

Volume 6

# Journal of the Assembly

Legislature of the State of California

2001–2002 Regular Session  
December 4, 2000 to November 30, 2002

2001–2002 First Extraordinary Session  
January 3, 2001 to May 14, 2001

2001–2002 Second Extraordinary Session  
May 14, 2001 to May 9, 2002

2001–2002 Third Extraordinary Session  
January 10, 2002 to May 2, 2002



HON. HERB J. WESSON, JR.  
Speaker

HON. FRED KEELEY  
Speaker pro Tempore

HON. KEVIN SHELLEY  
Majority Leader

HON. MARCO FIREBAUGH  
Majority Floor Leader

HON. CHRISTINE KEHOE  
Assistant Speaker pro Tempore

HON. DAVE COX  
Minority Floor Leader

E. DOTSON WILSON  
Chief Clerk of the Assembly

PAM CAVILEER  
Minute Clerk



# Volume 6

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CALIFORNIA LEGISLATURE  
2001-02 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, August 30, 2002**

**TWO HUNDRED SIXTIETH SESSION DAY  
SIX HUNDRED THIRTY-FIFTH CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**



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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.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Friday, August 30, 2002

The Assembly met at 11:30 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.

#### Quorum Call of the Assembly

Assembly Member Pescetti moved a quorum call of the Assembly.  
Motion carried. Time, 11:31 a.m.

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

#### Quorum Present

At 11:32 a.m., Speaker pro Tempore Keeley declared a quorum of the  
Assembly present.

The roll call was completed, and the following answered to their  
names—80:

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



**PRAYER**

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

*Almighty God, You have created us in Your own image and have given us a living soul, that we might seek You. Teach us to study Your word, that we may strengthen our reason for serving You. Enable us to drive away all noisy and perplexing thoughts that may mislead us or hinder us in the practice of our duties. Let us rejoice in the light of Your divine countenance, serving You with active zeal and humble confidence.—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 Pescetti, seconded by Assembly Member Vargas.

**REPORTS OF STANDING COMMITTEES****Committee on Education**

Date of Hearing: August 29, 2002

Mr. Speaker: Your Committee on Education reports:

Senate Bill No. 874

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

STROM-MARTIN, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: August 29, 2002

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 1299

With the recommendation: That the bill be re-referred to the Committee on Appropriations.

STROM-MARTIN, Chairwoman

Above bill re-referred to the Committee on Appropriations.

**Committee on Health**

Date of Hearing: August 29, 2002

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 523

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

THOMSON, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: August 29, 2002

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 1045

With the recommendation: That the Senate amendments be concurred in.

THOMSON, Chairwoman

Above bill ordered to unfinished business.

**Committee on Labor and Employment**

Date of Hearing: August 29, 2002

Mr. Speaker: Your Committee on Labor and Employment reports:

Assembly Bill No. 1677

With the recommendation: That the Senate amendments be concurred in.

KORETZ, Chairman

Above bill ordered to unfinished business.

**Committee on Utilities and Commerce**

Date of Hearing: August 29, 2002

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Assembly Bill No. 1234

With the recommendation: That the Senate amendments be concurred in.

WRIGHT, Chairman

Above bill ordered to unfinished business.

**Committee on Human Services**

Date of Hearing: August 30, 2002

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 2235

With the recommendation: That the Senate amendments be concurred in.

ARONER, Chairwoman

Above bill ordered to unfinished business.

**Committee on Water, Parks and Wildlife**

Date of Hearing: August 30, 2002

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Assembly Bill No. 858

With the recommendation: That the Senate amendments be concurred in.

CANCIAMILLA, Chairman

Above bill ordered to unfinished business file.

**Committee on Health**

Date of Hearing: August 30, 2002

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 424

Assembly Bill No. 843

Assembly Bill No. 1401

With the recommendation: That the Senate amendments be concurred in.

THOMSON, Chairwoman

Above bills ordered to unfinished business.

**REQUEST FOR PHOTOGRAPHER**

Assembly Members Leonard and Wesson were granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

**BILLS REMOVED FROM SPECIAL CONSENT CALENDAR**

The following bill was removed from the Consent Calendar, and placed on the unfinished business file, pursuant to Joint Rule 22.2:

**Assembly Bill No. 2944**, on request of Assembly Member Kehoe.

**CONSIDERATION OF DAILY FILE  
SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file:

**Senate Bills Nos. 807, 984, 1444, 1732, 2073, and 1523**, ordered to third reading.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 1592**—An act to add Chapter 6.5 (commencing with Section 1164) to Division 2 of the Labor Code, relating to agricultural labor relations.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 646**—An act to amend Section 1522.02 of the Health and Safety Code, relating to care facilities.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 2010**—An act to add and repeal Chapter 3.8 (commencing with Section 50199.70) of Part 1 of Division 31 of the Health and Safety Code, relating to community renewal, and declaring the urgency thereof, to take effect immediately.

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

**SENATE BILL NO. 1038**—An act to amend Sections 25620, 25620.1, 25620.2, 25620.3, 25620.5, 25620.7, 25620.8, 25648, 25648.4, and 25684 of, to add Section 25620.10 to, and to add and repeal Section 25620.9 of, the Public Resources Code, to amend Sections 381, 383.5, 394.25, and 445 of, to add Sections 383.6 and 2826.5 to, to add and repeal Section 2826.6 of, and to repeal and amend Section 399.7 of, the Public Utilities Code, relating to 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. 483**—An act to amend Sections 2796.5 and 21151.7 of, and to add Sections 2773.3, 2773.5, and 2797 to, and to repeal Section 21066.5 of, the Public Resources Code, relating to mining.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 1093**—An act to amend Section 115825 of, and add Section 115842 to, the Health and Safety Code, relating to public health.

Bill read second time, and ordered to third reading.

**SENATE BILL NO. 441**—An act to amend Sections 14528.1, 14549, 14549.1, 14549.5, 14549.6, 14552.5, 14552.51, 14571, 14573.51, 14575, 14575.1, 14581, and 14585 of, to add Sections 14513.5, 14549.3, and 14571.5 to, and to add and repeal Section 14576 of, the Public Resources Code, relating to beverage containers and making an appropriation therefor.

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

**SENATE BILL NO. 1156**—An act to add Chapter 6.5 (commencing with Section 1164) to Part 3.5 of Division 2 of the Labor Code, relating to agricultural labor relations.

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.

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1310 (Alpert)**—An act to amend Sections 52052, 52055.5, and 52055.51 of, to add Sections 52055.52 and 52055.53 to, and to repeal Section 52052.3 of, the Education Code, relating to school accountability.

Bill read third time, and presented by Assembly Member Strom-Martin.

Bill passed by the following vote:

**AYES—50**

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

**NOES—28**

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

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1647 (Perata)**—An act to add Division 3 (commencing with Section 64050) to Title 6.7 of the Government Code, relating to financing a program for economic stimulus and infrastructure investment, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

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

**Urgency Clause**

Urgency clause read.

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 12:10 p.m.

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

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 1211**, on request of Assembly Member Keeley.

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

**SENATE BILL NO. 1551 (Battin)**—An act relating to the state militia, and making an appropriation therefor.

**Request to Suspend Rules**

Upon request of Assembly Member Firebaugh, Assembly Member Alquist was granted unanimous consent that Assembly Rule 69(b)(e) be suspended for purpose of consideration of proposed amendments to Senate Bill No. 1551.

Bill read third time.

**Motion to Amend**

Assembly Member Alquist moved the adoption of amendments.

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

**SENATE BILL NO. 1479 (Morrow)**—An act to amend Section 26840 of, and to add and repeal Section 26840.5 of, the Government Code, relating to counties.

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

**Call of the Assembly**

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

Motion carried. Time, 12:26 p.m.

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

**SENATE BILL NO. 426 (Polanco)**—An act to amend Section 1807 of, to amend, repeal, and add Section 1815 of, to add Section 1810.6, 1815.3, and 1828 to, and to repeal Section 1810.5 of, the Financial Code, relating to money transmissions.

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

Bill passed by the following vote:

**AYES—56**

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

**NOES—20**

Aanestad	Cogdill	La Suer	Pacheco, Rod
Bates	Cox	Leach	Runner
Bogh	Dickerson	Leonard	Strickland
Briggs	Harman	Maddox	Wyland
Campbell, John	Hollingsworth	Mountjoy	Zettel

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1278 (Speier)**—An act to amend Section 4425 of, and to repeal Section 4427 of, the Business and Professions Code, and to amend Sections 130400, 130401, 130403, 130404, 130406, 130407, 130408, and 130409 of, and to add Sections 130401.1, 130406.5, 130407.5, and 130410 to, the Health and Safety Code, relating to pharmacies, and making an appropriation therefor.

