

CALIFORNIA LEGISLATURE
2001-02 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, May 7, 2001

SIXTY-FOURTH SESSION DAY

ONE HUNDRED TWENTY-FIFTH 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, May 7, 2001

The Assembly met at 4:44 p.m.

Hon. Christine Kehoe, Assistant 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—79:

Aanestad	Cox	Leonard	Richman
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	

Quorum present.

PRAYER

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

Lord, We are pilgrims on this earth, seeking the citizenship which is in heaven; gladden our hearts with Your presence. During our journey in this life, surround us with Your holy angels and keep us safe from seen and unseen dangers. Grant that we may carry out our plans and fulfill our expectations according to Your will. Help us to see the beauty of creation and to comprehend the wonder of Your truth in all things.—AMEN

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Keeley, Assembly Member Oropeza 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 Chan, seconded by Assembly Member Strickland.

COMMUNICATIONS

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

May 7, 2001

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

Re: Assembly Business and Professions Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Ellen Corbett to fill the vacancy on the Assembly Business and Professions Committee.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

May 7, 2001

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

Re: Assembly Public Safety Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Manny Diaz to the Assembly Public Safety Committee, replacing Assemblymember Ellen Corbett.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

May 7, 2001

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

Re: Assembly Natural Resources Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Dion Aroner to replace Assemblymember Carole Migden on the Assembly Natural Resources Committee for today's hearing only.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

May 7, 2001

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

Re: Assembly Business and Professions Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Dennis Cardoza to replace Assemblymember Barbara Matthews on the Assembly Business and Professions Committee for tomorrow's hearing only, Tuesday, May 8, 2001.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 132—Florez. An act to add Section 2774.7 to the Public Utilities Code, relating to electric power.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bill was referred to committee:

<i>Senate</i>	
<i>Bill No.</i>	<i>Committee</i>
39 -----	E.C. & A.

**REPORTS OF STANDING COMMITTEES
Committee on Revenue and Taxation**

Date of Hearing: May 7, 2001

Mr. Speaker: Your Committee on Revenue and Taxation reports:
Assembly Bill No. 128

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

CORBETT, Chairwoman

Above bill ordered to second reading.

ACTION RESCINDED ON SENATE BILL NO. 31

Assembly Member Shelley was granted unanimous consent to rescind the action whereby the Assembly, on April 5, 2001 (Assembly Journal, page 356), adopted the urgency clause and passed Senate Bill No. 31.

Consideration of Senate Bill No. 31 by Unanimous Consent

Upon request of Assembly Member Shelley, Assembly Member Keeley was granted unanimous consent to take up Senate Bill No. 31 without reference to file, for purpose of amendment.

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.

Motion to Amend

Assembly Member Keeley moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted.

Consideration of Senate Bill No. 31 by Unanimous Consent

Upon request of Assembly Member Shelley, Assembly Member Keeley was granted unanimous consent to take up Senate Bill No. 31 without reference to file, for purpose of amendment.

SENATE BILL NO. 31 (Burton)—An act to amend Section 1731 of, and to add Section 1768 to, the Public Utilities Code, and to amend Sections 80106, 80130, 80132, and 80200 of, and to repeal Section 80114 of, the Water Code, and to amend and repeal Section 6 of Chapter 4 of the Statutes of 2001 of the First Extraordinary Session, 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.

Demand for Previous Question

Assembly Member Negrete McLeod demanded the previous question.

Ruled Out of Order

Assistant Speaker pro Tempore Kehoe ruled the demand for the previous question out of order as Assembly Member Negrete McLeod spoke in debate, prior to making the motion.

Demand for Previous Question

Assembly Members Aroner, Migden, Reyes, Vargas, and Dutra demanded the previous question.

Roll Call Demanded

Assembly Members Strickland, John Campbell, and Leonard, demanded a roll call.

The roll was called, and the demand for the previous question was sustained by the following vote:

AYES—46

Alquist	Dutra	Longville	Simitian
Aroner	Firebaugh	Lowenthal	Steinberg
Calderon	Florez	Matthews	Strom-Martin
Cardenas	Frommer	Migden	Thomson
Cardoza	Goldberg	Nakano	Vargas
Cedillo	Havice	Nation	Wayne
Chan	Horton	Negrete McLeod	Wesson
Chavez	Jackson	Oropeza	Wiggins
Cohn	Keeley	Pavley	Wright
Corbett	Kehoe	Reyes	Mr. Speaker
Correa	Koretz	Salinas	
Diaz	Liu	Shelley	

NOES—31

Aanestad	Cogdill	Leach	Pescetti
Ashburn	Cox	Leonard	Richman
Bates	Daucher	Leslie	Runner
Bogh	Dickerson	Maddox	Strickland
Briggs	Harman	Maldonado	Wyland
Campbell, Bill	Hollingsworth	Mountjoy	Wyman
Campbell, John	Kelley	Pacheco, Robert	Zettel
Canciamilla	La Suer	Pacheco, Rod	

The question being on the adoption of the urgency clause.

