The Assembly met at 11:16 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	Diaz	Liu	Salinas
Alquist	Dickerson	Longville	Shelley
Aroner	Dutra	Lowenthal	Simitian
Ashburn	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	Harman	Mountjoy	Vargas
Canciamilla	Havice	Nakano	Washington
Cardenas	Hollingsworth	Nation	Wayne
Cardoza	Horton	Negrete McLeod	Wesson
Cedillo	Jackson	Oropeza	Wiggins
Chan	Keeley	Pacheco, Robert	Wright
Chavez	Kehoe	Pacheco, Rod	Wyland
Cogdill	Kelley	Papan	Wyman
Cohn	Koretz	Pavley	Zettel
Corbett	La Suer	Pescetti	Mr. Speaker
Correa	Leach	Reyes	
Cox	Leonard	Richman	
Daucher	Leslie	Runner	

Quorum present.

PRAYER

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Member Tim Leslie, of the 4th Assembly District:

Lord, We pray that ideological and political differences may never divert us from our ultimate goal of providing a better living and growing situation for all Americans. We pray that nations' boundaries or philosophies may never ignore the fact that we are a world of brothers and sisters. And we pray that religious differences may be of short duration, so that we, Your children, may look to You as one and live as one.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Keeley, Assembly Member Nation 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 a death in her family: Assembly Member Bates.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, April 4, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Bill No. 50

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Date of Hearing: April 3, 2001

Mr. Speaker: Your Committee on Appropriations reports: Senate Bill No. 5

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: April 3, 2001

Mr. Speaker: Your Committee on Appropriations reports: Senate Bill No. 43

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**SENATE BILL NO. 5 TAKEN UP BY UNANIMOUS CONSENT
FOR SECOND READING**

Assembly Member Shelley was granted unanimous consent to take up Senate Bill No. 5 without reference to file, for the purpose of reading the bill a second time and adopting the committee amendments at this time.

SENATE BILL NO. 5—An act to amend Section 15814.20 of, and to add and repeal Chapter 3.5 (commencing with Section 4240) of Division 5 of Title 1 of, the Government Code, and to amend Section 25402.5 of the Public Resources Code, relating to public utilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted; bill ordered reprinted.

**SENATE BILL NO. 43 TAKEN UP BY UNANIMOUS CONSENT
FOR SECOND READING**

Assembly Member Shelley was granted unanimous consent to take up Senate Bill No. 43 without reference to file, for purpose of reading the bill a second time and adopting the committee amendments at this time.

SENATE BILL NO. 43—An act to amend Section 332.1 of the Public Utilities Code, and to amend Section 80134 of the Water Code, relating to electric power, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted; bill ordered reprinted.

RESOLUTIONS

The following resolution was offered:

Resolution to Dispense With Constitutional Provision

By Assembly Member Shelley.

Resolved, That Senate Bill No. 43 presents a case of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—74

Aanestad	Diaz	Liu	Salinas
Alquist	Dickerson	Longville	Shelley
Aroner	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	Papan	Wyland
Cohn	Kelley	Pavley	Wyman
Corbett	Koretz	Pescetti	Zettel
Correa	La Suer	Reyes	Mr. Speaker
Cox	Leach	Richman	
Daucher	Leslie	Runner	

NOES—None

Article IV, Section 8(b) of the Constitution was declared dispensed with.

CONSIDERATION OF SENATE BILL NO. 43 BY UNANIMOUS CONSENT

Upon request of Assembly Member Shelley, Assembly Member Vargas was granted unanimous consent to take up Senate Bill No. 43 without reference to file, for purpose of consideration.

SENATE BILL NO. 43 (Alpert)—An act to amend Section 332.1 of, and to add Section 332.2 to, the Public Utilities Code, relating to electric power, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Vargas.

Urgency Clause

Urgency clause read.

The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Shelley moved a call of the Assembly.

Motion carried. Time, 11:33 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**At 11:34 a.m., Assistant Speaker pro Tempore Christine Kehoe,
76th District, presiding**

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Date of Hearing: April 3, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 28

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**SENATE BILL NO. 28 TAKEN UP BY UNANIMOUS CONSENT
FOR SECOND READING**

Assembly Member Shelley was granted unanimous consent to take up Senate Bill No. 28 without reference to file, for the purpose of reading the bill a second time and adopting the committee amendments at this time.