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

Bill passed by the following vote:

**AYES—63**

Alquist	Corbett	Kehoe	Salinas
Aroner	Correa	Kelley	Shelley
Ashburn	Daucher	Koretz	Simitian
Bates	Diaz	Leslie	Steinberg
Briggs	Dickerson	Liu	Strom-Martin
Calderon	Dutra	Longville	Thomson
Campbell, Bill	Firebaugh	Lowenthal	Vargas
Canciamilla	Florez	Maddox	Washington
Cardenas	Frommer	Maldonado	Wayne
Cardoza	Goldberg	Migden	Wiggins
Cedillo	Harman	Nakano	Wright
Chan	Havice	Nation	Wyland
Chavez	Hertzberg	Negrete McLeod	Wyman
Chu	Horton	Pacheco, Robert	Zettel
Cogdill	Jackson	Papan	Mr. Speaker
Cohn	Keeley	Reyes	

**NOES—10**

Aanestad	Cox	Leach	Pescetti
Bogh	Hollingsworth	Mountjoy	
Campbell, John	La Suer	Pacheco, Rod	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 737 (Alarcón)**—An act relating to community colleges, and declaring the urgency thereof, to take effect immediately.

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

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—76**

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

**NOES—2**

Bogh Pacheco, Rod

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—76**

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

**NOES—2**

Bogh Pacheco, Rod

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 2184 REMOVED FROM SPECIAL CONSENT  
CALENDAR AND TAKEN UP**

Assembly Member Cohn was granted unanimous consent that Assembly Bill No. 2184 be removed from the Special Consent Calendar, and to take the bill up at this time, without reference to file, for purpose of consideration of Senate amendments.

**ASSEMBLY BILL NO. 2184 (Cohn)**—An act to add Section 99170 to the Public Utilities Code, relating to transit districts.

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—78**

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

**NOES—1**

Pacheco, Rod

Above bill ordered enrolled.



**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1868 (Torlakson)**—An act to amend Sections 33126, 33350, 51241, 52057, and 60800 of the Education Code, relating to public schools.

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

Bill passed by the following vote:

**AYES—79**

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	Havice	Mountjoy	Vargas
Cardenas	Hertzberg	Nakano	Washington
Cardoza	Hollingsworth	Nation	Wayne
Cedillo	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Oropeza	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Chu	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Zettel
Cohn	Koretz	Pavley	Mr. Speaker
Corbett	La Suer	Pescetti	

**NOES—1**

Harman

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 789 (Kuehl)**—An act to amend Section 425.16 of the Code of Civil Procedure, relating to civil actions.

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

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 12:35 p.m.

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

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

Pursuant to Assembly Rule 77.2, Speaker pro Tempore Keeley re-referred Assembly Bill No. 2944 to the Committee on Business and Professions.

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

**SENATE BILL NO. 1858 (Knight)**—An act to amend Section 66.5 of, and to add Sections 73.8 and 78.5 to, the Military and Veterans Code, relating to veterans, and declaring the urgency thereof, to take effect immediately.

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

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—79**

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

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—79**

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

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE JOINT RESOLUTION NO. 41 (Speier)**—Relative to permanent resident alien airport security screeners.

Resolution read, presented by Assembly Member Alquist, and adopted by the following vote:

**AYES—48**

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

**NOES—29**

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

Resolution ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 789**

At 12:35 p.m., on motion of Assembly Member Vargas, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 789 passed by the following vote:

**AYES—45**

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

**NOES—32**

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

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 1479**

At 12:35 p.m., on motion of Assembly Member Harman, 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 Papan moved to continue the call of the Assembly.

Motion carried. Time, 12:35 p.m.

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

**BILLS PLACED ON INACTIVE FILE**

The following bills was placed upon the inactive file:

**Senate Bill No. 599**, on request of Assembly Member Jackson.

**BILLS PASSED ON FILE**

**Senate Bills Nos. 11, 1831, 1840, 1841, 1842, 1843, 1846, 1847, 1834, 79, 767, 1618, 238, 1333, 1449, 691, 496, 1767, and 1583**—Passed on file.

**At 12:46 p.m., Assistant Speaker pro Tempore Kehoe,  
76th District, presiding**

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

**SENATE BILL NO. 234 (Kuehl)**—An act to amend Sections 730, 731, and 737 of, to add Sections 737.5 and 737.7 to, and to repeal Sections 731.1, 733, 736, 738, and 739 of, the Public Resources Code, relating to forest management.

Bill read third time, an presented by Assembly Member Strom-Martin.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Strom-Martin moved a call of the Assembly.

Motion carried. Time, 1:07 p.m.

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

**RECESS**

By unanimous consent, at 1:07 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Leonard introduced Weyland Fat, who is retiring as General Manager of Frank Fat's after many years of dedicated service. Assembly Member Leonard presented a resolution to Weyland Fat and was joined by all Members of the Assembly in expressing their thanks and appreciation for his years of exemplary service to the California State Legislature.

Weyland Fat then addressed the assemblage.

Assembly Member Havice introduced Donald Louis Novey, President of the California Correctional Peace Officers Association (CCPOA) and presented a resolution recognizing his outstanding record of accomplishments after 22 years with CCPOA.

Donald Louis Novey then addressed the assemblage

\* \* \*

Assembly Member Havice introduced Landi Sizemore, Secretary for the Committee on Public Employees, Retirement and Social Security and presented a resolution on the occasion of her retirement commending 37 years of dedicated public service.

### RECONVENED

At 1:25 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. 337 (Correa)**—An act to amend Section 1102.6b of the Civil Code, relating to real property.

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—52

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

### NOES—21

Aanestad	Cox	Leslie	Runner
Ashburn	Hollingsworth	Mountjoy	Wyland
Briggs	Kelley	Pacheco, Robert	Wyman
Campbell, Bill	La Suer	Pacheco, Rod	
Campbell, John	Leach	Pescetti	
Cogdill	Leonard	Richman	

### Vote Changes

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 337: Assembly Member Harman, from “No” to “Aye”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2604 (Oropeza)**—An act relating to teachers.

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—60**

Alquist	Correa	Koretz	Reyes
Aroner	Diaz	Liu	Richman
Ashburn	Dickerson	Longville	Salinas
Bates	Dutra	Lowenthal	Shelley
Calderon	Firebaugh	Maddox	Simitian
Campbell, Bill	Florez	Maldonado	Steinberg
Canciamilla	Frommer	Matthews	Strickland
Cardenas	Goldberg	Migden	Strom-Martin
Cardoza	Havice	Nakano	Thomson
Cedillo	Hertzberg	Nation	Vargas
Chan	Horton	Negrete McLeod	Washington
Chavez	Jackson	Oropeza	Wayne
Chu	Keeley	Pacheco, Robert	Wiggins
Cohn	Kehoe	Papan	Wright
Corbett	Kelley	Pavley	Mr. Speaker

**NOES—19**

Aanestad	Cox	Leach	Runner
Bogh	Daucher	Leonard	Wyland
Briggs	Harman	Leslie	Wyman
Campbell, John	Hollingsworth	Mountjoy	Zettel
Cogdill	La Suer	Pescetti	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1814 (Reyes)**—An act to add Chapter 22 (commencing with Section 22520) to Division 8 of the Business and Professions Code, relating to Internet service providers.

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

**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. 1959 (Corbett)**—An act to amend Section 11454 of the Welfare and Institutions Code, relating to public social services.

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**

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

**NOES—32**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2075 (Chavez)**—An act to add and repeal Section 1203.1bc of the Penal Code, relating to probation costs.

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	La Suer	Reyes
Alquist	Cox	Leach	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	Hertzberg	Nation	Wayne
Cedillo	Hollingsworth	Negrete McLeod	Wiggins
Chan	Horton	Oropeza	Wright
Chavez	Jackson	Pacheco, Robert	Wyland
Chu	Keeley	Pacheco, Rod	Wyman
Cogdill	Kehoe	Papan	Zettel
Cohn	Kelley	Pavley	Mr. Speaker
Corbett	Koretz	Pescetti	

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2125 (Negrete McLeod)**—An act to add Section 3212.12 to the Labor Code, relating to workers' compensation.

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—60**

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

**NOES—20**

Aanestad	Cogdill	Leach	Pacheco, Rod
Ashburn	Cox	Leonard	Pescetti
Bates	Harman	Leslie	Runner
Campbell, Bill	Hollingsworth	Mountjoy	Wyland
Campbell, John	La Suer	Pacheco, Robert	Wyman

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2178 (Goldberg)**—An act to add and repeal Section 1357.18 of the Health and Safety Code, and to add and repeal Section 10718.6 of the Insurance Code, relating to health care.

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**

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

**NOES—31**

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

Above bill ordered enrolled.

