

CALIFORNIA LEGISLATURE
2001-02 SECOND EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, September 4, 2001
FIFTY-SECOND SESSION DAY
ONE HUNDRED FOURTEENTH 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, September 4, 2001

The Assembly met at 2:36 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—80:

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

PRAYER

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

Thomas Paine commented on the difference between our reputation and our character. He said that “Reputation is what men and women think of us; character is what God and the angels know of us.”

As difficult as it is to live a life in the public eye, it may be more difficult to have to create a public façade of who we appear to be. Because no one wants to see their flaws in public, it is tempting to construct an image, or a reputation as Thomas Paine calls it, of what we think people want us to be.

But, our character is the thing we live within. Our character is what we see when we look at our own reflection. And it is ultimately by our character, and not our reputation, that we will be judged by God, history, and ourselves.

May it be the will of the Creator that our public and private selves live in harmony with one another.—AMEN.

At 11:20 a.m., Hon. Tony Cardenas, 39th District, presiding

PRESENTATION OF COLORS

Acting Speaker Cardenas introduced the members of the Veterans of Foreign Wars Robert G. Morton Post 3834 of San Fernando: Captain Hector Lelong, Mr. John Serrano, Mr. Hector Herrera, Mr. Tommy Traba, and Mr. Fito Magdaleno.

The Presentation of Colors was followed by the Pledge of Allegiance to the Flag led by Assembly Member Nakano.

MOMENT OF SILENCE

Acting Speaker Cardenas was joined by the Members of the Assembly in observing a moment of silence in honor of all veterans who have sacrificed for their country.

At 11:23 a.m., Speaker pro Tempore Keeley, 27th District, presiding

REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, September 4, 2001

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(9), (a)(10) and (a)(11) as it relates to Senate Bills Nos. 532 and 1055.

RODERICK WRIGHT

Above request ordered transmitted to the Committee on Rules.

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

SENATE BILL NO. 1—An act to amend Section 314 of the Public Utilities Code, and 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.

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

JOINT RULE 62(a) WAIVED

Assembly Member Migden was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bills Nos. 52 and 60 for hearing in the Committee on Appropriations on Thursday, September 6, 2001.

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

ASSEMBLY BILL NO. 2 (Corbett)—An act to add and repeal Part 12 (commencing with Section 28001) of Division 2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time.

Motion to Amend

Assembly Member Corbett moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

ASSEMBLY BILL NO. 65 (Cardoza)—An act to add Sections 2120, 2121, and 2122 to the Public Utilities Code, relating to fuel.

Bill read third time.

Motion to Amend

Assembly Member Cardoza moved the adoption of amendments.

Amendments read.

Motion to Re-refer Assembly Bill No. 65 to Committee

Assembly Member John Campbell moved that Assembly Bill No. 65 be re-referred to the Committee on Energy Costs and Availability.

Assembly Member Runner seconded the motion.

Parliamentary Inquiry

Assembly Member Wayne arose to the following parliamentary inquiry:

Inasmuch as the amendments to Assembly Bill No. 65 have not been adopted, is the motion to re-refer to committee in order?

Reply by Assistant Speaker pro Tempore Kehoe

The Assistant Speaker pro Tempore replied that the motion to re-refer to committee is in order while amendments are pending.

The question being on the John Campbell motion to re-refer Assembly Bill No. 65 to committee.

Motion lost by the following vote:

AYES—30

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

NOES—42

Alquist	Dutra	Lowenthal	Steinberg
Aroner	Firebaugh	Matthews	Thomson
Calderon	Florez	Mountjoy	Vargas
Cardenas	Frommer	Nakano	Washington
Cardoza	Goldberg	Nation	Wayne
Cedillo	Horton	Negrete McLeod	Wesson
Chan	Keeley	Oropeza	Wiggins
Chavez	Kehoe	Pavley	Wright
Chu	Koretz	Salinas	Mr. Speaker
Cohn	Liu	Shelley	
Diaz	Longville	Simitian	

The question being on the adoption of the Cardoza amendments to Assembly Bill No. 65.

Amendments adopted by the following vote:

AYES—39

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

NOES—27

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

Vote Changes

By unanimous consent, the following vote change was permitted on Assembly Bill No. 65: Assembly Member Maddox, from “No” to “Not Voting”.

Bill ordered reprinted, and to be returned to the third reading file.

CONSIDERATION OF CONSENT CALENDAR

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

Consent Calendar—Assembly Bills

ASSEMBLY BILL NO. 59 (Alquist)—An act to add Section 739.12 to, and to add and repeal Section 380.5 of, the Public Utilities Code, relating to public utilities.

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

AYES—80

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

NOES—None

Bill ordered transmitted to the Senate.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Wright announced that the Committee on Energy Costs and Availability would meet today, upon adjournment of Appropriations Committee, in Room 437.

VOTE ADDS

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

Assembly Bill No. 65, John Campbell Motion to Re-refer: Nation—No.

Assembly Bill No. 65, Motion to Amend: Wyland—No.

Consent Calendar: Cedillo and Havice—Aye.

RECESS

By unanimous consent, at 2:59 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

REPORTS OF STANDING COMMITTEES
Committee on Revenue and Taxation

Date of Hearing: August 30, 2001

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Senate Bill No. 75

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

CORBETT, Chairwoman

Above bill ordered to second reading.

Committee on Appropriations

Date of Hearing: August 29, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 86

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

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: September 4, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 78

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

MIGDEN, Chairwoman

Above bill ordered to second reading.

ADJOURNMENT

At 5:40 p.m., the Assembly adjourned until 9 a.m., Wednesday, September 5, 2001 or upon Call of the Speaker.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON SEPTEMBER 4, 2001**

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

AB RN

2 0120921

65 0120853

SB RN

1 0120743

Daily Total: 3**Cumulative Total: 61**

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