SENATE BILL NO. 28—An act to add Section 42301.15 to, to add Chapter 7 (commencing with Section 39910) to Part 2 of Division 26 of, and to add and repeal Section 42314.3 of, the Health and Safety Code, and to amend Sections 25514, 25523, 25531, and 25552 of, to add Section 25526.1 to, and to add and repeal Sections 25519.5 and 25550.5 of, the Public Resources Code, and to add Article 3.5 (commencing with Section 353.1) to Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code, relating to energy resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

CONSIDERATION OF SENATE BILL NO. 5 BY UNANIMOUS CONSENT

Upon request of Assembly Member Shelley, Assembly Member Keeley was granted unanimous consent to take up Senate Bill No. 5 without reference to file, for purpose of consideration.

SENATE BILL NO. 5 (Sher)—An act to amend Section 15814.20 of, and to add and repeal Chapter 3.5 (commencing with Section 4240) of Division 5 of Title 1 of, the Government Code, to amend Section 25402.5 of the Public Resources Code, and to add Sections 740.7, 740.9, 740.10, and 740.11 to the Public Utilities Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Keeley.

Urgency Clause

Urgency clause read.

Request for Use of Visual Aids

Assembly Member Keeley was granted unanimous consent to use visual aids on the Floor to assist in debate.

The question being on the adoption of the urgency clause.

Urgency clause adopted by the following vote:

AYES—76

Aanestad	Diaz	Leslie	Richman
Alquist	Dickerson	Liu	Runner
Aroner	Dutra	Longville	Salinas
Ashburn	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, Robert	Wiggins
Cohn	Kelley	Pacheco, Rod	Wright
Corbett	Koretz	Papan	Wyland
Correa	La Suer	Pavley	Wyman
Cox	Leach	Pescetti	Zettel
Daucher	Leonard	Reyes	Mr. Speaker

NOES—1

Campbell, John

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—76

Aanestad	Diaz	Leslie	Richman
Alquist	Dickerson	Liu	Runner
Aroner	Dutra	Longville	Salinas
Ashburn	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, Robert	Wiggins
Cohn	Kelley	Pacheco, Rod	Wright
Corbett	Koretz	Papan	Wyland
Correa	La Suer	Pavley	Wyman
Cox	Leach	Pescetti	Zettel
Daucher	Leonard	Reyes	Mr. Speaker

NOES—1

Campbell, John

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY
CLAUSE TO SENATE BILL NO. 43**

At 12:04 p.m., on motion of Assembly Member Shelley, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 43 adopted by the following vote:

AYES—76

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

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—76

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

NOES—None

Bill ordered transmitted to the Senate.

CONSIDERATION OF DAILY FILE (RESUMED)

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.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items:

Senate Bill No. 43, Resolution to Invoke Constitution: Aanestad, La Suer, Mountjoy, and Runner—Aye.

Senate Bill No. 5 and Urgency: Aanestad and Maddox—Aye.

Senate Bill No. 43 and Urgency: Aanestad and Daucher—Aye.

RECESS

By unanimous consent, at 12:06 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 127—Richman. An act to repeal and add Section 360.5 of, and to repeal Section 390 of, the Public Utilities Code, and to amend Sections 80100, and 80130 of, and to add Sections 80100.5 and 80114 to, the Water Code, relating to energy.

ASSEMBLY BILL NO. 128—Corbett (Coauthors: Aroner, Goldberg, Jackson, Migden, Pavley, Shelley, Steinberg, Strom-Martin, Thomson, and Wiggins). An act to add Chapter 2.3 (commencing with Section 17065) to Part 10 of, and to add Chapter 2.7 (commencing with Section 23471) to Part 11 of, Division 2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

AUTHOR'S AMENDMENTS
Committee on Revenue and Taxation

April 4, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:
Assembly Bill No. 11

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

CORBETT, Chairwoman

ASSEMBLY BILL NO. 11—An act to repeal Article 10 (commencing with Section 890) of Chapter 4 of Part 1 of Division 1 of the Public Utilities Code, and to repeal Part 19 (commencing with Section 40001) of Division 2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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 Appropriations

Date of Hearing: April 3, 2001

Mr. Speaker: Your Committee on Appropriations reports:
Assembly Bill No. 44

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, April 5, 2001, or upon Call of the Speaker.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON APRIL 4, 2001

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

AB RN

11 0110293

SB RN

5 0110597

28 0110595

43 0110581

Daily Total: 5

Cumulative Total: 115

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