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 804 (Committee on Elections and Reapportionment)**—An act to add Chapter 4 (commencing with Section 21300) to Division 21 of the Elections Code, relating to redistricting.

**Request to Suspend Rules**

Assembly Member Firebaugh requested unanimous consent that Assembly Rules 69(b)(d)(e) be suspended for purpose of consideration of proposed amendments, and, if adopted, further consideration of Senate Bill No. 804.

Assembly Member Cogdill withheld unanimous consent.

**Motion to Suspend Rules**

Assembly Member Firebaugh moved to suspend Assembly Rules 69(b)(d)(e) for purpose of consideration of proposed amendments to Senate Bill No. 804, and, if adopted, to permit further consideration of the bill.

Motion for temporary suspension of the rules carried by the following vote:

**AYES—59**

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

**NOES—17**

Aanestad	Cogdill	Leslie	Wyland
Bates	Harman	Maddox	Wyman
Bogh	Hollingsworth	Mountjoy	
Campbell, Bill	La Suer	Richman	
Campbell, John	Leach	Runner	

Bill read third time.

**Motion to Amend**

Assembly Member Cedillo moved the adoption of amendments.

Amendments read.

**Roll Call Demanded**

Assembly Members Hollingsworth, Mountjoy, and Cogdill demanded a roll call.

The roll was opened and the Cedillo amendments adopted by the following vote:

**AYES—58**

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

**NOES—19**

Aanestad	Cox	Leslie	Runner
Bates	Harman	Maddox	Wyland
Bogh	Hollingsworth	Mountjoy	Wyman
Campbell, John	La Suer	Pescetti	Zettel
Cogdill	Leach	Richman	

Bill ordered reprinted.

**Further Consideration of Senate Bill No. 804, as Amended, Without Reference to File**

**SENATE BILL NO. 804 (Polanco)**—An act to amend Sections 12800, 12815, and 13000 of, and to add Sections 12801.1, 12801.2, 12801.25, 12801.3, 12801.4, and 12801.9 to, the Vehicle Code, relating to driver’s licenses.

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

**At 2:21 p.m., Hon. Sarah Reyes, 31st District, presiding**

Bill passed by the following vote:

**AYES—61**

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

**NOES—17**

Aanestad	Cogdill	Leslie	Wyman
Bates	Harman	Maddox	Zettel
Bogh	Hollingsworth	Mountjoy	
Campbell, Bill	La Suer	Richman	
Campbell, John	Leach	Wyland	

Bill ordered transmitted to the Senate immediately.

At 2:35 p.m., Assistant Speaker pro Tempore Kehoe,  
76th District, presiding

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2197 (Koretz)**—An act to add Article 4.9 (commencing with Section 14149) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal.

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—51**

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

**NOES—27**

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
Cogdill	La Suer	Pacheco, Rod	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 364 (Aroner)**—An act to add Section 10609.7 to the Welfare and Institutions Code, relating to social services.

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**

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

**NOES—28**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1694 (Committee on Human Services)**—An act to amend Section 1521.5 of the Health and Safety Code, to amend Section 11146 of the Penal Code, and to amend Sections 309, 361.4, 361.5, 366.21, 16003, and 16504.5 of, and to amend and repeal Section 10850.3 of, the Welfare and Institutions Code, relating to public social services.

Bill presented by Assembly Member Aroner.

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—80**

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

**NOES—None**

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY  
CLAUSE TO SENATE BILL NO. 1647**

At 2:37 p.m., 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 Aroner moved to continue the call of the Assembly.

Motion carried. Time, 2:37 p.m.

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

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS (RESUMED)**  
**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2277 (Keeley)**—An act to amend Sections 3001 and 3008 of, and to add Sections 3007.5, 3007.7, and 18107.5 to, the Elections Code, relating to absentee ballots.

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—55**

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

**NOES—25**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2386 (Keeley)**—An act to amend Section 11454 of the Welfare and Institutions Code, relating to CalWORKs.

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—49**

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

**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	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 2386: Assembly Member Correa, from “Aye” to “Not Voting”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1059 (Keeley)**—An act to amend Section 660 of, and to add and repeal Section 660.1 of, the Harbors and Navigation Code, relating to vessels.

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—80**

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1173 (Keeley)**—An act to add Section 39930 to the Health and Safety Code, relating to air pollution.

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

**NOES—29**

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

Above bill ordered enrolled.

**CONFERENCE COMMITTEE REPORTS**

**ASSEMBLY BILL NO. 58 (As proposed by the Conference Committee)**—An act to add Section 25401.6 to the Public Resources Code, and to amend Sections 2827 and 2827.7 of, to add Section 2827.8 to, and to repeal Section 2827 of, the Public Utilities Code, relating to public utilities.

Conference Committee Report presented by Assembly Member Keeley.

Report adopted by the following vote:

**AYES—78**

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

**NOES—None**

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2297 (Simitian)**—An act to add Chapter 15.5 (commencing with Section 22575) to Division 8 of the Business and Professions Code, relating to privacy.

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**

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

**NOES—28**

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

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 2297: Assembly Member Daucher, from "Aye" to "No".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2845 (Goldberg)**—An act to amend Section 6357 of the Labor Code, relating to employment.

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.)*

**At 2:55 p.m., Speaker pro Tempore Keeley, 27th District, presiding**

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

**AYES—50**

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

**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. 2874 (Florez)**—An act to amend Sections 8220 and 8350 of the Education Code, relating to child care.

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—55**

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

**NOES—24**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2879 (Strom-Martin)**—An act to amend Sections 68543.5, 75071, and 75072 of, and to add Section 75074 to, the Government Code, relating to judges' retirement.

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—65**

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

**NOES—13**

Ashburn	Hollingsworth	Mountjoy	Strickland
Campbell, Bill	Kelley	Pescetti	
Campbell, John	Leach	Richman	
Cox	Maldonado	Runner	

Above bill ordered enrolled.

**CONSIDERATION OF BILLS BY UNANIMOUS CONSENT**

Assembly Member Firebaugh was granted unanimous consent that Senate Bills Nos. 807, 984, 1444, 1732, 2073, 1523, 1592, 646, 2010, 1038, 483, 1093, 441, and 1156 which were read a second time earlier this day, be ordered to third reading for purpose of consideration today.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2540 (Steinberg)**—An act to add and repeal Article 8 (commencing with Section 1375) of Chapter 2 of Part 2 of the Education Code, relating to county educational agencies.

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**

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

**NOES—6**

Aanestad	Hollingsworth	Pescetti
Daucher	La Suer	Zettel

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 2540: Assembly Member Zettel, from "Aye" to "No".

Above bill ordered enrolled.

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 2011 (Burton)**—An act to amend Sections 71601, 71615, 71632.5, 71636, 71639.1, 71639.3, and 71652 of, and to add Sections 68114.10 and 71636.3 to, the Government Code, and to amend Section 3700 of the Labor Code, relating to judicial branch employees, and making an appropriation therefor.

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

Bill passed by the following vote:

**AYES—54**

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

**NOES—25**

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

Bill ordered transmitted to the Senate.

**UNFINISHED BUSINESS (RESUMED)**  
**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 629 (Oropeza)**—An act to amend Section 21810 of, and to add Section 24018 to, the Vehicle Code, relating to transportation.

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—52**

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

**NOES—26**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2957 (Koretz)**—An act to add Chapter 4 (commencing with Section 1400) to Part 4 of Division 2 of the Labor Code, relating to employment.

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**

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

**NOES—31**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 116 (Nakano)**—An act to add Chapter 3.3 (commencing with Section 8255) to Division 1 of Title 2 of the Government Code, relating to Asian and Pacific Islander American affairs.

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—66**

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

**NOES—13**

Aanestad	Hollingsworth	Mountjoy	Zettel
Bogh	La Suer	Pacheco, Rod	
Campbell, Bill	Leach	Runner	
Campbell, John	Leslie	Wyland	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 116: Assembly Member Pescetti, from “No” to “Aye”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 248 (Correa)**—An act to amend Sections 7581, 7582.2, 7583.2, 7583.6, 7583.7, 7583.8, 7583.9, 7583.11, 7583.34, 7583.36, and 7587.7 of the Business and Professions Code, relating to private security services.

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—67**

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

**NOES—12**

Aanestad	Cogdill	La Suer	Maddox
Briggs	Cox	Leonard	Mountjoy
Campbell, Bill	Hollingsworth	Leslie	Strickland

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 421 (Wayne)**—An act to amend Section 2025 of the Code of Civil Procedure, relating to discovery.

