

CALIFORNIA LEGISLATURE
2001-02 SECOND EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Friday, September 14, 2001

FIFTY-EIGHTH SESSION DAY

ONE HUNDRED TWENTY-FOURTH 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
Friday, September 14, 2001

The Assembly met at 11:01 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—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:

In 1855 Walt Whitman spoke these words which still ring true today. He said: “The genius of the United States is not best or most in its executives nor legislatures nor in its ambassadors nor authors, nor colleges nor churches or parlors, nor even in its newspapers or inventors—but always most in the common people, south, north, west, east, in all its states, through all its mighty amplitude.”

This week we have seen the greatness of our nation. It lies not in our wealth nor in our power, nor in our tall buildings, but in our people. Our President has declared today to be a day of national prayer. We stand together, united as a single people, and we pray to God to care for the souls of those who were murdered, and we pray to God to continue to look over those courageous men and women who have been risking their own lives to rescue others, and we pray to God to bring comfort for those in mourning.

Let us take a moment of silence to add the prayers that are in our own hearts, to pray in our own way, with our words.

O God of all humanity, bless the inhabitants of our country with Your spirit, grant us a healing from our pain, peace within our borders and may we never take our freedom for granted. May this be God’s will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Keeley, Assembly Member Leonard 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 14, 2001

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

Assembly Bill No. 87

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to the Consent Calendar.

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS**

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 48 (Wright)—An act to amend Section 25619 of, and to add Chapter 5.1 (commencing with Section 25406) to Division 15 of, the Public Resources Code, and to add Section 9618 to the Unemployment Insurance Code, relating to energy.

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—79

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

NOES—1

La Suer

Above bill ordered enrolled.

ASSEMBLY BILL NO. 61 (Kehoe)—An act to amend Section 15356 of the Government Code, and to amend Sections 25433.5, 25434.5, 26003, and 26011.6 of the Public Resources Code, relating to energy resources.

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—79

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

NOES—1

La Suer

Above bill ordered enrolled.

UNFINISHED BUSINESS (RESUMED)

MOTION TO RECONSIDER SENATE BILL NO. 1 CONTINUED

By unanimous consent, the motion to reconsider the vote on Senate Bill No. 1 was continued until the next legislative day.

THIRD READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 49 (Dickerson)—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 third time.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES—75

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

NOES—1

La Suer

The question being on the passage of the bill.
Bill passed by the following vote:

AYES—75

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

NOES—1

La Suer

Vote Changes

By unanimous consent, the following vote change was permitted on the urgency clause to Assembly Bill No. 49, and on passage of the bill: Assembly Member La Suer, from "Aye" to "No".

Bill ordered transmitted to the Senate.

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

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

AYES—79

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

NOES—None

Bill ordered transmitted to the Senate.

SENATE BILL NO. 17 (Brulte)—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 third time, and passed by the following vote:

AYES—76

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

NOES—None

Bill ordered transmitted to the Senate.

RECESS

By unanimous consent, at 11:07 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 2:24 p.m., the Assembly reconvened.

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

CONSIDERATION OF CONSENT CALENDAR

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

Consent Calendar—Assembly Bill

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

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

CONSIDERATION OF CONSENT CALENDAR

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

Consent Calendar—Senate Bill

SENATE BILL NO. 75 (Ortiz)—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 third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

Consent Calendar Roll Call

The roll was called, and the above bills on the Consent Calendar passed, by the following vote:

AYES—77

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

NOES—None

RECESS

By unanimous consent, at 2:27 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 5:33 p.m., the Assembly reconvened.

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

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

SENATE BILL NO. 64 (Costa)—An act to amend Section 1103 of the Food and Agricultural Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—77

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

NOES—2

Cogdill La Suer

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—77

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

NOES—2

Cogdill La Suer

Vote Changes

By unanimous consent, the following vote change was permitted on the urgency clause to Senate Bill No. 64, and on passage of the bill: Assembly Member Aanestad, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

THIRD READING OF ASSEMBLY BILLS

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.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 5:47 p.m.

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

RECESS

By unanimous consent, at 5:48 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

RECONVENED

At 5:49 p.m., the Assembly reconvened.

