

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, May 10, 2001**

**SIXTY-SEVENTH SESSION DAY**

**ONE HUNDRED TWENTY-EIGHTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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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, May 10, 2001

The Assembly met at 9:42 a.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—77:

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

Quorum present.

**PRAYER**

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

*Lord Our God,* You alone perform wonders. You have sent prophets and evangelists and teachers as wise heralds of Your word. Shine in our minds this morning, the light of Your grace. Grant us discernment, understanding and wisdom as we complete the tasks set before us today and may we abound in every good work.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Member Aroner.*

*Because of illness: Assembly Member Horton.*

(NOTE: For explanation of absence of Assembly Member Aroner on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 10, 2001

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

Assembly Joint Resolution No. 2

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 134—Vargas.** An act to add and repeal Section 779.3 to the Public Utilities Code, relating to public utilities.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 8—Alquist.** Relative to electricity blackouts.

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

May 10, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Senate Bill No. 39

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

WRIGHT, Chairman

**SENATE BILL NO. 39**—An act to amend Sections 216, 362, and 431 of, and to add Section 761.3 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 Appropriations**

Date of Hearing: May 9, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 18

Assembly Bill No. 62

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bills ordered to second reading.

#### **ACTION RESCINDED ON SENATE BILL NO. 28**

Assembly Member Shelley was granted unanimous consent to rescind the action whereby the Assembly, on April 23, 2001 (Assembly Journal, page 397), adopted the urgency clause and passed Senate Bill No. 28, and whereby the bill was ordered transmitted to the Senate.

#### **CONSIDERATION OF SENATE BILL NO. 28 BY UNANIMOUS CONSENT**

Assembly Member Keeley was granted unanimous consent to take up Senate Bill No. 28 without reference to file, for purpose of amendment.

**SENATE BILL NO. 28 (Sher)**—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 and repeal Sections 1032 and 1253 of, and to add and repeal Sections 1253.9 and 1279.6 of, the Unemployment Insurance Code, relating to the energy emergency, 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.

#### **Assembly Rule 69(d) Suspended**

Assembly Member Keeley was granted unanimous consent that Assembly Rule 69(d) be suspended to permit consideration of Senate Bill No. 28, as amended, without reference to file.

**SENATE BILL NO. 28 (Sher)**—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, relating to the energy emergency, 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—75**

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

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—75**

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

**NOES—None**

Bill ordered transmitted to the Senate immediately.

**At 9:53 a.m., Speaker pro Tempore Fred Keeley, 27th District, presiding**

**RECESS**

By unanimous consent, at 9:54 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 11:28 a.m., the Assembly reconvened.

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

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

Upon request of Assembly Member Shelley, Assembly Member Wright was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 3.

**ASSEMBLY BILL NO. 3 (Wright)**—An act to add Section 739.4 to the Public Utilities Code, relating to public utilities, 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—74**

Alquist	Daucher	Liu	Salinas
Ashburn	Diaz	Longville	Shelley
Bates	Dickerson	Lowenthal	Simitian
Bogh	Dutra	Maddox	Steinberg
Briggs	Firebaugh	Maldonado	Strickland
Calderon	Florez	Matthews	Strom-Martin
Campbell, Bill	Frommer	Migden	Thomson
Campbell, John	Goldberg	Mountjoy	Vargas
Canciamilla	Harman	Nakano	Washington
Cardenas	Havice	Nation	Wayne
Cardoza	Hollingsworth	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	Runner	

**NOES—None**

Above bill ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)****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. 28 and Urgency:** Firebaugh—Aye.

**Assembly Bill No. 3, Concurrence:** Firebaugh, Florez, and Maldonado—Aye.

**RECESS**

By unanimous consent, at 11:29 a.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**MESSAGES FROM THE SENATE**

Senate Chamber, May 10, 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. 28

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

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 10, 2001

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

Assembly Bill No. 3

And reports the same correctly enrolled, and presented to the Governor on the 10th day of May, 2001, at 3:45 p.m.

E. DOTSON WILSON, Chief Clerk

**ADJOURNMENT**

At 3:45 p.m., the Assembly adjourned until 11 a.m., Monday, May 14, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 10, 2001**

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

**SB   RN**

28 0113379

39 0113573

**Daily Total:           2**

**Cumulative Total:   151**

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