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—58**

Alquist	Diaz	Koretz	Shelley
Aroner	Dickerson	Longville	Simitian
Briggs	Dutra	Lowenthal	Steinberg
Calderon	Firebaugh	Maldonado	Strickland
Canciamilla	Florez	Matthews	Strom-Martin
Cardenas	Frommer	Migden	Thomson
Cardoza	Goldberg	Nakano	Vargas
Cedillo	Harman	Nation	Washington
Chan	Havice	Negrete McLeod	Wayne
Chavez	Hertzberg	Oropeza	Wiggins
Chu	Horton	Pacheco, Robert	Wright
Cohn	Jackson	Pavley	Wyland
Corbett	Keeley	Reyes	Mr. Speaker
Correa	Kehoe	Richman	
Daucher	Kelley	Salinas	

**NOES—19**

Aanestad	Campbell, John	Leach	Pescetti
Ashburn	Cogdill	Leslie	Runner
Bates	Cox	Maddox	Wyman
Bogh	Hollingsworth	Mountjoy	Zettel
Campbell, Bill	La Suer	Pacheco, Rod	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 500 (Goldberg)**—An act to amend Sections 45103 and 88003 of the Education Code, relating to temporary school employees.

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—51**

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

**NOES—28**

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

Above bill ordered enrolled.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 507**, on request of Assembly Member Havice.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS (RESUMED)**

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 551 (Papan)**—An act to add Section 701.1 to the Financial Code, relating to financial institutions.

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.)*

**Motion to Re-refer Assembly Bill No. 551 to Committee**

Assembly Member Wyman moved that Assembly Bill No. 551 be re-referred to the Committee on Banking and Finance.

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 3:08 p.m.

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

**ASSEMBLY BILL NO. 690 (Wiggins)**—An act to amend Section 32301 of the Financial Code, relating to financial institutions, 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—79**

Aanestad	Correa	La Suer	Reyes
Alquist	Cox	Leach	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	Hertzberg	Nation	Wayne
Cedillo	Hollingsworth	Negrete McLeod	Wiggins
Chan	Horton	Oropeza	Wright
Chavez	Jackson	Pacheco, Robert	Wyland
Chu	Keeley	Pacheco, Rod	Wyman
Cogdill	Kehoe	Papan	Zettel
Cohn	Kelley	Pavley	Mr. Speaker
Corbett	Koretz	Pescetti	

**NOES—1**

Leonard

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

**AYES—79**

Aanestad	Correa	La Suer	Reyes
Alquist	Cox	Leach	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	Hertzberg	Nation	Wayne
Cedillo	Hollingsworth	Negrete McLeod	Wiggins
Chan	Horton	Oropeza	Wright
Chavez	Jackson	Pacheco, Robert	Wyland
Chu	Keeley	Pacheco, Rod	Wyman
Cogdill	Kehoe	Papan	Zettel
Cohn	Kelley	Pavley	Mr. Speaker
Corbett	Koretz	Pescetti	

**NOES—1**

Leonard

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1776 (Leslie)**—An act to add Section 25063 to, and to add Article 4.5 (commencing with Section 25070) to Division 2 of Title 3 of, the Government Code, relating to county government, 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—73**

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

**NOES—3**

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

**AYES—73**

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

**NOES—3**

Cohn	Jackson	Reyes
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**Vote Changes**

By unanimous consent, the following vote change was permitted on the urgency clause and on Concurrence in Senate Amendments to Assembly Bill No. 1776: Assembly Member Jackson, from “Aye” to “No”.

Above bill ordered enrolled.

**REPORTS OF STANDING COMMITTEES**

**Committee on Human Services**

Date of Hearing: August 30, 2002

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 1156

With the recommendation: That the Senate amendments be concurred in.

ARONER, Chairwoman

Above bill ordered to unfinished business.

**CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT**

Assembly Member Aroner was granted unanimous consent to take up consideration of Senate amendments to Assembly Bill No. 1156, without reference to file.

**ASSEMBLY BILL NO. 1156 (Aroner)**—An act to amend Sections 4094 and 4094.1 of the Welfare and Institutions Code, relating to mental health.

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

**NOES—1**

Pacheco, Rod

Above bill ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS (RESUMED)**  
**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 741 (Firebaugh)**—An act to Sections 313, 52052, and 52057 of, and to add Section 60200.7 to, the Education Code, relating to public schools.

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—53**

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

**NOES—27**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1994 (Reyes)**—An act to amend Sections 1628, 42100, 47602, 47604.3, 47605, 47613.1, and 47652 of, and to add Sections 47604.4, 47605.1, 47605.6, 47605.8, and 47612.1 to, the Education Code, relating to charter schools.

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—51**

Alquist	Daucher	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	Hertzberg	Negrete McLeod	Wayne
Chu	Horton	Oropeza	Wiggins
Cohn	Jackson	Papan	Wright
Corbett	Keeley	Pavley	Mr. Speaker
Correa	Kehoe	Reyes	

**NOES—29**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1698 (Committee on Judiciary)**—An act to repeal and add Chapter 5.5 (commencing with Section 6400) of Division 3 of the Business and Professions Code, relating to legal assistants.

Bill presented by Assembly Member Corbett.

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—80**

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2003 (Koretz)**—An act to amend Section 51226.3 of, and to add and repeal Chapter 3.64 (commencing with Section 44775.1) of Part 25 of, the Education Code, relating to public schools.

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2036 (Liu)**—An act to add and repeal Article 2 (commencing with Section 18711) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, and to amend Section 18969 of the Welfare and Institutions Code, relating to children, making an appropriation therefor.

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—76**

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

**NOES—3**

Ashburn	Leonard	Pacheco, Rod
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Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2217 (Strom-Martin)**—An act to add and repeal Part 38 (commencing with Section 64200) of the Education Code, relating to education.

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—52**

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

**NOES—28**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2395 (Goldberg)**—An act to amend Section 49550.3 of, and to add Section 49550.2 to, the Education Code, relating to pupil nutrition.

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—52**

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

**NOES—28**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2481 (Frommer)**—An act to amend Section 7058.7 of the Business and Professions Code, to amend Section 2929.5 of the Civil Code, to amend Sections 564, 726.5, and 736 of the Code of Civil Procedure, to amend Sections 15399.15 and 15399.15.2 of the Government Code, to amend Sections 25150.1, 25187, 25262, 25281, 25281.5, 25284, 25284.1, 25284.4, 25288, 25291, 25292.4, 25297.1, 25299, 25299.4, 25299.7, 25299.36, 25299.39.2, 25299.39.3, 25299.50.1, 25299.51, 25299.53, 25299.54, 25299.55, 25299.57, 25299.58, 25299.70, 25514.5, 25540, and 33459 of, to amend and renumber Sections 25299.37.1 and 25299.39.1 of, to amend, repeal, and add Section 25404 of, to add Sections 25284.2, 25290.1, 25292.5, 25296.10, 25296.20, 25296.25, 25296.30, 25296.40, 25299.8, 25299.38, and 25404.1.1 to, and to add and repeal Sections 25404.1.2 and 116367 of, to repeal Sections 25299.37, 25299.37.2, 25299.38.1, 25299.39, and 25514.6 of, and to repeal and add Sections 25292.3 and 25395.44 of, the Health and Safety Code, and to amend Sections 13269, 13285, 13323, 13365, and 13391.5 of the Water Code, relating to the environment, and making an appropriation therefor.

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—56**

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

**NOES—23**

Aanestad	Campbell, John	Leach	Richman
Ashburn	Cogdill	Maddox	Runner
Bates	Dickerson	Maldonado	Strickland
Bogh	Hollingsworth	Pacheco, Robert	Wyman
Briggs	Kelley	Pacheco, Rod	Zettel
Campbell, Bill	La Suer	Pescetti	

Above bill ordered enrolled.

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 441 (Sher)**—An act to amend Sections 14528.1, 14549, 14549.1, 14549.5, 14549.6, 14552.5, 14552.51, 14571, 14573.51, 14575, 14575.1, 14581, and 14585 of, to add Sections 14513.5, 14549.3, and 14571.5 to, and to add and repeal Section 14576 of, the Public Resources Code, relating to beverage containers and making an appropriation therefor.

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

Bill passed by the following vote:

**AYES—72**

Alquist	Corbett	Kelley	Pescetti
Aroner	Correa	Koretz	Reyes
Ashburn	Cox	Leach	Richman
Bates	Daucher	Leonard	Runner
Bogh	Diaz	Liu	Salinas
Briggs	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	Hertzberg	Nation	Wayne
Chavez	Horton	Negrete McLeod	Wiggins
Chu	Jackson	Oropeza	Wyland
Cogdill	Keeley	Pacheco, Robert	Zettel
Cohn	Kehoe	Pavley	Mr. Speaker

**NOES—5**

Aanestad	La Suer	Pacheco, Rod
Hollingsworth	Leslie	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 441: Assembly Member Maddox, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1156 (Burton)**—An act to add Chapter 6.5 (commencing with Section 1164) to Part 3.5 of Division 2 of the Labor Code, relating to agricultural labor relations.

