

CALIFORNIA LEGISLATURE
2001-02 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, April 5, 2001
FIFTY-FIRST SESSION DAY
NINETY-THIRD 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, April 5, 2001

The Assembly met at 9:14 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—76:

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

*(NOTE: Assembly Member Bogh took and subscribed to the Oath of Office on this day, at 8:53 a.m. in the Regular Session.)

PRAYER

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

Germaine de Stael, a French-Swiss intellectual who lived during the French Revolution commented that “The pursuit of politics is religion, morality, and poetry all in one.”

Politics is more than the prosaic business of legislating people’s lives in issues such as commerce and crime; it is about creating the essence of society, of what binds us together as a community. The practitioners of this craft must be able to embrace both the artistry and ethics that their roles require.

By recognizing the poetry, morality and religion at play within politics, and within our diverse political beliefs, even the most cynical amongst us can reignite the idealism that led us to pursue politics in the first place and allows us to anchor our visions of the ideal society which we wish to create.

May the Holy One of Blessing nurture our hopes and values, and help us find a way to live by our ideals. May this be God’s will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Keeley, Assembly Member Strickland 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 Members were granted leaves of absence for the day:

Because of illness in his family: Assembly Member Nation.

Because of death in her family: Assembly Member Bates.

The following Assembly Member was excused for the day, and his per diem was waived: Cogdill.

COMMUNICATIONS

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

April 5, 2001

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Re: Assembly Energy Costs and Availability Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Bill Campbell to the Assembly Energy Costs and Availability Committee for the First Extraordinary Session for 2001–02.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

AUTHOR'S AMENDMENTS
Committee on Judiciary

April 5, 2001

Mr. Speaker: The Chair of your Committee on Judiciary reports:
Assembly Bill No. 61

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

STEINBERG, Chairman

ASSEMBLY BILL NO. 61—An act to amend Section 1240.650 of the Code of Civil Procedure, to amend Sections 56129 and 56133 of the Government Code, and to amend Section 366 of, and to add Sections 851.1 and 1411.1 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.

COMMUNICATIONS

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

**ADVANCE UNOFFICIAL ELECTION RETURNS
65TH ASSEMBLY DISTRICT**

**GENERAL SPECIAL ELECTION
APRIL 3, 2001**

**The unofficial returns reported herein are those from the office of the Honorable Bill Jones,
Secretary of State.**

**DISTRIBUTED TO OFFICES OF THE CALIFORNIA ASSEMBLY
AND SENATE BY THE OFFICE OF THE CHIEF CLERK**

Special Election Results
State Assembly, District 65
Special General Election, April 3, 2001
SEMI OFFICIAL CANVASS

| | | | |
|---------------------------|---------------|---------------|---------------|
| County Name | | Ray R. | Russ |
| Riverside | | Quinto | Bogh* |
| Registered Voters | 120,200 | Dem | Rep |
| Riverside Votes Cast | 20,210 | 9,898 | 10,312 |
| | % | 48.98% | 51.02% |
| San Bernardino | | | |
| Registered Voters | 69,961 | | |
| San Bernardino Votes Cast | 13,155 | 5,991 | 7,164 |
| | % | 45.54% | 54.46% |
| District Total | | | |
| Registered Voters | 190,161 | | |
| Total Votes Cast | 33,365 | 15,889 | 17,476 |
| | % | 47.62% | 52.38% |

| | | | |
|---------------------------|---------------|----------------------------|-------------------|
| Total Ballots Cast | | Total Registration | |
| Riverside | 20,516 | Riverside | 120,200 |
| San Bernardino | 13,199 | San Bernardino | 69,961 |
| Total | 33,715 | Total | 190,161 |
| Percent Turnout | | Number of Precincts | |
| Riverside | 17.07% | Riverside | 111 of 111 |
| San Bernardino | 18.87% | San Bernardino | 66 of 66 |
| Total | 17.73% | Total | 177 of 177 |

*Elected

CERTIFICATE OF ELECTION

The following Certificate of Election was presented and ordered printed in the Journal:

Certificate of Election

I, BILL JONES, Secretary of State of the State of California, hereby certify:

That according to the semi-final official returns of the Special General Election held on the 3rd day of April, 2001, and the statement of the result thereof on file in my office,

RUSS BOGH

was elected by the majority of the voters of the
65th State Assembly District to serve as

California State Assembly, District 65
for the term prescribed by law.

