

CALIFORNIA LEGISLATURE
2001-02 SECOND EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, September 13, 2001
FIFTY-SEVENTH SESSION DAY
ONE HUNDRED TWENTY-THIRD 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
Thursday, September 13, 2001

The Assembly met at 12 noon.

Hon. Robert M. Hertzberg, Speaker 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 |

Quorum present.

PRAYER

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

O Lord, Grant that Your Spirit may permeate every sphere of human thought and activity. Let those who believe in You, take with them into their daily work, the values of Your Kingdom, the insights of Your word and the love of their neighbor. Hasten the time when justice and brotherhood shall be established and when all men shall be brought into unity through You.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Goldberg 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 Mountjoy, seconded by Assembly Member Cox.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, September 13, 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.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Shelley was granted unanimous consent that all bills reported from committees today be taken up without reference to file for purpose of second reading and adoption of any committee amendments and that the bills be ordered to the third reading file or First Day Consent Calendar for the next legislative day.

MESSAGES FROM THE SENATE

Senate Chamber, September 13, 2001

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

Assembly Bill No. 48

Assembly Bill No. 61

And respectfully requests the Assembly to concur in said amendments.

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

Above bills ordered to unfinished business file.

Senate Chamber, September 13, 2001

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

Assembly Bill No. 9

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

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

ASSEMBLY BILL NO. 49—An act to add Section 2771.1 to 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.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 2—An act to amend Sections 382, 739.1, and 2790 of, and to add Sections 382.1 and 386 to, the Public Utilities Code, relating to public utilities

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

SENATE BILL NO. 39—An act to amend Sections 216, 228.5, and 362 of, and to add and repeal Section 761.3 of, the Public Utilities Code, relating to public utilities.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 75—An act to amend Section 17073 of, and to add Section 17208.1 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time, and ordered to Consent Calendar.

ACTION RESCINDED ON SENATE BILL NO. 64

Assembly Member Vargas was granted unanimous consent to rescind the action whereby on September 13, 2001 (Assembly Journal, page ____), Senate Bill No. 64 was read a third time, amendments to the bill read and adopted and the bill ordered reprinted and to be returned to the third reading file.

**RE-REFERENCE OF BILLS TO COMMITTEE PURSUANT TO
ASSEMBLY RULE 77.2**

Pursuant to Assembly Rule 77.2, the Speaker re-referred Senate Bill No. 64 to the Committee on Energy Costs and Availability.

(NOTE: Later this day, the action was rescinded whereby Senate Bill No. 64 was re-referred to the Committee on Energy Costs and Availability pursuant to Assembly Rule 77.2.)

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

SENATE BILL NO. 1 (Soto)—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 third time, and presented by Assembly Member Reyes.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 2:22 p.m.

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

RECESS

By unanimous consent, at 2:23 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 6:18 p.m., the Assembly reconvened.

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

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 28 (Migden)—An act to amend Section 335 of, and to add and repeal Sections 341.6, 342, and 9613 of, the Public Utilities Code, relating to public utilities.

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—47

| | | | |
|-------------|-----------|----------------|--------------|
| Aalquist | Correa | Koretz | Salinas |
| Aroner | Diaz | Liu | Shelley |
| Calderon | Dutra | Longville | Simitian |
| Canciamilla | 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 | |

NOES—30

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

Above bill ordered enrolled.

ASSEMBLY BILL NO. 57 (Wiggins)—An act to amend Section 11652 of the Public Utilities Code, relating to public utilities.

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—50

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

NOES—26

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

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE BILL NO. 1**

At 6:18 p.m., on motion of Assembly Member Reyes, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 1 refused passage by the following vote:

AYES—30

| | | | |
|---------|-----------|----------------|--------------|
| Alquist | Frommer | Lowenthal | Strom-Martin |
| Aroner | Goldberg | Migden | Thomson |
| Cardoza | Havice | Negrete McLeod | Vargas |
| Cedillo | Jackson | Pavley | Wesson |
| Chavez | Keeley | Reyes | Wiggins |
| Chu | Kehoe | Salinas | Mr. Speaker |
| Cohn | Koretz | Shelley | |
| Correa | Longville | Steinberg | |

NOES—30

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

**Motion to Reconsider Senate Bill No. 1
on Next Legislative Day**

Assembly Member Reyes moved to reconsider on the next legislative day the vote whereby Senate Bill No. 1 was this day refused passage.

Senate Bill No. 1 ordered to the unfinished business file.

ACTION RESCINDED ON RE-REFERENCE OF SENATE BILL NO. 64

Assembly Member Shelley was granted unanimous consent to rescind the action whereby earlier this day (Assembly Journal, page____), Senate Bill No. 64 was re-referred to the Committee on Energy Costs and Availability pursuant to Assembly Rule 77.2.

RECESS

By unanimous consent, at 6:24 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 10:36 p.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 Migden was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 9, without reference to file.

ASSEMBLY BILL NO. 9 (Migden)—An act to amend Sections 331 and 366 of, and to add Section 381.1 to, the Public Utilities Code, relating to public utilities.

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—71

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

NOES—None

Above bill ordered enrolled.

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 Bill No. 87 and Senate Bills Nos. 2, 17, and 82 for hearing in the Committee on Appropriations, today.

RECESS

By unanimous consent, at 10:38 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**One Hundred Twenty-Fourth Calendar Day
AT SACRAMENTO, CALIFORNIA**

Assembly Chamber, September 14, 2001

At 12:35 a.m.

Assistant Speaker pro Tempore Kehoe, presiding.

RECONVENED

At 12:35 a.m., the Assembly reconvened.

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

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Date of Hearing: September 13, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 82

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

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: September 13, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 2

Senate Bill No. 17

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: September 13, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 87

With the recommendation: Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above bill ordered to second reading.

SECOND READING OF BILLS BY UNANIMOUS CONSENT

Pursuant to unanimous consent granted earlier this day, the following bills were taken up by unanimous consent for purpose of second reading and adoption of committee amendments and the bills ordered to the third reading file or First Day Consent Calendar for the next legislative day.

SENATE BILL NO. 82—An act to add Section 14684 to the Government Code, relating to solar energy.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

SENATE BILL NO. 2—An act to amend Sections 382, 739.1, and 2790 of, and to add Sections 382.1 and 386 to, the Public Utilities Code, relating to public utilities.

Bill read second time, and ordered to third reading.

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.

Bill read second time, and ordered to third reading.

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

ASSEMBLY BILL NO. 87—An act to add Section 454.5 to the Public Utilities Code, relating to public utilities.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be placed upon the Consent Calendar.

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

SENATE BILL NO. 18 (Burton)—An act to amend Sections 1731 and 1768 of the Public Utilities Code, and to amend Sections 80010, 80100, 80110, 80122, 80130, 80132, 80134, and 80200 of, and to add Section 80131 to, the Water Code, relating to electric power, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Wright.

Urgency Clause

Urgency clause read.

Demand for Previous Question

Assembly Members Vargas, Wyman, Cogdill, Cohn, and Negrete McLeod demanded the previous question. Demand sustained.

Senate Bill No. 18 Passed and Retained

By unanimous consent, Senate Bill No. 18 was passed on file, to retain its place on file.

VOTE ADDS

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

Assembly Bill No. 28, Concurrence: Keeley, Kehoe, and Simitian—Aye; Briggs and Daucher—No.

Assembly Bill No. 57, Concurrence: Daucher, Havice, and Nation—Aye; Ashburn, Bates, Briggs, and Maddox—No.

Senate Bill No. 1: Longville, Migden, and Wesson—Aye; Briggs and Zettel—No.

Assembly Bill No. 9, Concurrence: Bogh, Briggs, Chavez, Kelley, Leach, Richman, Wiggins, and Wyland—Aye.

RECESS

By unanimous consent, at 12:59 a.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

REFERENCE OF BILLS TO COMMITTEE

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

| <i>Senate</i> | | <i>Committee</i> |
|-----------------|-------|------------------|
| <i>Bill No.</i> | | |
| 27 | ----- | E.C. & A. |

ADJOURNMENT

At 1:15 a.m., the Assembly adjourned until 10:30 a.m., Friday, September 14, 2001.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON SEPTEMBER 13, 2001**

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

AB RN

87 0122726

SB RN

2 0122141

82 0122691

Daily Total: 3

Cumulative Total: 76

O