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

**At 4:30 p.m., Assistant Speaker pro Tempore Kehoe  
76th District, presiding**

Bill passed by the following vote:

**AYES—49**

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

**NOES—27**

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

Bill ordered transmitted to the Senate immediately.

**CAUCUS ANNOUNCEMENTS**

At 4:55 p.m., Assembly Member Strickland was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 4:56 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**RECONVENED**

At 6:09 p.m., the Assembly reconvened.  
Hon. Christine Kehoe, Assistant Speaker pro Tempore of the Assembly, presiding.

**MESSAGES FROM THE SENATE**

Senate Chamber, August 30, 2002

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

Assembly Bill No. 692  
Assembly Bill No. 883  
Assembly Bill No. 885  
Assembly Bill No. 915  
Assembly Bill No. 930  
Assembly Bill No. 1000

Assembly Bill No. 1710  
Assembly Bill No. 2004  
Assembly Bill No. 2424  
Assembly Bill No. 2741  
Assembly Bill No. 2849  
Assembly Bill No. 3027

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, August 29, 2002

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

Assembly Bill No. 2825  
Assembly Bill No. 2834  
Assembly Bill No. 2837  
Assembly Bill No. 2869

Assembly Bill No. 2880  
Assembly Bill No. 3029  
Assembly Bill No. 3030  
Assembly Bill No. 3042

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, August 30, 2002

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

- Senate Bill No. 43
- Senate Bill No. 59
- Senate Bill No. 180
- Senate Bill No. 199
- Senate Bill No. 253
- Senate Bill No. 278
- Senate Bill No. 362
- Senate Bill No. 406
- Senate Bill No. 540
- Senate Bill No. 1331
- Senate Bill No. 1357
- Senate Bill No. 1362
- Senate Bill No. 1381
- Senate Bill No. 1411
- Senate Bill No. 1412
- Senate Bill No. 1419

- Senate Bill No. 1423
- Senate Bill No. 1466
- Senate Bill No. 1471
- Senate Bill No. 1539
- Senate Bill No. 1544
- Senate Bill No. 1563
- Senate Bill No. 1595
- Senate Bill No. 1609
- Senate Bill No. 1619
- Senate Bill No. 1785
- Senate Bill No. 1882
- Senate Bill No. 1891
- Senate Bill No. 1894
- Senate Bill No. 1896
- Senate Bill No. 1952
- Senate Bill No. 2026

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

August 30, 2002

*Hon. E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*Assembly Chamber*

Dear Dotson: By direction of the Senate I am returning Senate Bill No. 572 to the Assembly for further action.

Sincerely,

GREGORY SCHMIDT  
Secretary of the Senate

Above bill held at the Desk.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, August 30, 2002

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

- Assembly Bill No. 1219
- Assembly Bill No. 1309
- Assembly Bill No. 1400
- Assembly Bill No. 1425
- Assembly Bill No. 1757
- Assembly Bill No. 1877
- Assembly Bill No. 1900
- Assembly Bill No. 1902
- Assembly Bill No. 1936
- Assembly Bill No. 1946

- Assembly Bill No. 1997
- Assembly Bill No. 2012
- Assembly Bill No. 2157
- Assembly Bill No. 2191
- Assembly Bill No. 2216
- Assembly Bill No. 2228
- Assembly Bill No. 2273
- Assembly Bill No. 2354
- Assembly Bill No. 2355
- Assembly Bill No. 2364

And reports the same correctly enrolled, and presented to the Governor on the 30th day of August, 2002, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk  
Assembly Chamber, August 30, 2002

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

- Assembly Bill No. 2461
- Assembly Bill No. 2575

- Assembly Bill No. 2794
- Assembly Bill No. 2868

And reports the same correctly enrolled, and presented to the Governor on the 30th day of August, 2002, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

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

**SENATE BILL NO. 2010 (Alpert)**—An act to add and repeal Chapter 3.8 (commencing with Section 50199.70) of Part 1 of Division 31 of the Health and Safety Code, relating to community renewal, and declaring the urgency thereof, to take effect immediately.

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

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—80**

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

**NOES—None**

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

**AYES—80**

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

**NOES—None**

Bill ordered transmitted to the Senate immediately.

**SENATE BILL NO. 646 (Ortiz)**—An act to amend Section 1522.02 of the Health and Safety Code, relating to care facilities.

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

Bill passed by the following vote:

**AYES—78**

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

**NOES—None**

Bill ordered transmitted to the Senate.

**UNFINISHED BUSINESS (RESUMED)**

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 818 (Dutra)**—An act relating to public schools.

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

**NOES—None**

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
WYMAN MOTION TO RE-REFER ASSEMBLY BILL NO. 551 TO COMMITTEE**

At 6:14 p.m., on motion of Assembly Member Wyman, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Wyman motion to re-refer Assembly Bill No. 551 to the Committee on Banking and Finance lost by the following vote:

**AYES—30**

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

**NOES—46**

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 1479**

At 6:17 p.m., on motion of Assembly Member Harman, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 1479 passed by the following vote:

**AYES—46**

Aanestad	Correa	Koretz	Pescetti
Alquist	Cox	La Suer	Richman
Bates	Daucher	Leach	Runner
Bogh	Diaz	Leonard	Salinas
Briggs	Dutra	Leslie	Shelley
Campbell, Bill	Florez	Maddox	Strickland
Campbell, John	Harman	Maldonado	Wayne
Canciamilla	Havice	Mountjoy	Wyland
Cardenas	Hollingsworth	Nakano	Wyman
Cardoza	Horton	Pacheco, Robert	Zettel
Chavez	Keeley	Pacheco, Rod	
Cogdill	Kelley	Papan	

**NOES—10**

Ashburn	Firebaugh	Nation	Wiggins
Corbett	Goldberg	Strom-Martin	
Dickerson	Migden	Thomson	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1479: Assembly Member Liu, from "Aye" to "Not Voting".

Bill ordered transmitted to the Senate.

**FURTHER CONSIDERATION OF SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 551**

**ASSEMBLY BILL NO. 551 (Papan)**—An act to add Section 701.1 to the Financial Code, relating to financial institutions.

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.)*

**Request to Read a Paper**

Assembly Member Papan was granted unanimous consent to read a paper on the Floor.

The question being on concurrence in Senate amendments.

Amendments concurred in by the following vote:

**AYES—45**

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

**NOES—25**

Aanestad	Havice	Maldonado	Strickland
Ashburn	Hollingsworth	Mountjoy	Wyland
Bates	Kelley	Nakano	Wyman
Briggs	La Suer	Pacheco, Rod	Zettel
Cox	Leach	Pescetti	
Dickerson	Leslie	Richman	
Harman	Maddox	Runner	

Above bill ordered enrolled.

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 807 (Dunn)**—An act to amend Section 22348 of, and to add Sections 23109.8, 23503, and 23583 to, the Vehicle Code, relating to vehicles.

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

Bill passed by the following vote:

**AYES—71**

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

**NOES—None**

Bill ordered transmitted to the Senate.

**BILL REMOVED FROM SPECIAL CONSENT CALENDAR**

The following bill was removed from the Special Consent Calendar, and placed on the unfinished business file, pursuant to Joint Rule 22.2:

**Assembly Bill No. 2294**, on request of Assembly Member Cogdill.

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

**SENATE BILL NO. 1093 (Costa)**—An act to amend Section 115825 of, and to add Section 115842 to, the Health and Safety Code, relating to public health.

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

Bill passed by the following vote:

**AYES—79**

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

**NOES—None**

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1093: Assembly Member Simitian, from “Aye” to “Not Voting”.

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 240 (Morrow)**—An act to add and repeal Chapter 3 (commencing with Section 63075) of Part 35 of the Education Code, relating to the Capistrano Unified School District.

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

Bill passed by the following vote:

**AYES—75**

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

**NOES—None**

Bill ordered transmitted to the Senate immediately.

**SENATE BILL NO. 1038 (Sher)**—An act to amend Sections 25620, 25620.1, 25620.2, 25620.3, 25620.5, 25620.7, 25620.8, 25648, 25648.4, and 25684 of, to add Section 25620.10 to, and to add and repeal Section 25620.9 of, the Public Resources Code, to amend Sections 381, 383.5, 394.25, and 445 of, to add Sections 353.2, 383.6, and 2826.5 to, to add and repeal Section 2826.6 of, and to repeal and amend Section 399.7 of, the Public Utilities Code, relating to energy.