Urgency clause refused adoption by the following vote:

AYES—49

Alquist	Dutra	Lowenthal	Steinberg
Aroner	Firebaugh	Matthews	Strom-Martin
Calderon	Florez	Migden	Thomson
Canciamilla	Frommer	Nakano	Vargas
Cardenas	Goldberg	Nation	Washington
Cardoza	Havice	Negrete McLeod	Wayne
Cedillo	Horton	Oropeza	Wesson
Chan	Jackson	Pavley	Wiggins
Chavez	Keeley	Pescetti	Wright
Cohn	Kehoe	Reyes	Mr. Speaker
Corbett	Koretz	Salinas	
Correa	Liu	Shelley	
Diaz	Longville	Simitian	

NOES—29

Aanestad	Cox	Leonard	Runner
Ashburn	Daucher	Leslie	Strickland
Bates	Dickerson	Maddox	Wyland
Bogh	Harman	Maldonado	Wyman
Briggs	Hollingsworth	Mountjoy	Zettel
Campbell, Bill	Kelley	Pacheco, Robert	
Campbell, John	La Suer	Pacheco Rod	
Cogdill	Leach	Richman	

Motion to Amend Pursuant to Joint Rule 23.5

Assembly Member Keeley moved the adoption of amendments.
Amendments read.

Parliamentary Inquiry

Assembly Member Wyman arose to the following parliamentary inquiry:

What is the vote requirement for passage of Senate Bill No. 31, if proposed amendments are adopted?

Reply by Assistant Speaker pro Tempore Kehoe

Assistant Speaker pro Tempore Kehoe replied that Legislative Counsel opines that the urgency clause contained in Senate Bill No. 31 is the only requirement for a $\frac{2}{3}$ vote for passage, and that the bill is a 41 vote bill.

The question being on the adoption of the amendments.

Roll Call Demanded

Assembly Members Strickland, John Campbell, and Wyman, demanded a roll call.

The roll was called, and the Keeley amendments adopted by the following vote:

AYES—46

Alquist	Dutra	Longville	Simitian
Aroner	Firebaugh	Lowenthal	Steinberg
Calderon	Florez	Matthews	Strom-Martin
Cardenas	Frommer	Migden	Thomson
Cardoza	Goldberg	Nakano	Vargas
Cedillo	Havice	Nation	Washington
Chan	Horton	Negrete McLeod	Wayne
Chavez	Jackson	Oropeza	Wesson
Cohn	Keeley	Pavley	Wiggins
Corbett	Kehoe	Reyes	Mr. Speaker
Correa	Koretz	Salinas	
Diaz	Liu	Shelley	

NOES—30

Aanestad	Cox	Leonard	Richman
Ashburn	Daucher	Leslie	Runner
Bates	Dickerson	Maddox	Strickland
Bogh	Harman	Maldonado	Wyland
Briggs	Hollingsworth	Mountjoy	Wyman
Campbell, Bill	Kelley	Pacheco, Robert	Zettel
Campbell, John	La Suer	Pacheco, Rod	
Cogdill	Leach	Pescetti	

Bill ordered reprinted.

Point of Order

Assembly Member Strickland arose to the following point of order: Senate Bill No. 31, as amended, is a $\frac{2}{3}$ vote bill.

Ruling by Assistant Speaker pro Tempore Kehoe

Assistant Speaker pro Tempore Kehoe ruled that Senate Bill No. 31, as amended, requires 41 votes for passage.

Motion to Appeal from the Decision of the Chair

Assembly Member Strickland moved to appeal from the decision of the Chair that Senate Bill No. 31 requires a majority vote for passage.

Point of Order

Assembly Member Cardoza arose to the following point of order:

Assembly Member Strickland is speaking to the merits of the bill and not to the merits of his motion to appeal from the decision of the Chair.

Ruling by Assistant Speaker pro Tempore Kehoe

The Assistant Speaker pro Tempore ruled the point of order well-taken.

Request for Unanimous Consent

Assembly Member Zettel requested unanimous consent to ask a question of Assembly Member Strickland.

Reply by Assistant Speaker pro Tempore Kehoe

Assistant Speaker pro Tempore Kehoe replied that a motion to appeal from the decision of the Chair is not debatable.