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

**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 therefor, to take effect immediately.

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—59

Alquist	Cox	Leonard	Richman
Aroner	Diaz	Liu	Runner
Ashburn	Dickerson	Longville	Salinas
Bates	Dutra	Lowenthal	Shelley
Calderon	Firebaugh	Matthews	Simitian
Campbell, Bill	Florez	Migden	Strom-Martin
Canciamilla	Frommer	Nakano	Thomson
Cardoza	Goldberg	Nation	Vargas
Cedillo	Harman	Negrete McLeod	Washington
Chan	Havice	Oropeza	Wesson
Chavez	Horton	Pacheco, Robert	Wiggins
Cogdill	Jackson	Papan	Wright
Cohn	Kehoe	Pavley	Wyman
Corbett	Kelley	Pescetti	Mr. Speaker
Correa	Koretz	Reyes	

NOES—5

Bogh	Keeley	Wayne
Briggs	Pacheco, Rod	

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—59

Alquist	Cox	Leonard	Richman
Aroner	Diaz	Liu	Runner
Ashburn	Dickerson	Longville	Salinas
Bates	Dutra	Lowenthal	Shelley
Calderon	Firebaugh	Matthews	Simitian
Campbell, Bill	Florez	Migden	Strom-Martin
Canciamilla	Frommer	Nakano	Thomson
Cardoza	Goldberg	Nation	Vargas
Cedillo	Harman	Negrete McLeod	Washington
Chan	Havice	Oropeza	Wesson
Chavez	Horton	Pacheco, Robert	Wiggins
Cogdill	Jackson	Papan	Wright
Cohn	Kehoe	Pavley	Wyman
Corbett	Kelley	Pescetti	Mr. Speaker
Correa	Koretz	Reyes	

NOES—5

Bogh	Keeley	Wayne
Briggs	Pacheco, Rod	

Vote Changes

By unanimous consent, the following vote change was permitted on the urgency clause to Senate Bill No. 18, and on passage of the bill: Assembly Member Wiggins, from “No” to “Aye”.

Bill ordered transmitted to the Senate immediately.

SENATE BILL NO. 2 (Alarcón)—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 third time, and presented by Assembly Member Firebaugh.

Bill passed by the following vote:

AYES—51

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

NOES—28

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

Bill ordered transmitted to the Senate immediately.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
ASSEMBLY BILL NO. 65**

At 6:06 p.m., on motion of Assembly Member John Campbell, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 65 passed by the following vote:

AYES—44

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

NOES—31

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

Bill ordered transmitted to the Senate.

RECESS

By unanimous consent, at 6:06 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 6:48 p.m., the Assembly reconvened.

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

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

SENATE BILL NO. 39 (Speier)—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 third time, and presented by Assembly Member Migden.
The roll was opened.

Call of the Assembly

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

Motion carried. Time, 6:58 p.m.

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

RECESS

By unanimous consent, at 6:58 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 10:10 p.m., the Assembly reconvened.

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

MESSAGES FROM THE SENATE

Senate Chamber, September 14, 2001

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

Assembly Bill No. 26

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.

Senate Chamber, September 14, 2001

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

Assembly Bill No. 69

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.

Senate Chamber, September 14, 2001

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

Assembly Bill No. 21

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.

Senate Chamber, September 14, 2001

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

Assembly Bill No. 86

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.

Senate Chamber, September 14, 2001

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

Senate Concurrent Resolution No. 3

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

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 3—Relative to final adjournment of the 2001–02 Second Extraordinary Session of the Legislature.

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.

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, 10:25 p.m.

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

RECESS

By unanimous consent, at 10:32 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 11:24 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

Assembly Member Florez was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 86, without reference to file.

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

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—74

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

NOES—None

Above bill ordered enrolled.

**CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT
AND ASSEMBLY RULE 77 SUSPENDED**

Assembly Member Canciamilla was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 21, without reference to file.

ASSEMBLY BILL NO. 21 (Canciamilla)—An act to amend Section 625 of the Public Utilities Code, relating to energy.

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—74

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

**NOES—None
Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 21: Assembly Member Mountjoy, from “No” to “Not Voting”.

Above bill ordered enrolled.

CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT AND ASSEMBLY RULE 77 SUSPENDED

Assembly Member Bogh was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 69, without reference to file.