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

Bill passed by the following vote:

**AYES—71**

Alquist	Corbett	Koretz	Pescetti
Aroner	Correa	Leach	Reyes
Ashburn	Cox	Leonard	Richman
Bates	Daucher	Leslie	Runner
Bogh	Diaz	Liu	Salinas
Briggs	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	Nakano	Vargas
Cedillo	Havice	Nation	Wayne
Chan	Horton	Negrete McLeod	Wiggins
Chavez	Jackson	Oropeza	Wright
Chu	Keeley	Pacheco, Robert	Wyman
Cogdill	Kehoe	Papan	Mr. Speaker
Cohn	Kelley	Pavley	

**NOES—5**

Aanestad	La Suer	Wyland
Hollingsworth	Pacheco, Rod	

Bill ordered transmitted to the Senate.



**SENATE BILL NO. 984 (Costa)**—An act to add Division 10.4 (commencing with Section 10330) to the Public Resources Code, relating to grazing land, and making an appropriation therefor.

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

Bill passed by the following vote:

**AYES—56**

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

**NOES—21**

Aanestad	Cogdill	Leslie	Wyland
Ashburn	Cox	Pacheco, Robert	Wyman
Bates	Hollingsworth	Pacheco, Rod	Zettel
Bogh	La Suer	Pescetti	
Campbell, Bill	Leach	Runner	
Campbell, John	Leonard	Strickland	

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1732 (Escutia)**—An act to amend Sections 76000, 76100, and 76101 of, to amend and renumber Section 68073 of, to add Section 76223 to, to add Chapter 4.2 (commencing with Section 69202) to Title 8 of, and to add Chapter 5.7 (commencing with Section 70301) to Title 8 of, the Government Code, relating to court facilities.

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

Bill passed by the following vote:

**AYES—59**

Alquist	Diaz	Leach	Reyes
Aroner	Dickerson	Leslie	Richman
Calderon	Dutra	Liu	Salinas
Canciamilla	Firebaugh	Longville	Shelley
Cardenas	Florez	Lowenthal	Simitian
Cardoza	Frommer	Maldonado	Steinberg
Cedillo	Goldberg	Matthews	Strickland
Chan	Harman	Migden	Strom-Martin
Chavez	Havice	Nakano	Vargas
Chu	Hertzberg	Nation	Washington
Cogdill	Horton	Negrete McLeod	Wayne
Cohn	Jackson	Oropeza	Wiggins
Corbett	Keeley	Pacheco, Robert	Wright
Correa	Kehoe	Papan	Mr. Speaker
Daucher	Koretz	Pavley	

**NOES—20**

Aanestad	Campbell, Bill	La Suer	Pescetti
Ashburn	Campbell, John	Leonard	Runner
Bates	Cox	Maddox	Wyland
Bogh	Hollingsworth	Mountjoy	Wyman
Briggs	Kelley	Pacheco, Rod	Zettel

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY  
CLAUSE TO SENATE BILL NO. 1647**

At 6:55 p.m., on motion of Assembly Member Aroner, 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 Maddox moved to continue the call of the Assembly.

Motion carried. Time, 6:56 p.m.

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

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

**SENATE BILL NO. 1523 (Sher)**—An act to add Chapter 11 (commencing with Section 42580) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

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

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 7:19 p.m.

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

**SENATE BILL NO. 1449 (Vasconcellos)**—An act to amend Section 11999.6 of the Health and Safety Code, and to amend Sections 1210, 1210.1, and 3063.1 of the Penal Code, relating to drug treatment.

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

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 7:23 p.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 URGENCY  
CLAUSE TO SENATE BILL NO. 1647**

At 7:25 p.m., on motion of Assembly Member Maddox, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 1647 adopted by the following vote:

**AYES—54**

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

**NOES—25**

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

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

**AYES—54**

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

**NOES—25**

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

Bill ordered transmitted to the Senate.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1713 (Committee on Elections, Reapportionment and Constitutional Amendments)**—An act to amend Section 2194 of, and to add Section 2197 to, the Elections Code, relating to elections.

Bill presented by Assembly Member Longville.

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—76**

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

**NOES—None**

Above bill ordered enrolled.

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 483 (Sher)**—An act to amend Sections 2796.5 and 21151.7 of, and to add Sections 2773.3, 2773.5, and 2797 to, and to repeal Section 21066.5 of, the Public Resources Code, relating to mining.

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

Bill passed by the following vote:

**AYES—50**

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

**NOES—25**

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

Bill ordered transmitted to the Senate.

**UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2721 (Chan)**—An act relating to health.

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—72**

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

**NOES—6**

Ashburn	Campbell, Bill	Mountjoy
Bogh	Leach	Pacheco, Rod

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2739 (Chan)**—An act to repeal and add Section 12693.30 of the Insurance Code, and to add Section 14093.06 to the Welfare and Institutions Code, relating to health services.

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—54**

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

**NOES—23**

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

Above bill ordered enrolled.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 808**, on request of Assembly Member Chan.

**REPORTS OF STANDING COMMITTEES****Committee on Water, Parks and Wildlife**

Date of Hearing: August 30, 2002

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Senate Bill No. 1473

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

CANCIAMILLA, Chairman

**SENATE BILL NO. 1473 TAKEN UP BY UNANIMOUS CONSENT  
FOR SECOND READING**

Assembly Member Hertzberg was granted unanimous consent to take up Senate Bill No. 1473 without reference to file, for the purpose of reading the bill a second time and adopting the committee amendments at this time.

**SENATE BILL NO. 1473**—An act to add Section 79560.1 to the Water Code, relating to water.

Bill read second time; amendments proposed by the Committee on Water, Parks and Wildlife read and adopted; bill ordered reprinted.

**CONSIDERATION OF SENATE BILL NO. 1473 BY UNANIMOUS CONSENT**

Assembly Member Hertzberg was granted unanimous consent to take up Senate Bill No. 1473 without reference to file, for purpose of consideration.

**SENATE BILL NO. 1473 (Machado)**—An act to add Section 79560.1 to the Water Code, relating to water.

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

Bill passed by the following vote:

**AYES—78**

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

**NOES—None**

Bill ordered transmitted to the Senate.



**ACTION RESCINDED ON SENATE BILL NO. 2079**

Assembly Member Florez was granted unanimous consent to rescind the action whereby the Assembly, on August 26, 2002 (Assembly Journal, page 8156), adopted the urgency clause and passed Senate Bill No. 2079, and whereby the bill was ordered transmitted to the Senate.

**CONSIDERATION OF SENATE BILL NO. 2079 BY UNANIMOUS CONSENT**

Assembly Member Florez was granted unanimous consent to take up Senate Bill No. 2079 without reference to file, for purpose of amendment.

**SENATE BILL NO. 2079 (Burton)**—An act to amend Section 51852 of the Education Code, and to amend Sections 11101, 15242, 34520, 34623, and 34624 of the Vehicle Code, relating to driving, and declaring the urgency thereof, to take effect immediately.

**Rules Temporarily Suspended**

Assembly Member Florez was granted unanimous consent that Assembly Rule 69(b)(e) be suspended to permit consideration of proposed amendments to Senate Bill No. 2079.

Bill read third time.

**Motion to Amend**

Assembly Member Florez moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted.

**Rules Temporarily Suspended**

Assembly Member Florez was granted unanimous consent that Assembly Rule 69(d) be suspended to permit consideration of Senate Bill No. 2079, as amended, without reference to file.

**SENATE BILL NO. 2079 (Burton)**—An act to amend, repeal, and add Section 51852, repeal, and add the Education Code, and to amend Sections 15242, 34520, 34623, and 34624 of, and to amend, repeal, and add Section 11101 of, the Vehicle Code, relating to driving, and declaring the urgency thereof, to take effect immediately.

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

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—57**

Alquist	Diaz	Lowenthal	Shelley
Aroner	Dutra	Maddox	Simitian
Calderon	Firebaugh	Maldonado	Steinberg
Canciamilla	Florez	Matthews	Strickland
Cardenas	Goldberg	Migden	Strom-Martin
Cardoza	Havice	Nakano	Thomson
Cedillo	Hertzberg	Nation	Vargas
Chan	Horton	Negrete McLeod	Washington
Chavez	Jackson	Oropeza	Wayne
Chu	Keeley	Pacheco, Robert	Wiggins
Cohn	Kehoe	Pavley	Wright
Corbett	Kelley	Pescetti	Mr. Speaker
Correa	Koretz	Reyes	
Cox	Liu	Richman	
Daucher	Longville	Salinas	

**NOES—15**

Aanestad	Campbell, John	Leach	Runner
Ashburn	Cogdill	Leslie	Wyland
Bates	Harman	Mountjoy	Zettel
Campbell, Bill	Hollingsworth	Pacheco, Rod	

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—57**

Alquist	Diaz	Lowenthal	Shelley
Aroner	Dutra	Maddox	Simitian
Calderon	Firebaugh	Maldonado	Steinberg
Canciamilla	Florez	Matthews	Strickland
Cardenas	Goldberg	Migden	Strom-Martin
Cardoza	Havice	Nakano	Thomson
Cedillo	Hertzberg	Nation	Vargas
Chan	Horton	Negrete McLeod	Washington
Chavez	Jackson	Oropeza	Wayne
Chu	Keeley	Pacheco, Robert	Wiggins
Cohn	Kehoe	Pavley	Wright
Corbett	Kelley	Pescetti	Mr. Speaker
Correa	Koretz	Reyes	
Cox	Liu	Richman	
Daucher	Longville	Salinas	

**NOES—15**

Aanestad	Campbell, John	Leach	Runner
Ashburn	Cogdill	Leslie	Wyland
Bates	Harman	Mountjoy	Zettel
Campbell, Bill	Hollingsworth	Pacheco, Rod	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 2079: Assembly Member La Suer, from “No” to “Not Voting”.