IN WITNESS WHEREOF,

I hereunto set my hand and affix
the Great Seal of the State of California,
at Sacramento, this 4th day of April, 2001



BILL JONES
Secretary of State

OATH OF OFFICE

The following Oath of Office was administered by Speaker Robert M. Hertzberg:

OATH

*for the Office of Member of the Assembly
65th Assembly District*

I, Russ Bogh, 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.

RUSS BOGH

Subscribed and sworn to before me,
this 5th day of April
A.D. 2001

ROBERT M. HERTZBERG
Speaker of the Assembly

MESSAGES FROM THE SENATE

Senate Chamber, April 4, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 43

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

MESSAGES FROM THE SENATE

April 5, 2001

Hon. E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber

Dear Dotson: By direction of the Senate I am returning SB 5 to the Assembly for further action.

Sincerely,

GREGORY SCHMIDT
Secretary of the Senate

Above bill held at the Desk.

SENATE BILL NO. 31 WITHDRAWN FROM COMMITTEE

Upon request of Assembly Member Shelley, Assembly Member Kehoe was granted unanimous consent that Senate Bill No. 31 be withdrawn from the Committee on Energy Costs and Availability for the purpose of amendment, without reference to file.

SENATE BILL NO. 31 (Bowen)—An act to amend Sections 335, 337, and 341.2 of the Public Utilities Code, relating to public utilities.

Bill read second time.

Motion to Amend

Assembly Member Kehoe moved the adoption of amendments.
Amendments read and adopted; bill ordered reprinted.

VOTE SYSTEM ANNOUNCEMENT

Speaker pro Tempore Keeley announced that there is a technical malfunction of Assembly Member Simitian's vote switch and therefore his vote adds would not be recorded separately in this day's Journal.

RESOLUTIONS

The following resolution was offered:

Resolution to Dispense With Constitutional Provision

By Assembly Member Shelley.

Resolved, That Senate Bill No. 31 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—72

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

NOES—None

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

CONSIDERATION OF SENATE BILL NO. 31 BY UNANIMOUS CONSENT

Assembly Member Kehoe was granted unanimous consent to take up Senate Bill No. 31 without reference to file, for purpose of consideration.

SENATE BILL NO. 31 (Alpert)—An act to add and repeal Article 2 (commencing with Section 81610) and Article 2.5 (commencing with Section 81620) to Chapter 3 of Part 49 of the Education Code, to add Article 6 (commencing with Section 14710) to Chapter 2 of Part 5.5 and Article 4 (commencing with Section 15350) to Chapter 1 of Part 6.7, of Division 3 of Title 2 of, the Government Code, to amend Sections 26003 and 26011.5 of, to add Section 26011.6 to, to add Chapter 5.3 (commencing with Section 25425) to Division 15 of, and to add and repeal Chapter 4 (commencing with Section 14420) of Division 12 of, the Public Resources Code, to amend Section 739 of, to amend, repeal, and add Section 2827 of, to add Sections 739.10, 2827.5, and 2827.7 to, and to add and repeal Section 739.11 of, 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 Kehoe.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—65

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

NOES—10

| | | | |
|----------|----------------|--------------|-------|
| Aanestad | Campbell, Bill | Leonard | Wyman |
| Ashburn | Campbell, John | Pacheco, Rod | |
| Bogh | Hollingsworth | Runner | |

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—65

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

NOES—10

| | | | |
|----------|----------------|--------------|-------|
| Aanestad | Campbell, Bill | Leonard | Wyman |
| Ashburn | Campbell, John | Pacheco, Rod | |
| Bogh | Hollingsworth | Runner | |

Vote Changes

By unanimous consent, the following vote changes were permitted on the urgency clause to Senate Bill No. 31, and on passage of the bill: Assembly Members Bogh, Hollingsworth, and Rod Pacheco, from "Aye" to "No".

Bill ordered transmitted to the Senate.

RECESS

By unanimous consent, at 9:27 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 10 a.m., the Assembly reconvened.

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

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

ASSEMBLY BILL NO. 44—An act to amend Section 25555 of the Public Resources Code, relating to energy resources, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

SECOND READING OF SENATE BILLS

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, 25521, 25523, 25531, and 25552 of, 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, and to amend Section 1032 of, and add Section 1279.6 to, the Unemployment Insurance 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.

RECESS

By unanimous consent, at 10:01 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 3:33 p.m., the Assembly reconvened.