Request for Unanimous Consent

Assembly Member Zettel requested unanimous consent to ask a question of Assembly Member Strickland.

Request Ruled Out of Order

Assistant Speaker pro Tempore Kehoe ruled the request by Assembly Member Zettel out of order, stating that a suspension of the Rules would be required for one Member to ask a question of another Member on a motion to appeal from the decision of the Chair.

Point of Order

Assembly Member Leonard arose to the following point of order:

The parliamentary question before the Body is the request by Assembly Member Zettel that Assembly Member Strickland yield a portion of his remaining time for debate, and that a vote of the House is not required for Assembly Member Strickland to yield his time.

Ruling by Assistant Speaker pro Tempore Kehoe

Assistant Speaker pro Tempore Kehoe ruled that a suspension of Assembly Rule 108 would be required to permit Assembly Member Strickland to yield time for debate.

**Further Consideration of Strickland Motion to Appeal
from the Decision of the Chair**

The question being: Shall the decision of the Chair that Senate Bill No. 31 requires a majority vote for passage be overruled?

The roll was opened and the decision of the Chair sustained by the following vote:

AYES—30

Aanestad	Cox	Leonard	Richman
Ashburn	Daucher	Leslie	Runner
Bates	Dickerson	Maddox	Strickland
Bogh	Harman	Maldonado	Wyland
Briggs	Hollingsworth	Mountjoy	Wyman
Campbell, Bill	Kelley	Pacheco, Robert	Zettel
Campbell, John	La Suer	Pacheco, Rod	
Cogdill	Leach	Pescetti	

NOES—46

Alquist	Diaz	Liu	Shelley
Aroner	Dutra	Longville	Simitian
Calderon	Firebaugh	Lowenthal	Steinberg
Canciamilla	Florez	Matthews	Strom-Martin
Cardenas	Frommer	Migden	Thomson
Cardoza	Goldberg	Nakano	Vargas
Cedillo	Havice	Nation	Wayne
Chan	Horton	Negrete McLeod	Wesson
Chavez	Jackson	Oropeza	Wiggins
Cohn	Keeley	Pavley	Mr. Speaker
Corbett	Kehoe	Reyes	
Correa	Koretz	Salinas	

PRIVILEGES OF THE FLOOR

Assembly Member Rod Pacheco was granted unanimous consent that his wife, Rebecca Pacheco, be permitted the privileges of the Floor during today's Floor session.

REQUEST FOR CONSIDERATION OF SENATE BILL NO. 31 WITHOUT REFERENCE TO FILE

Assembly Member Keeley requested unanimous consent to take up Senate Bill No. 31, as amended, without reference to file, for purpose of consideration.

Unanimous consent was withheld.

Motion to Temporarily Suspend Rules

Assembly Member Shelley moved to temporarily suspend the Rules to permit consideration of Senate Bill No. 31, as amended, without reference to file.

Assembly Member Washington seconded the motion.

Motion for temporary suspension of the Rules carried by the following vote:

AYES—47

Alquist	Diaz	Liu	Shelley
Aroner	Dutra	Longville	Simitian
Calderon	Firebaugh	Lowenthal	Steinberg
Canciamilla	Florez	Matthews	Strom-Martin
Cardenas	Frommer	Migden	Thomson
Cardoza	Goldberg	Nakano	Vargas
Cedillo	Havice	Nation	Washington
Chan	Horton	Negrete McLeod	Wayne
Chavez	Jackson	Oropeza	Wesson
Cohn	Keeley	Pavley	Wiggins
Corbett	Kehoe	Reyes	Mr. Speaker
Correa	Koretz	Salinas	

NOES—30

Aanestad	Cox	Leonard	Richman
Ashburn	Daucher	Leslie	Runner
Bates	Dickerson	Maddox	Strickland
Bogh	Harman	Maldonado	Wyland
Briggs	Hollingsworth	Mountjoy	Wyman
Campbell, Bill	Kelley	Pacheco, Robert	Zettel
Campbell, John	La Suer	Pacheco, Rod	
Cogdill	Leach	Pescetti	

Consideration of SB No. 31, as Amended, Without Reference to File

Assembly Member Keeley took up Senate Bill No. 31, as amended, without reference to file, for purpose of consideration.

SENATE BILL NO. 31 (Burton)—An act to amend Section 1731 of, and to add Section 1768 to, the Public Utilities Code, and to amend Sections 80106, 80130, 80132, and 80200 of, and to repeal Section 80114 of, the Water Code, and to amend and repeal Section 6 of Chapter 4 of the Statutes of 2001 of the First Extraordinary Session, relating to energy, and making an appropriation therefor.