Bill ordered transmitted to the Senate.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2792 (Negrete McLeod)**—An act to amend Section 20475 of the Government Code, relating to public employees.

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—53**

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

**NOES—25**

Aanestad	Daucher	Leonard	Strickland
Ashburn	Florez	Leslie	Thomson
Bates	Harman	Mountjoy	Wyland
Campbell, Bill	Hollingsworth	Pacheco, Robert	Wyman
Campbell, John	Kelley	Pacheco, Rod	
Cogdill	La Suer	Richman	
Cox	Leach	Runner	

Above bill ordered enrolled.

**ASSEMBLY CONCURRENT RESOLUTION NO. 229 (Diaz)**—Relative to Mexican Consular identification cards.

The question being: Shall the Assembly concur in the Senate amendments to the above resolution?

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

**NOES—7**

Bates	Hollingsworth	Mountjoy	Zettel
Bogh	Maddox	Wyland	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Concurrence in Senate Amendments to Assembly Concurrent Resolution No. 229: Assembly Members Bates, and Wyland, from “Aye” to “No”; Assembly Members Ashburn, and Bill Campbell, from “No” to “Aye”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 164 (Harman)**—An act to add and repeal Section 56509 of the Education Code, relating to special education.

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—77**

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2759 (Shelley)**—An act to add Section 51004.5 to the Education Code, and to repeal and add Chapter 4 (commencing with Section 2245) of Division 2 of, the Elections Code, relating to civic participation.

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—52**

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

**NOES—27**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1634 (Chan)**—An act to add Section 51210.4 to, and to add Chapter 10 (commencing with Section 8990) to Part 6 of, the Education Code, relating to school nutrition, and making an appropriation therefor.

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—76**

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

**NOES—2**

Daucher                      La Suer

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1904 (Reyes)**—An act relating to the West Fresno Elementary School District, 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—76**

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

**NOES—None**

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

**AYES—76**

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

**NOES—None**

Above bill ordered enrolled.

**CONFERENCE COMMITTEE REPORTS**

**ASSEMBLY BILL NO. 716 (As proposed by the Conference Committee)**—An act to add Chapter 13 (commencing with Section 20050) to Part 11 of the Education Code, relating to historic preservation, and making an appropriation therefor.

Conference Committee Report presented by Assembly Member Firebaugh.

Report adopted by the following vote:

**AYES—52**

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

**NOES—25**

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

**Vote Changes**

By unanimous consent, the following vote change was permitted on Conference Committee Report on Assembly Bill No. 716: Assembly Member Havice, from "Aye" to "Not Voting".



**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 643 (Lowenthal)**—An act to amend Section 1368 of, and to amend, renumber, and add Section 1363.6 of, the Civil Code, and to amend Sections 12176 and 12191 of the Government Code, relating to common interest developments.

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—51**

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

**NOES—27**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1227 (Canciamilla)**—An act to amend Section 46206 of the Education Code, relating to instructional time.

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1008 (Lowenthal)**—An act to amend Sections 17998.1 and 17998.2 of the Health and Safety Code, and to amend Sections 3351 and 3371 of the Revenue and Taxation Code, relating to property.

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—48**

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

**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. 15 (Harman)**—An act to amend Section 51033 of the Government Code, relating to land use.

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—69**

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

**NOES—1**

Migden

Above bill ordered enrolled.

**At 8:03 p.m., Hon. Sarah Reyes, 31st District, presiding**

**ASSEMBLY BILL NO. 2867 (Kehoe)**—An act to add Section 6531 to the Government Code, relating to joint powers authority.

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—56**

Alquist	Diaz	Koretz	Runner
Aroner	Dutra	Liu	Salinas
Calderon	Firebaugh	Longville	Shelley
Campbell, John	Florez	Lowenthal	Simitian
Cardenas	Frommer	Maldonado	Steinberg
Cardoza	Goldberg	Matthews	Strom-Martin
Cedillo	Harman	Migden	Thomson
Chan	Havice	Nakano	Vargas
Chavez	Hertzberg	Nation	Washington
Chu	Horton	Negrete McLeod	Wayne
Cohn	Jackson	Pacheco, Robert	Wiggins
Corbett	Keeley	Pavley	Wright
Correa	Kehoe	Reyes	Wyland
Daucher	Kelley	Richman	Mr. Speaker

**NOES—17**

Aanestad	Cox	Leslie	Strickland
Ashburn	Dickerson	Maddox	Wyman
Bates	Hollingsworth	Mountjoy	
Bogh	Leach	Pacheco, Rod	
Campbell, Bill	Leonard	Pescetti	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Concurrence in Senate Amendments to Assembly Bill No. 2867: Assembly Member Wyland, from “No” to “Aye”; Assembly Member Zettel, from “Aye” to “Not Voting”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2903 (Kehoe)**—An act to amend Section 7050 of the Education Code, relating to use of district property.

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—48**

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

**NOES—29**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2928 (Matthews)**—An act to add Article 1.75 (commencing with Section 26638.5) to Chapter 2 of Part 3 of Division 2 of Title 3 of the Government Code, relating to counties.

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—78**

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1638 (Daucher)**—An act to amend Section 12803.2 of the Government Code, relating to long-term care, 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—76

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

#### NOES—None

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

#### AYES—76

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

#### NOES—None

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2166 (Lowenthal)**—An act to amend Section 25366.5 of, and to add Section 25250.9 to, the Health and Safety Code, relating to hazardous substances.

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—46**

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

**NOES—30**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 467 (Strom-Martin)**—An act to add and repeal Chapter 2.6 (commencing with Section 48200) of Part 7 of Division 30 of the Public Resources Code, relating to solid waste.

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—78**

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

**NOES—None**

Above bill ordered enrolled.

**CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 2235  
WITHOUT REFERENCE TO FILE**

Assembly Member Vargas was granted unanimous consent to take up consideration of Senate amendments to Assembly Bill No. 2235, without reference to file.

**ASSEMBLY BILL NO. 2235 (Vargas)**—An act to amend Sections 12301.6, 12302.2, and 12302.25 of the Welfare and Institutions Code, relating to public social services.

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—52**

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

**NOES—27**

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

Above bill ordered enrolled.

**At 8:13 p.m., Assistant Speaker pro Tempore Kehoe,  
76th District, presiding**

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

**SENATE BILL NO. 1444 (Kuehl)**—An act to add Section 114716 to the Health and Safety Code, relating to radiation.

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

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 8:32 p.m.

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

**UNFINISHED BUSINESS (RESUMED)**  
**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 787 (Hertzberg)**—An act to add Section 11152.1 to the Government Code, relating to state government.

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—52**

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

**NOES—27**

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

Above bill ordered enrolled.

**CONFERENCE COMMITTEE REPORTS**

**ASSEMBLY BILL NO. 14 (As proposed by the Conference Committee)**—An act to amend Sections 17071.75, 17072.13, 17072.18, 17072.20, 17072.35, 17074.15, 17074.16, 17077.45, 17078.20, 17078.30, and 17213.1 of, to add Sections 17070.46, 17070.73, 17073.25, and 17180.5 to, and to add Article 12 (commencing with Section 17078.50) to Chapter 12.5 of Part 10 of, the Education Code, to add Section 53097.3 to the Government Code, and to amend Sections 51451.5, 51453, and 51455 of, and to add Section 51453.5 to, the Health and Safety Code, relating to school facilities, and making an appropriation therefor.

Conference Committee Report presented by Assembly Member Goldberg.

Report adopted by the following vote:

**AYES—56**

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

**NOES—23**

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

**ASSEMBLY BILL NO. 312 (As proposed by the Conference Committee)**—An act to add Sections 33009.5 and 52055.52 to, and to add Article 4.1 (commencing with Section 52058.1) and Article 4.2 (commencing with Section 52059) to Chapter 6.1 of Part 28 of, the Education Code, relating to public education, and declaring the urgency thereof, to take effect immediately.