ASSEMBLY BILL NO. 69 (Bogh)—An act to add and repeal Sections 8571.5 and 8571.6 of the Government Code, relating to public health emergency conditions, and declaring the urgency thereof, to take effect immediately.

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.)

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—78

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

NOES—None

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—78

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

NOES—None

RECESS

By unanimous consent, at 11:44 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 2:08 a.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

Assembly Member Calderon was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 26 without reference to file.

ASSEMBLY BILL NO. 26 (Calderon)—An act to amend Section 32960 of the Financial Code, to amend Sections 25415 and 25443 of the Public Resources Code, and to amend Section 353.13 of the Public Utilities Code, relating to energy, and declaring the urgency thereof, to take effect immediately.

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.)

Urgency Clause

Urgency clause read.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 2:09 a.m.

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

RECESS

By unanimous consent, at 2:11 a.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 2:12 a.m., the Assembly reconvened.

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

CALL OF THE ASSEMBLY DISPENSED WITH ON SENATE BILL NO. 39

At 2:12 a.m., on motion of Assembly Member Migden, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

Call of the Assembly Continued

Pending the announcement of the vote, Assembly Member Migden moved to continue the call of the Assembly.

Motion carried. Time, 2:12 a.m.

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

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

At 2:13 a.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	Diaz	Lowenthal	Strom-Martin
Aroner	Firebaugh	Migden	Thomson
Cardenas	Goldberg	Negrete McLeod	Vargas
Cedillo	Havice	Oropeza	Washington
Chan	Jackson	Pavley	Wesson
Chavez	Keeley	Reyes	Wiggins
Chu	Kehoe	Salinas	Mr. Speaker
Cohn	Koretz	Shelley	
Corbett	Longville	Steinberg	

NOES—33

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

**Motion to Reconsider Assembly Bill No. 2
on Next Legislative Day**

Assembly Member Corbett moved to reconsider on the next legislative day the vote whereby Assembly Bill No. 2 was this day refused passage.

Assembly Bill No. 2 ordered to the unfinished business file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 26**

At 2:14 a.m., on motion of Assembly Member Calderon, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Assembly Bill No. 26 adopted by the following vote:

AYES—56

Alquist	Daucher	Koretz	Salinas
Aroner	Diaz	Leach	Shelley
Ashburn	Dutra	Longville	Simitian
Bates	Firebaugh	Lowenthal	Steinberg
Bogh	Florez	Maddox	Strom-Martin
Calderon	Frommer	Maldonado	Thomson
Campbell, Bill	Goldberg	Matthews	Vargas
Cardoza	Harman	Migden	Washington
Cedillo	Havice	Nakano	Wesson
Chavez	Hollingsworth	Negrete McLeod	Wiggins
Cogdill	Horton	Oropeza	Wright
Cohn	Keeley	Pacheco, Rod	Wyman
Corbett	Kehoe	Pescetti	Zettel
Correa	Kelley	Reyes	Mr. Speaker

NOES—11

Aanestad	Cox	Leslie	Strickland
Briggs	Dickerson	Mountjoy	Wyland
Campbell, John	Leonard	Runner	

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—56

Alquist	Daucher	Koretz	Salinas
Aroner	Diaz	Leach	Shelley
Ashburn	Dutra	Longville	Simitian
Bates	Firebaugh	Lowenthal	Steinberg
Bogh	Florez	Maddox	Strom-Martin
Calderon	Frommer	Maldonado	Thomson
Campbell, Bill	Goldberg	Matthews	Vargas
Cardoza	Harman	Migden	Washington
Cedillo	Havice	Nakano	Wesson
Chavez	Hollingsworth	Negrete McLeod	Wiggins
Cogdill	Horton	Oropeza	Wright
Cohn	Keeley	Pacheco, Rod	Wyman
Corbett	Kehoe	Pescetti	Zettel
Correa	Kelley	Reyes	Mr. Speaker

NOES—11

Aanestad	Cox	Leslie	Strickland
Briggs	Dickerson	Mountjoy	Wyland
Campbell, John	Leonard	Runner	

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE BILL NO. 39**

At 2:14 a.m., on motion of Assembly Member Migden, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 39 refused passage by the following vote:

