

CALIFORNIA LEGISLATURE
2001-02 SECOND EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, September 10, 2001
FIFTY-FIFTH SESSION DAY
ONE HUNDRED TWENTIETH 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, September 10, 2001

The Assembly met at 12:07 p.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—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:

Bill Moyers has observed that “Ideas are great arrows, but there has to be a bow. And politics is the bow of idealism.”

Sadly, too many today view being politically minded as synonymous with being cynically pragmatic. But this institution has been blessed by idealists who strive daily, often at the price of exhausting hours and personal sacrifices, to protect and promote the rights and welfare of their fellow citizens.

They bring integrity to the act of governing by holding fast to the passionate ideals that first brought them to their calling as public servants. All who have done this are to be celebrated for seeking to use the levers of politics to serve something larger than themselves.

May the Holy One of Blessing grant our efforts the enthusiasm of youth and the tempered wisdom of experience. May this be God’s will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Keeley, Assembly Member Harman 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 Shelley, seconded by Assembly Member Cox.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, September 10, 2001

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

Assembly Bill No. 84

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

Assembly Chamber, September 10, 2001

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

Assembly Bill No. 2

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

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

ASSEMBLY BILL NO. 69 (Bogh)—An act to add and repeal Sections 8571.5 and 8571.6 to the Government Code, relating to public health emergency conditions.

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.

SENATE BILL NO. 64 (Costa)—An act to amend Section 1103 of the Food and Agricultural Code, 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—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

The question being on the passage of the bill:

Bill 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.

(NOTE: Later this day, the action was rescinded whereby the urgency clause was adopted and Senate Bill No. 64 was passed, and the bill ordered transmitted to the Senate. See page 343.)

SENATE BILL NO. 84 (Burton)—An act to add Section 25403.8 to the Public Resources Code, and to amend Section 21800 of the Vehicle Code, relating to energy, 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—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

The question being on the passage of the bill.

Bill 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.

RECESS

By unanimous consent, at 12:10 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 4:17 p.m., the Assembly reconvened.

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

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

ASSEMBLY BILL NO. 2 (Corbett)—An act to add and repeal Sections 6399, 17052.48, and 23648 of, and 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.

Point of Order

Assembly Member Goldberg arose to the following point of order:

Assembly Member Strickland is not limiting debate to the merits of Senate Bill No. 734.

Ruling by Assistant Speaker pro Tempore Kehoe

The Assistant Speaker pro Tempore ruled the point of order not well-taken.

The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Corbett moved a call of the Assembly.

Motion carried. Time, 4:59 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

RE-REFERENCE OF BILLS

Assembly Member Vargas was granted unanimous consent that Senate Bill No. 82 be re-referred from the Committee on Business and Professions to the Committee on Energy Costs and Availability.

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

ASSEMBLY BILL NO. 86 (Florez)—An act to amend Sections 60022 and 60023 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

AYES—72

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

NOES—1

Briggs

Bill ordered transmitted to the Senate.

RECESS

By unanimous consent, at 5:03 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 5:56 p.m., the Assembly reconvened.

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

ACTION RESCINDED ON SENATE BILL NO. 64

Assembly Member Cardoza was granted unanimous consent to rescind the action whereby the Assembly, earlier (Assembly Journal, page 341), passed Senate Bill No. 64, and whereby the bill was ordered transmitted to the Senate.

RECESS

By unanimous consent, at 5:56 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 7:08 p.m., the Assembly reconvened.

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON
ASSEMBLY BILL NO. 2**

At 7:09 p.m., on motion of Assembly Member Corbett, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 2 refused passage by the following vote:

AYES—34

Alquist	Corbett	Longville	Steinberg
Aroner	Diaz	Lowenthal	Strom-Martin
Cardenas	Firebaugh	Migden	Thomson
Cardoza	Goldberg	Negrete McLeod	Vargas
Cedillo	Havice	Oropeza	Wesson
Chan	Jackson	Pavley	Wiggins
Chavez	Keeley	Reyes	Mr. Speaker
Chu	Kehoe	Salinas	
Cohn	Koretz	Shelley	

NOES—32

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

Request to Rescind Action on Assembly Bill No. 2

Assembly Member Shelley requested unanimous consent to rescind the action whereby Assembly Bill No. 2 refused passage.

Assembly Member Leonard withheld unanimous consent.

Motion to Rescind Action on Assembly Bill No. 2

Assembly Member Shelley moved to rescind the action whereby Assembly Bill No. 2 was refused passage.

Assembly Member Chan seconded the motion.

Parliamentary Inquiry

Assembly Member Leonard arose to the following parliamentary inquiry:

Would a motion to reconsider not be the proper motion at this time?

Reply by Assistant Speaker pro Tempore Kehoe

The Assistant Speaker pro Tempore replied that a motion to rescind action as it relates to Assembly Bill No. 2 is before the Body at this time.

**Further Consideration of Shelley
Motion to Rescind Action on
Assembly Bill No. 2**

The question being on the Shelley motion to rescind the vote whereby Assembly Bill No. 2 refused passage.

Motion carried by the following vote:

AYES—48

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

NOES—28

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

VOTE ADDS

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

Assembly Bill No. 86: Corbett, Daucher, Horton, Simitian, Steinberg, and Wiggins—Aye; Briggs—No.

Assembly Bill No. 2, Shelley Motion to Rescind: Strickland—No.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Wright announced that the Committee on Energy Costs and Availability would meet today, upon adjournment of Floor session, in Room 4202.

RECESS

By unanimous consent, at 7:17 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

ADJOURNMENT

At 9:32 p.m., the Assembly adjourned until 10 a.m., Tuesday, September 11, 2001.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk