

CALIFORNIA LEGISLATURE
2001–02 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, April 16, 2001

FIFTY-SECOND SESSION DAY

ONE HUNDRED FOURTH 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
Monday, April 16, 2001

The Assembly met at 11:21 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—78:

Alquist	Daucher	Leslie	Runner
Aroner	Diaz	Liu	Salinas
Ashburn	Dickerson	Longville	Shelley
Bates	Dutra	Lowenthal	Simitian
Bogh	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	

Quorum present.

PRAYER

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

Ilka Chase wrote in her book *Past Imperfect* “Democracy is not an easy form of government, because it is never final; it is a living, changing organism, with a continuous shifting and adjusting of balance between individual freedom and general order.”

Being a politician can be as difficult as it is rewarding. This is because your work is forever pulled by two paradoxes intrinsic to the core of politics.

The first is the demand to respect each individual’s autonomy with the demand to balance the communal needs of the many.

The second paradox is that while what government does day in and day out is of the greatest importance, it can be quickly washed aside by the need to continually adapt to the changes wrought by the inevitable march of time and the changing needs of society.

It is within the dynamic tension of these two paradoxes that our work is pushed, pulled, and defined. And it is within this dynamic tension that we can experience the wondrous vitality that is at the core of democracy.

May the Holy One of Blessing offer us the foresight to see the impact of our labors and the insight to appreciate the contributions we make. May this be God’s will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Keeley, Assembly Member Matthews 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:

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

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, April 6, 2001

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

Assembly Bill No. 29

And reports the same correctly enrolled, and presented to the Governor on the 6th day of April, 2001, at 2 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, April 6, 2001

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

Assembly Bill No. 43

And reports the same correctly enrolled, and presented to the Governor on the 6th day of April, 2001, at 11:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, April 16, 2001

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

Assembly Bill No. 11

Assembly Bill No. 61

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, April 16, 2001

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

Assembly Bill No. 14

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

AUTHOR'S AMENDMENTS
Committee on Appropriations

April 16, 2001

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 14

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

MIGDEN, Chairwoman

ASSEMBLY BILL NO. 14—An act to add Section 743.7 to the Public Utilities Code, relating to public utilities, 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 Appropriations

April 16, 2001

Mr. Speaker: the Chair of your Committee on Appropriations reports:

Assembly Bill No. 2

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

MIGDEN, Chairwoman

ASSEMBLY BILL NO. 2—An act to add Section 332 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 Appropriations

April 16, 2001

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 6

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

MIGDEN, Chairwoman

SENATE BILL NO. 6—An act to add Division 1.5 (commencing with Section 3300) to the Public Utilities Code, relating to electrical power.

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

April 6, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:
Assembly Concurrent Resolution No. 5

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

WRIGHT, Chairman

ASSEMBLY CONCURRENT RESOLUTION NO. 5—Relative to the Public Utilities Commission.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS

Committee on Appropriations

April 16, 2001

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 13

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

MIGDEN, Chairwoman

ASSEMBLY BILL NO. 13—An act to amend Section 2790 of, and to add Sections 327.1, 382.1, 2790.1, and 2790.2 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.

REPORTS OF STANDING COMMITTEES

Committee on Revenue and Taxation

Date of Hearing: April 2, 2001

Mr. Speaker: Your Committee on Revenue and Taxation reports:
Assembly Bill No. 49

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

CORBETT, 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. 39

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

WRIGHT, Chairman

Above bill ordered to second reading.

MESSAGES FROM THE GOVERNOR

The following item veto message from the Governor was received and ordered printed in the Journal and the bill ordered to the unfinished business file:

Item Veto—Assembly Bill No. 29

Governor's Office, Sacramento

April 11, 2001

To Members of the California State Assembly:

I have signed Assembly Bill AB 29X with the following line item vetoes and reductions to more closely align the bill with my expenditure plan and to prioritize conservation measures for this summer.