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

Demand for Previous Question

Assembly Members Aroner, Wayne, Cohn, Reyes, and Wiggins demanded the previous question.

Roll Call Demanded

Assembly Members Strickland, Cox, and Leonard, demanded a roll call.

The roll was called, and the demand for the previous question was sustained by the following vote:

AYES—47

Alquist	Dutra	Longville	Shelley
Aroner	Firebaugh	Lowenthal	Simitian
Calderon	Florez	Matthews	Steinberg
Cardenas	Frommer	Migden	Strom-Martin
Cardoza	Goldberg	Nakano	Thomson
Cedillo	Havice	Nation	Vargas
Chan	Horton	Negrete McLeod	Washington
Chavez	Jackson	Oropeza	Wayne
Cohn	Keeley	Papan	Wesson
Corbett	Kehoe	Pavley	Wiggins
Correa	Koretz	Reyes	Mr. Speaker
Diaz	Liu	Salinas	

NOES—29

Aanestad	Cogdill	Leonard	Richman
Ashburn	Daucher	Leslie	Runner
Bates	Dickerson	Maddox	Wyland
Bogh	Harman	Maldonado	Wyman
Briggs	Hollingsworth	Mountjoy	Zettel
Campbell, Bill	Kelley	Pacheco, Robert	
Campbell, John	La Suer	Pacheco, Rod	
Canciamilla	Leach	Pescetti	

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—49

Alquist	Dutra	Lowenthal	Simitian
Aroner	Firebaugh	Matthews	Steinberg
Calderon	Florez	Migden	Strom-Martin
Canciamilla	Frommer	Nakano	Thomson
Cardenas	Goldberg	Nation	Vargas
Cardoza	Havice	Negrete McLeod	Washington
Cedillo	Horton	Oropeza	Wayne
Chan	Jackson	Papan	Wesson
Chavez	Keeley	Pavley	Wiggins
Cohn	Kehoe	Pescetti	Mr. Speaker
Corbett	Koretz	Reyes	
Correa	Liu	Salinas	
Diaz	Longville	Shelley	

NOES—29

Aanestad	Cox	Leonard	Runner
Ashburn	Daucher	Leslie	Strickland
Bates	Dickerson	Maddox	Wyland
Bogh	Harman	Maldonado	Wyman
Briggs	Hollingsworth	Mountjoy	Zettel
Campbell, Bill	Kelley	Pacheco, Robert	
Campbell, John	La Suer	Pacheco, Rod	
Cogdill	Leach	Richman	

Bill ordered transmitted to the Senate immediately.

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS
CONSIDERATION OF SENATE AMENDMENTS**

ASSEMBLY JOINT RESOLUTION NO. 1 (Cardoza)—Relative to natural gas.

The question being: Shall the Assembly concur in the Senate amendments to the above resolution?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

Request to Read a Paper on the Floor

Assembly Member Hertzberg was granted unanimous consent to read a paper on the Floor of the Assembly.

The question being on concurrence in Senate amendments.

Amendments concurred in by the following vote:

AYES—50

Alquist	Dutra	Lowenthal	Simitian
Aroner	Firebaugh	Maldonado	Steinberg
Calderon	Florez	Matthews	Strom-Martin
Canciamilla	Frommer	Migden	Thomson
Cardenas	Goldberg	Nakano	Vargas
Cardoza	Havice	Nation	Washington
Cedillo	Horton	Negrete McLeod	Wayne
Chan	Jackson	Oropeza	Wesson
Chavez	Keeley	Papan	Wiggins
Cohn	Kehoe	Pavley	Wright
Corbett	Koretz	Reyes	Mr. Speaker
Correa	Liu	Salinas	
Diaz	Longville	Shelley	

NOES—17

Aanestad	Cogdill	Hollingsworth	Strickland
Ashburn	Cox	Kelley	Wyman
Bates	Daucher	La Suer	
Campbell, Bill	Dickerson	Leach	
Campbell, John	Harman	Runner	

Above resolution ordered enrolled.

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, May 10, 2001.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Assembly Bill No. 32, on request of Assembly Member Nation.

MOTION TO ADJOURN

At 7:08 p.m., Assembly Member Shelley moved that the Assembly do now adjourn.

Assembly Member Cox seconded the motion.

Motion carried.

ADJOURNMENT

At 7:08 p.m., pursuant to the motion by Assembly Member Shelley, the Assembly adjourned until 8:30 a.m., Thursday, May 10, 2001, or upon Call of the Speaker.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MAY 7, 2001**

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

SB RN

31 0113368

31 0113366

Daily Total: 2

Cumulative Total: 145

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