Hon. Christine Kehoe, Assistant Speaker pro Tempore of the Assembly, presiding.

COMMUNICATIONS

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

Leave of Absence—Balance of the Day

April 5, 2001

*The Honorable Robert M. Hertzberg
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I am writing to respectfully request that I be excused for the remainder of today's session, waiving per diem, as of 1:30 p.m. due to personal business.

Please do not hesitate to contact my office should you have any questions regarding this matter.

Sincerely,

CAROL LIU, Assembly Member
Forty-fourth District

ACTION RESCINDED ON SENATE BILL NO. 5

Assistant Speaker pro Tempore Kehoe was granted unanimous consent to rescind the action whereby the Assembly, on April 4, 2001 (Assembly Journal, page 343), adopted the urgency clause and passed Senate Bill No. 5, and whereby the bill was ordered transmitted to the Senate.

CONSIDERATION OF SENATE BILL NO. 5 BY UNANIMOUS CONSENT

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

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.

Motion to Amend

Assembly Member Keeley moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted.

Further Consideration of Senate Bill No. 5, As Amended, by Unanimous Consent

Assembly Member Keeley was granted unanimous consent to take up Senate Bill No. 5, as amended, 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, and adopted by the following vote:

AYES—73

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

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—73

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

NOES—None

Bill ordered transmitted to the Senate.

At 3:39 p.m., Speaker pro Tempore Fred Keeley, 27th District, presiding

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Cardoza announced that the Committee on Rules would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

MESSAGES FROM THE SENATE

Senate Chamber, April 5, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 43

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

**CONSIDERATION OF SENATE AMENDMENTS
BY UNANIMOUS CONSENT
AND ASSEMBLY RULE 77 SUSPENDED**

Assembly Member Correa was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 43, without reference to file.

ASSEMBLY BILL NO. 43 (Correa)—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.

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.)

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—69

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

NOES—None

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

AYES—69

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

NOES—None

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Assembly Member Cardoza was granted unanimous consent that the following communications be printed in the Journal:

Legislative Intent—Senate Bill No. 5

April 5, 2001

*E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

RE: SB 5X (Sher)

Dear Mr. Wilson: Enclosed is a letter from the California Public Utilities Commission and a letter from the California Air Resources Board expressing our intent in passing SB 5X (Sher).

Please include this letter and the enclosures in the Assembly Daily Journal.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

DAVE COX
Assembly Minority Leader

Public Utilities Commission
State of California
April 5, 2001

*The Honorable Robert Hertzberg
Speaker
California State Assembly
State Capitol
Sacramento, California*

RE: Agricultural Customer Participation in
Voluntary Gear-Down Programs

Dear Mr. Speaker: It has come to my attention that the participation of agricultural customers in the recently approved Optional Binding Mandatory Curtailment (OBMC) Program may be limited by the conditions of the program including, no limitation on the daily or monthly participation in voluntary optional load reductions that may qualify a distribution circuit for exclusion from rotating blackouts.

It is my intent to develop conditions, including reasonable daily and monthly limitations on load reduction hours, in order to encourage the participation of agricultural production and processing customers. I look forward to working with key members of the Legislature to develop an effective, voluntary OBMC program.

Sincerely,

CARL WOOD
Commissioner

State of California
California Environmental Protection Agency
April 5, 2001

The Honorable Robert M. Hertzberg
Speaker
California State Assembly
State Capitol, Room 219
Sacramento, California

Dear Speaker Hertzberg: We have reviewed the enclosed language clarifying the use of backup generation (section 740.9) to offset the curtailed load under the California Public Utility Commission's recently-adopted Optional Binding Mandatory Curtailment program. It is our interpretation that this language will permit the use of backup generation under existing law, including but not limited to, all relevant local air pollution control district rules and regulations, even though rotating outages may not be occurring in the same area where the curtailed customer is located.

This clarifies existing law and is in accordance with the Governor's Executive Orders dealing with energy.

Sincerely,

WINSTON H. HICKOX
Secretary

Enclosure

cc: Mr. John Stevens
Deputy Chief of Staff
Staff Director
Office of Governor Gray Davis
Ms. Linda Adams
Chief Deputy Assembly Relations
Office of Governor Gray Davis

RECESS

By unanimous consent, at 3:56 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 3:58 p.m., the Assembly reconvened.