I am eliminating the following:

- \$25,150,000 million re-appropriation from the Proposition 98 Reversion Account to the Chancellor of the California Community Colleges for energy efficient projects and a statewide utility usage database. These funds are already budgeted for other purposes and are required by law to be used by community colleges for educational purposes.
- \$20 million to the Department of Community Services and Development to supplement the Low-Income Housing Energy Assistance Program (LIHEAP). \$120 million has been provided for this program in SB 5X.
- \$50 million to the California Energy Commission (CEC) for loans and grants for construction and retrofit projects and \$50 million to the CEC for the Small Business Energy Efficiency Refrigeration Loan Program. These new programs require the establishment of administrative procedures and will not deliver peak reduction savings for this summer.
- \$24 million to the Department of Corrections to install systems to retrofit generating units. These funds would not increase electricity supply or reduce demand.
- \$15 million to the Public Utilities Commission to fund a study of real-time meters. This bill appropriates funds for the purchase and installation of these meters.

In addition, I am reducing the following allocations:

- From the funds allocated to the California Conservation Corps, reduce the allocation from \$40 million to \$20 million for the Mobile Efficiency Brigade. In order to achieve the most effective energy savings by this summer, I am directing the Conservation Corps to use these funds to purchase materials and mobilize crews to deliver high efficiency lighting to low-income residences.

While I am signing this bill, it is my understanding that the Legislature will enact subsequent legislation to remove the mandate created by the Statewide Energy Management Program. I am also requesting subsequent legislation to continuously appropriate the Renewable Energy Loan Guarantee Program. It is standard for loan guarantee programs to be continuously appropriated and not contingent upon the annual budget. As drafted, this bill removes the incentive for banks to participate in this worthy program.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 12th day of April 2001 at 12:35 p.m., of the Governor's statement of the items of appropriation reduced from Assembly Bill No. 29x delivered to me personally by Casey Elliott.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

RE-REFERENCE OF BILLS

Assembly Member Migden was granted unanimous consent that Assembly Bill No. 14 be re-referred from the Committee on Appropriations to the Committee on Revenue and Taxation.

Assembly Member Shelley was granted unanimous consent that the following bills be re-referred as noted:

Assembly Bill No. 11 from the Committee on Revenue and Taxation, to the Committee on Energy Costs and Availability;

Assembly Bill No. 61 from the Committee on Judiciary, to the Committees on Natural Resources and Energy Costs and Availability.

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

ASSEMBLY BILL NO. 18—An act to add Chapter 5.7 (commencing with Section 25475) to Division 15 of the Public Resources Code, relating to energy conservation, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Energy Costs and Availability read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 28—An act to add and repeal Section 41514.11 of the Health and Safety Code, relating to energy.

Bill read second time; amendments proposed by the Committee on Energy Costs and Availability read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 16—An act relating to energy.

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. 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; amendments proposed by the Committee on Energy Costs and Availability read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 63—An act to amend Section 377 of the Public Utilities Code, relating to electric power.

Bill read second time; amendments proposed by the Committee on Energy Costs and Availability read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY JOINT RESOLUTION NO. 1—Relative to natural gas.

Resolution read; amendments proposed by the Committee on Energy Costs and Availability read and adopted, resolution ordered reprinted and to be placed upon the third reading file.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Assembly Bill No. 66, on request of Assembly Member Keeley.

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 Thursday, April 19, 2001.

MOTION TO ADJOURN

At 11:25 a.m., Assembly Member Shelley moved that the Assembly do now adjourn.

Assembly Member Cox seconded the motion.

Motion carried.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Shelley, the Assembly adjourned until Thursday April 19, 2001, or upon Call of the Speaker.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON APRIL 16, 2001

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

AB RN

2 0110880
13 0111472
14 0110791
16 0110596
18 0110824
28 0110664
62 0110789
63 0110840

ACR RN

5 0109726

AJR RN

1 0110777

SB RN

6 0111488

Daily Total:	11
Cumulative Total:	128

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