AYES—35

Alquist	Diaz	Liu	Shelley
Aroner	Dutra	Longville	Simitian
Calderon	Firebaugh	Lowenthal	Steinberg
Cardenas	Goldberg	Migden	Strom-Martin
Cedillo	Havice	Nakano	Vargas
Chan	Jackson	Negrete McLeod	Wayne
Chavez	Keeley	Oropeza	Wiggins
Chu	Kehoe	Pavley	Mr. Speaker
Corbett	Koretz	Salinas	

NOES—36

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

**Motion to Reconsider Senate Bill No. 39
on Next Legislative Day**

Assembly Member Migden moved to reconsider on the next legislative day the vote whereby Senate Bill No. 39 was this day refused passage.

Senate Bill No. 39 ordered to the unfinished business file.

VOTE ADDS

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

Assembly Bill No. 48, Concurrence: Aanestad, Ashburn, Bates, Bogh, Briggs, Cardoza, Cedillo, Correa, Cox, Firebaugh, Florez, Frommer, Havice, Horton, Leslie, Maddox, Mountjoy, Nakano, Negrete McLeod, Rod Pacheco, Simitian, Thomson, Wesson, Wiggins, Wyland, Wyman, and Zettel—Aye.

Assembly Bill No. 61, Concurrence: Aanestad, Bates, Bogh, Briggs, Cardoza, Cedillo, Correa, Daucher, Firebaugh, Florez, Frommer, Havice, Horton, Leslie, Maddox, Mountjoy, Nakano, Negrete McLeod, Rod Pacheco, Simitian, Wesson, Wiggins, Wyland, Wyman, and Zettel—Aye; La Suer—No.

Assembly Bill No. 49 and Urgency: Aanestad, Bogh, Cardoza, Cedillo, Firebaugh, Florez, Frommer, Horton, Leslie, Maddox, Mountjoy, Nation, Negrete McLeod, Reyes, Rod Pacheco, Simitian, Wesson, Wiggins, and Wyman—Aye.

Senate Bill No. 82: Aanestad, Cardoza, Cedillo, Firebaugh, Florez, Frommer, Havice, Horton, Leslie, Maddox, Mountjoy, Nation, Rod Pacheco, Simitian, Wesson, Wyman, and Zettel—Aye.

Senate Bill No. 17: Aanestad, Cardoza, Cedillo, Firebaugh, Florez, Frommer, Havice, Horton, Leslie, Maddox, Mountjoy, Nation, Rod Pacheco, Simitian, Wesson, Wiggins, Wyman, and Zettel—Aye.

Consent Calendar: Cedillo, Havice, and Nation—Aye.

Senate Bill No. 64 and Urgency: Correa, Frommer, Harman, Havice, Jackson, Rod Pacheco, Pescetti, Runner, Simitian, Strom-Martin, Wyman, and Zettel—Aye.

Senate Bill No. 18 and Urgency: Aroner, Goldberg, Longville, and Runner—Aye; Bogh, Briggs, and Rod Pacheco—No.

Senate Bill No. 2: Alquist, Correa, Maldonado, and Simitian—Aye; Bates, Bogh, Briggs, Daucher, Dickerson, Leslie, Robert Pacheco, and Rod Pacheco—No.

Assembly Bill No. 65: Thomson—Aye; Rod Pacheco—No.

Assembly Bill No. 86, Concurrence: Bates, Cedillo, Daucher, Havice, Mountjoy, Nation, Strom-Martin, and Zettel—Aye.

Assembly Bill No. 21, Concurrence: Bates, Daucher, Dickerson, Koretz, and Nation—Aye.

Assembly Bill No. 69, Concurrence: Bates, Daucher, Koretz, Mountjoy, and Nation—Aye.

Assembly Bill No. 26, Concurrence: Leach—Aye.

MESSAGES FROM THE SENATE

Senate Chamber, September 14, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 2
Senate Bill No. 17
Senate Bill No. 18
Senate Bill No. 64

Senate Bill No. 75
Senate Bill No. 82
Senate Bill No. 84
Senate Bill No. 85

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

ADJOURNMENT

At 2:54 a.m., the Assembly adjourned until noon, January 7, 2002.

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk