

CALIFORNIA LEGISLATURE
2001-02 SECOND EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, May 21, 2001
FIFTH SESSION DAY
EIGHTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



(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 21, 2001

The Assembly met at 11:07 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 following were placed upon the morning roll call—76:

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
Cedillo	Jackson	Negrete McLeod	Wayne
Chan	Keeley	Oropeza	Wesson
Chavez	Kehoe	Pacheco, Robert	Wiggins
Chu*	Kelley	Pacheco, Rod	Wright
Cogdill	Koretz	Papan	Wyland
Cohn	La Suer	Pavley	Wyman
Corbett	Leach	Pescetti	Zettel
Correa	Leonard	Reyes	Mr. Speaker

Quorum present.

(*NOTE: Assembly Member Chu took and subscribed to the Oath of Office on this day, at 11:25 a.m. in the Regular Session.)

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

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

Because of illness: Assembly Members Aroner, Cardoza, Florez, and Horton.

COMMUNICATIONS

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

May 21, 2001

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

Re: Assembly Housing and
Community Development Committee

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Housing and Community Development Committee for the 2001–02 Second Extraordinary Session:

Assemblymember Alan Lowenthal, Chair
Assemblymember Dennis Mountjoy, Vice Chair
Assemblymember Dave Cogdill
Assemblymember Rebecca Cohn
Assemblymember John Dutra
Assemblymember Christine Kehoe
Assemblymember George Runner
Assemblymember Simon Salinas
Assemblymember Howard Wayne

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

May 21, 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 the following members to the Assembly Natural Resources Committee for the 2001–02 Second Extraordinary Session:

Assemblymember Howard Wayne, Chair
Assemblymember Dennis Hollingsworth, Vice Chair
Assemblymember Dick Dickerson
Assemblymember Tom Harman
Assemblymember Hannah-Beth Jackson
Assemblymember Fred Keeley
Assemblymember Alan Lowenthal
Assemblymember Gloria Negrete McLeod
Assemblymember Carole Migden
Assemblymember Fran Pavley
Assemblymember Phil Wyman

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

May 21, 2001

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

Re: Environmental Safety and Toxic Materials Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Judy Chu to replace Assemblymember John Longville on the Environmental Safety and Toxic Materials Committee for the 2001–02 Regular Session and Second Extraordinary Session.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

May 21, 2001

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

Re: Assembly Revenue and Taxation Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Herb Wesson to replace Assemblymember Dion Aroner on the Assembly Revenue and Taxation Committee for today's hearing only.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

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

**ADVANCE UNOFFICIAL ELECTION RETURNS
49TH ASSEMBLY DISTRICT**

**SPECIAL PRIMARY ELECTION
MAY 15, 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, 49th District*
Special Primary Election, May 15, 2001
SEMI FINAL OFFICIAL CANVASS

County Name	Registered Voters	Kim Goldsworthy	Daniel R. Arguello	Robert Miranda	Judy Chu**
Los Angeles	142,533	Lib	Dem	Dem	Dem
%		514	6,958	1,097	12,101
		2.49%	33.66%	5.31%	58.54%
District Total	142,533	514	6,958	1,097	12,101
%		2.49%	33.66%	5.31%	58.54%

Ballots Cast	Precincts Reporting
Los Angeles	Los Angeles
	108
Total	of
21,068	108
14.78%	Total
	108

* Vacancy resulting from the Gloria Romero elected to the 24th Senate District.

** Elected

CERTIFICATE OF ELECTION

The following Certificate of Election was presented, read by the Clerk, 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 Primary Election held on the 15th day of May, 2001, and the statement of the result thereof on file in my office,

JUDY CHU

was elected by the majority of the voters of the
49th State Assembly District to serve as the
California State Assembly Member, District 49
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 16th day
of May, 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
49th Assembly District

I, Judy Chu, 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.

JUDY CHU

Subscribed and sworn to before me,
this 21st day of May
A.D. 2001

ROBERT M. HERTZBERG
Speaker of the Assembly

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 34—Briggs. An act to add and repeal Section 380 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 35—Vargas. An act to add and repeal Chapter 7 (commencing with Section 80272) of Division 27 of the Water Code, relating to electric power.

ASSEMBLY BILL NO. 36—Vargas. An act to add and repeal Section 739.21 of the Public Utilities Code, relating to rate credits.

ASSEMBLY BILL NO. 37—Vargas. An act to add and repeal Section 779.3 of the Public Utilities Code, relating to public utilities.

ASSEMBLY BILL NO. 38—Matthews and Cardoza (Coauthors: Canciamilla, Dickerson, and Zettel). An act to add Section 625.5 to the Public Utilities Code, relating to natural gas, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 39—Florez. An act to add Section 2773.7 to the Public Utilities Code, relating to electric power.

ASSEMBLY BILL NO. 40—Florez (Coauthors: Leslie, Pescetti, and Wiggins). An act to add Section 2774.7 to the Public Utilities Code, relating to electric power.

ASSEMBLY BILL NO. 41—Leslie. An act to add and repeal Section 11093.5 of the Government Code, relating to state agencies.

ASSEMBLY BILL NO. 42—Kelley and Bates (Coauthors: Correa, Daucher, Robert Pacheco, and Zettel). An act to add Section 743.2 to the Public Utilities amend Section 80110 of, and to add Section 80111 to, the Water Code, relating to electricity.

ASSEMBLY BILL NO. 43—Harman. An act to add Chapter 5.4 (commencing with Section 25438) to Division 15 of the Public Resources Code, to add Section 399.45 to the Public Utilities Code, and to amend Sections 17052.12, 17053.49, 23609, and 23649 of, to add Sections 17053.60, 17053.61, 17053.62, 17053.63, 23660, 23662, and 23663 to, and to add and repeal Sections 17053.84 and 23684 of, the Revenue and Taxation Code, relating to energy, and making an appropriation therefor.

ASSEMBLY BILL NO. 44—Alquist. 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. An act to add Chapter 6.7 (commencing with Section 25560) to Division 15 of the Public Resources Code, relating to energy resources.

ASSEMBLY BILL NO. 45—Cohn and Diaz. An act to amend Section 25555 of the Public Resources Code, relating to energy resources, and making an appropriation therefor.

ASSEMBLY BILL NO. 46—Rod Pacheco and Bogh. An act to add Section 743.2 to the Public Utilities Code, relating to public utilities.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 3—Alquist. Relative to electricity blackouts.

ASSEMBLY CONCURRENT RESOLUTION NO. 4—Cohn, Salinas, Alquist, Diaz, and Dutra (Coauthors: Ashburn, Calderon, Bill Campbell, Canciamilla, Cardoza, Cedillo, Corbett, Correa, Cox, Firebaugh, Florez, Frommer, Hertzberg, Horton, Keeley, Kelley, La Suer, Leonard, Lowenthal, Maddox, Matthews, Mountjoy, Negrete McLeod, Oropeza, Robert Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, and Wyman). Relative to Metcalf Energy Center.

MESSAGES FROM THE SENATE

Senate Chamber, May 17, 2001

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

Senate Bill No. 1
Senate Bill No. 17

Senate Bill No. 33
Senate Bill No. 39

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

Senate Chamber, May 17, 2001

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

Senate Concurrent Resolution No. 1

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

Senate Chamber, May 17, 2001

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

Senate Joint Resolution No. 1

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

FIRST READING OF SENATE BILLS

The following bills were read the first time:

SENATE BILL NO. 1—An act to amend Section 19221 of, to add Section 17052.75 to, and to add Part 14.5 (commencing with Section 33001) to Division 2 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

SENATE BILL NO. 17—An act to add and repeal Sections 17053.84 and 23684 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

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.

The following resolutions were read:

SENATE CONCURRENT RESOLUTION NO. 1—Relative to the Joint Rules for the 2001–02 Second Extraordinary Session.

SENATE JOINT RESOLUTION NO. 1—Relative to daylight saving time.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly

Bill No.

Committee

17 -----	Nat. Res. and E.C. & A.
18 -----	Rls.
19 -----	Rls.
20 -----	E.C. & A.
21 -----	Rls.
22 -----	Nat. Res. and E.C. & A.
23 -----	Rls.
24 -----	Rls.
25 -----	H. & C.D. and Rev. & Tax.
26 -----	Rls.
27 -----	Rls.
28 -----	Rls.
29 -----	Rls.

30	-----	Rls.
31	-----	Rls.
32	-----	Rev. & Tax.
33	-----	E.C. & A.

Senate

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

REPORTS OF STANDING COMMITTEES

Committee on Rules

Date of Hearing: May 21, 2001

Mr. Speaker: Your Committee on Rules reports:

Assembly Bill No. 18	Assembly Bill No. 27
Assembly Bill No. 19	Assembly Bill No. 28
Assembly Bill No. 23	Assembly Bill No. 30
Assembly Bill No. 24	Assembly Bill No. 31
Assembly Bill No. 26	

With recommendation: Do pass, pursuant to Assembly Rule 51.3.

HERTZBERG, Chairman

Above bills ordered to second reading.

Date of Hearing: May 21, 2001

Mr. Speaker: Your Committee on Rules reports:

Assembly Bill No. 21
Assembly Bill No. 29

With recommendation: That the bill be re-referred to the Committee on Appropriations, pursuant to Assembly Rule 51.3.

HERTZBERG, Chairman

Above bill re-referred to the Committee on Appropriations.

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

ASSEMBLY BILL NO. 1—An act to add Article 9 (commencing with Section 22200) to Chapter 1 of Part 5 of Division 11 of the Water Code, relating to energy.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 4—An act to add Section 2774.5 to the Public Utilities Code, relating to electric power, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 9—An act to amend Sections 331, 366, and 381 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 10—An act to add Section 25525.3 to the Public Resources Code, relating to electrical generation, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 11—An act to add Section 9601.5 to the Public Utilities Code, relating to electricity, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 21, 2001

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

Assembly Bill No. 1

Assembly Bill No. 10

Assembly Bill No. 4

Assembly Bill No. 11

Assembly Bill No. 9

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

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