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

MESSAGES FROM THE SENATE

Senate Chamber, April 5, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 29

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

**CONSIDERATION OF SENATE AMENDMENTS
BY UNANIMOUS CONSENT
AND ASSEMBLY RULE 77 SUSPENDED**

Assembly Member Kehoe was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 29, without reference to file.

ASSEMBLY BILL NO. 29 (Kehoe)—An act to add and repeal Article 2 (commencing with Section 81610) and Article 2.5 (commencing with Section 81620) to Chapter 3 of Part 49 of the Education Code, to add Article 6 (commencing with Section 14710) to Chapter 2 of Part 5.5 and Article 4 (commencing with Section 15350) to Chapter 1 of Part 6.7 of Division 3 of Title 2 of, the Government Code, to amend Sections 26003 and 26011.5 of, to add Section 26011.6 to, to add Chapter 5.3 (commencing with Section 25425 to Division 15 of, and to add and repeal Chapter 4 (commencing with Section 14420) of Division 12 of, the Public Resource Code, to amend Section 739 of, to amend, repeal, and add Section 2827 of, to add Sections 739.10, 2827.5, and 2827.7 to, and to add and repeal Section 739.11 of, the Public Utilities Code, relating to energy, 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—55

| | | | |
|-------------|-----------|----------------|--------------|
| Alquist | Diaz | Leslie | Richman |
| Aroner | Dutra | Longville | Salinas |
| Briggs | Firebaugh | Lowenthal | Shelley |
| Calderon | Florez | Maddox | Simitian |
| Canciamilla | Frommer | Maldonado | Steinberg |
| Cardenas | Goldberg | Matthews | Strickland |
| Cardoza | Harman | Migden | Strom-Martin |
| Cedillo | Havice | Nakano | Thomson |
| Chan | Horton | Negrete McLeod | Vargas |
| Chavez | Jackson | Oropeza | Wayne |
| Cohn | Keeley | Papan | Wesson |
| Corbett | Kehoe | Pavley | Wiggins |
| Correa | Kelley | Pescetti | Mr. Speaker |
| Cox | Koretz | Reyes | |

NOES—14

| | | | |
|----------------|---------------|-----------------|--------|
| Aanestad | Dickerson | Leonard | Runner |
| Ashburn | Hollingsworth | Mountjoy | Wyman |
| Bogh | La Suer | Pacheco, Robert | |
| Campbell, Bill | Leach | Pacheco, Rod | |

Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 29: Assembly Member Maldonado, from "No" to "Aye".

Above bill ordered enrolled.

**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. 5 and Urgency: Pescetti—Aye.

Assembly Bill No. 43 Urgency and Concurrence: Cardenas, Pavley, and Wiggins—Aye.

MOTION TO ADJOURN

At 4:15 p.m., Assembly Member Chan moved that the Assembly do now adjourn.

Assembly Member Cox seconded the notion.

Motion carried.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 129—Hollingsworth. An act to add Section 625.5 to the Public Utilities Code, relating to eminent domain.

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

Date of Hearing: April 2, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:
Assembly Bill No. 18

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

WRIGHT, Chairman

Above bill ordered to second reading.

Date of Hearing: March 22, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:
Assembly Bill No. 28

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

WRIGHT, Chairman

Above bill ordered to second reading.

Committee on Appropriations

Date of Hearing: April 4, 2001

Mr. Speaker: Your Committee on Appropriations reports:
Assembly Bill No. 16

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

MIGDEN, Chairwoman

Above bill ordered to second reading.

Committee on Energy Costs and Availability

Date of Hearing: April 2, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:
Assembly Bill No. 62

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

WRIGHT, Chairman

Above bill ordered to second reading.

Date of Hearing: April 4, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 63

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

WRIGHT, Chairman

Above bill ordered to second reading.

Date of Hearing: April 4, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Joint Resolution No. 1

With amendments with the recommendation: Amend, and be adopted as amended.

WRIGHT, Chairman

Above resolution ordered to second reading.

MESSAGES FROM THE SENATE

Senate Chamber, April 5, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 5

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Senate Chamber, April 5, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 66

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, April 5, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 33

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 33—An act relating to public utilities.

ADJOURNMENT

At 4:16 p.m., pursuant to the motion by Assembly Member Chan, the Assembly adjourned until Monday, April 16, 2001, or upon Call of the Speaker.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON APRIL 5, 2001

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

AB RN

61 0110627

SB RN

5 0110770

31 0110741

Daily Total: 3

Cumulative Total: 117

O