

CALIFORNIA LEGISLATURE
2001-02 SECOND EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, May 29, 2001
TENTH SESSION DAY
SIXTEENTH 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
Tuesday, May 29, 2001

The Assembly met at 11:19 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—73:

| | | | |
|----------------|---------------|-----------------|--------------|
| Aanestad | Dickerson | Longville | Salinas |
| Alquist | Dutra | Lowenthal | Shelley |
| Aroner | Firebaugh | Maddox | Simitian |
| Ashburn | Frommer | Maldonado | Steinberg |
| Bogh | Goldberg | Matthews | Strickland |
| Calderon | Harman | Migden | Strom-Martin |
| Campbell, John | Havice | Mountjoy | Thomson |
| Canciamilla | Hollingsworth | Nakano | Vargas |
| Cardenas | Horton | Nation | Washington |
| Cardoza | Jackson | Negrete McLeod | Wayne |
| Cedillo | Keeley | Oropeza | Wesson |
| Chavez | Kehoe | Pacheco, Robert | Wiggins |
| Chu | Kelley | Pacheco, Rod | Wright |
| Cogdill | Koretz | Papan | Wyland |
| Cohn | La Suer | Pavley | Wyman |
| Correa | Leach | Pescetti | Zettel |
| Cox | Leonard | Reyes | |
| Daucher | Leslie | Richman | |
| Diaz | Liu | 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, You taught us to love our enemies and to pray for those who persecute us. Lord, We pray that You forgive those who treat us unjustly and speak out against us, and that You bless them and guide them according to Your will. Take away any bitterness we may have in our hearts against them. Lord, may Your forgiveness, goodness and love be revealed in all of us to Your praise and glory.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Keeley, Assembly Member Hollingsworth 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 Vargas, seconded by Assembly Member Strickland.

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 Members Bates, Briggs, Bill Campbell, Chan, Corbett, and Hertzberg.

Because of illness in his family: Assembly Member Florez.

(NOTE: For explanations of absences of Assembly Members Bates, Briggs, Chan, Corbett, and Hertzberg on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day; for explanation of absence of Assembly Member Bill Campbell see the Assembly Journal for the Regular Session for May 25, 2001.)

REFERENCE OF BILLS TO COMMITTEE

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

| <i>Assembly Bill No.</i> | <i>Committee</i> |
|------------------------------|--------------------|
| 48 ----- | Rls. |
| 49 ----- | E.C. & A |
| 50 ----- | Rls. |
| 51 ----- | Jud. and E.C. & A. |
| 52 ----- | Rev. & Tax |
| 53 ----- | Rls. |
| 54 ----- | Rls. |

CONSIDERATION OF DAILY FILE
THIRD READING OF ASSEMBLY BILLS (RESUMED)

ASSEMBLY BILL NO. 18 (Goldberg)—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 third time.

Motion to Amend

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

Assembly Rule 69(d) Suspended

Upon request of Assembly Member Shelley, Assembly Member Goldberg was granted unanimous consent that Assembly Rule 69(d) be suspended to permit consideration of Assembly Bill No. 18, as amended, without reference to file.

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

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—72

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

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—72

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

NOES—None

Bill ordered transmitted to the Senate immediately.

ASSEMBLY BILL NO. 27 (Lowenthal)—An act relating to energy, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—72

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

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—72

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

NOES—None

Vote Changes

By unanimous consent, the following vote change was permitted on the urgency clause to Assembly Bill No. 27, and on passage of the bill: Assembly Member Horton, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

ASSEMBLY BILL NO. 42 (Kelley)—An act to amend Section 80110 of, and to add Section 80111 to, the Water Code, relating to electricity.

Bill read third time, and passed by the following vote:

AYES—70

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

NOES—None

Bill ordered transmitted to the Senate.

RECESS

By unanimous consent, at 11:26 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 11:41 a.m., the Assembly reconvened.

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

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

ASSEMBLY BILL NO. 9 (Migden)—An act to amend Section 331, 366, and 381 of the Public Utilities Code, relating to public utilities.

Bill read third time, and passed by the following vote:

AYES—71

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

NOES—1

Mountjoy

Bill ordered transmitted to the Senate.

JOINT RULE 62(a) WAIVED

Assembly Member Migden was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of hearing the following bills on the Suspense File in the Committee on Appropriations, on Thursday, May 31, 2001:

Assembly Bills Nos. 64, 2, 14, 16, 21, 29, and 38.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items:

Assembly Bill No. 18 and Urgency: Ashburn, Cedillo, Jackson, Longville, Maddox, Rod Pacheco, Simitian, Thomson, and Washington—Aye.

Assembly Bill No. 27 and Urgency: Ashburn, Havice, Jackson, Longville, Maddox, Oropeza, Simitian, Washington, and Wyman—Aye.

Assembly Bill No. 42: Ashburn, Maddox, Rod Pacheco, Simitian, and Washington—Aye.

Assembly Bill No. 9: Cedillo, Jackson, Leach, Maddox, Rod Pacheco, and Washington—Aye.

RECESS

By unanimous consent, at 11:46 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Date of Hearing: May 29, 2001

Mr. Speaker: Your Committee on Rules reports:

Assembly Bill No. 48

Assembly Bill No. 53

Assembly Bill No. 54

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

CARDOZA, Chairman

Above bills ordered to second reading.

Date of Hearing: May 29, 2001

Mr. Speaker: Your Committee on Rules reports:

Assembly Bill No. 50

With recommendation: That the bill be re-referred to the Committee on Energy Costs and Availability, pursuant to Assembly Rule 51.3.

CARDOZA, Chairman

Above bills re-referred to the Committee on Energy Costs and Availability.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 1:30 p.m., Wednesday, May 30, 2001, or upon Call of the Speaker.

FRED KEELEY, Speaker pro Tempore

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MAY 29, 2001**

The following measure was amended in the Assembly on this day:

AB RN

18 0114603

Daily Total: 1

Cumulative Total: 4

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