Conference Committee Report presented by Assembly Member Strom-Martin.

### Urgency Clause

Urgency clause read, and adopted by the following vote:

#### AYES—79

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

#### NOES—None

Report adopted by the following vote:

#### AYES—79

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

#### NOES—None

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1314 (Havice)**—An act to amend Sections 22500 and 40215 of, and to add Sections 22511, 22511.1, 40226, and 42001.6 to, the Vehicle Code, relating to parking violations.

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—52**

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

**NOES—26**

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

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 1314: Assembly Member Zettel, from “No” to “Aye”.

Above bill ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT**

Assembly Member Firebaugh was granted unanimous consent that measures on Supplemental File No. 1 be taken up for consideration.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 930 (Keeley)**—An act to amend Section 66427.5 of the Government Code, relating to housing.

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

**NOES—27**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2825 (Wiggins)**—An act to add Chapter 13.1 (commencing with Section 54992) to Part 1 of Division 2 of Title 5 of the Government Code, relating to local agencies.

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—54**

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

**NOES—24**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2834 (Migden)**—An act to amend Sections 14501, 14503, 14504, 14504.2, 41020, 41020.3, and 41344 of, to amend and repeal Section 14502 of, to add Sections 14502.1, 41344.1, and 42238.75 to, and to repeal Section 41609 of, the Education Code, and to amend Section 17558.5 of the Government Code, relating to school districts, and making an appropriation therefor.

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—66**

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

**NOES—12**

Bogh	La Suer	Mountjoy	Salinas
Harman	Leach	Pacheco, Rod	Wyland
Hollingsworth	Maddox	Pescetti	Zettel

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 2834: Assembly Member Zettel, from “Aye” to “No”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2837 (Koretz)**—An act to add Section 102346 to the Health and Safety Code, to amend Sections 6309, 6313, 6315, 6409.1, 6409.2, and 6423 of, and to add Sections 176 and 6356 to, the Labor Code, relating to employment safety.

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—45**

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

**NOES—31**

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

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 2837: Assembly Member Oropeza, from "Aye" to "Not Voting".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2869 (Horton)**—An act to add Sections 19533.6 and 19614.3 to the Business and Professions Code, relating to horse racing.

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—69**

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

**NOES—2**

Hollingsworth      Jackson

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2880 (Chavez)**—An act to amend Sections 7583.2, 7583.20, 7587.1, and 7588 of, to amend, repeal, and add Sections 7583.6 and 7583.7 of, and to add Section 7588.5 to, the Business and Professions Code, relating to private security services, and making an appropriation therefor.

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—52**

Aanestad	Correa	Kehoe	Reyes
Alquist	Diaz	Koretz	Salinas
Aroner	Dickerson	La Suer	Shelley
Bogh	Dutra	Liu	Simitian
Calderon	Firebaugh	Longville	Steinberg
Cardenas	Florez	Lowenthal	Strom-Martin
Cardoza	Frommer	Matthews	Vargas
Cedillo	Goldberg	Migden	Washington
Chan	Havice	Nation	Wayne
Chavez	Hertzberg	Negrete McLeod	Wiggins
Chu	Horton	Oropeza	Wright
Cohn	Jackson	Pacheco, Rod	Zettel
Corbett	Keeley	Pavley	Mr. Speaker

**NOES—24**

Ashburn	Cogdill	Leach	Pescetti
Bates	Cox	Leonard	Richman
Briggs	Daucher	Leslie	Runner
Campbell, Bill	Harman	Maddox	Strickland
Campbell, John	Hollingsworth	Maldonado	Wyland
Canciamilla	Kelley	Mountjoy	Wyman

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 3030 (Corbett)**—An act to add Sections 1281.84 and 1287.1 to the Code of Civil Procedure, relating to arbitration.

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—48**

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

**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	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 3030: Assembly Member Cedillo, from “No” to “Aye”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 3042 (Committee on Natural Resources)**—An act to amend Section 66907.7 of the Government Code, and to add and repeal Article 1.5 (commencing with Section 5019.10) of Chapter 1 of Division 5 of the Public Resources Code, relating to natural resources, and making an appropriation therefor.

Bill presented by Assembly Member Wayne.

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—77**

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

**NOES—None****Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 3042: Assembly Member Cedillo, from “No” to “Aye”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 692 (Aroner)**—An act to add Title 13 (commencing with Section 95500) to the Government Code, to repeal Chapter 17 (commencing with Section 50897) of Part 2 of Division 31 of the Health and Safety Code, to amend Sections 12201 and 12201.03 of, and to add Sections 11155.4, 11265.3, and 18910 to, the Welfare and Institutions Code, and to amend Provision 7 of Item 5175-101-0001 of Section 2.00 of the Budget Act of 2002, relating to human services.

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—48**

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

**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	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 692: Assembly Member Cedillo, from “No” to “Aye”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 883 (Florez)**—An act to amend Sections 1797.98a, 1797.98b, 1797.98c, and 1797.98e of, and to add Section 1797.98h to, the Health and Safety Code, relating to health.

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.

**Call of the Assembly**

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

Motion carried. Time, 9:14 p.m.

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

**ACTION RESCINDED ON SENATE BILL NO. 572**

Assembly Member Firebaugh was granted unanimous consent to rescind the action whereby the Assembly, on August 25, 2002 (Assembly Journal, page 8082), adopted the urgency clause and passed Senate Bill No. 572, and whereby the bill was ordered transmitted to the Senate.

**Consideration of Senate Bill No. 572 by Unanimous Consent**

Assembly Member Firebaugh was granted unanimous consent to take up Senate Bill No. 572 without reference to file, for purpose of amendment.

**SENATE BILL NO. 572 (O'Connell)**—An act to amend, repeal, and add Sections 17072.35 and 17074.25 of the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

**RULES TEMPORARILY SUSPENDED**

Assembly Member Firebaugh was granted unanimous consent that Assembly Rule 69(b)(e) be suspended to permit consideration of proposed amendments to Senate Bill No. 572.

Bill read third time.

**Motion to Amend**

Assembly Member Firebaugh moved the adoption of amendments.

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

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS (RESUMED)**

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 885 (Daucher)**—An act to add and repeal Section 46300.8 of the Education Code, relating to public schools.

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 915 (Frommer)**—An act to add Sections 14105.95 and 14105.96 to the Welfare and Institutions Code, relating to Medi-Cal, 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—79

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

#### NOES—None

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

#### AYES—79

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

#### NOES—None

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1000 (Simitian)**—An act to add and repeal Chapter 3.5 (commencing with Section 81700) of, Part 49 of the Education Code, relating to public works.

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—76**

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

**NOES—1**

Mountjoy

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1710 (Negrete McLeod)**—An act to amend Sections 22455.5, 26000, 26300, and 26400 of, to add Sections 26000.2 and 26113.5 to, and to add Article 7 (commencing with Section 87170) to Chapter 1 of Part 51 of Division 7 of Title 3 of, the Education Code, and to amend Section 20610 of the Government Code, relating to retirement, and making an appropriation therefor.

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

**NOES—29**

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

Above bill ordered enrolled.

**At 9:23 p.m., Speaker pro Tempore Keeley, 27th District, presiding**

**ASSEMBLY BILL NO. 2424 (Goldberg)**—An act to amend Section 17070.15 of, and to add Article 13 (commencing with Section 17078.80) to Chapter 12.5 of Part 10 of, the Education Code, relating to public schools.

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—54**

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

**NOES—23**

Aanestad	Dickerson	Maddox	Richman
Ashburn	Harman	Maldonado	Runner
Briggs	Hollingsworth	Mountjoy	Strickland
Campbell, John	La Suer	Pacheco, Robert	Wyman
Cox	Leach	Pacheco, Rod	Zettl
Daucher	Leslie	Pescetti	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2741 (Chan)**—An act to add Part 3.5 (commencing with Section 15800) to Division 9 of the Welfare and Institutions Code, relating to children.

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—51**

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

**NOES—26**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2849 (Washington)**—An act to amend Sections 45103 and 45256 of the Education Code, relating to classified school employees.

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—48**

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

**NOES—29**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 3027 (Committee on Judiciary)**—An act to amend Sections 1812.10 and 2984.4 of the Civil Code, to amend Sections 116.340, 116.370, 116.570, 116.940, 392, 395, 396, 396a, 575.2, 631, 1005, and 2094 of, to repeal Section 402.5 of, and to repeal and add Section 402 of, the Code of Civil Procedure, to amend Sections 1030 1031, 1032, 1033, and 1034 of, and to amend the heading of Article 8 (commencing with Section 1030) of Chapter 4 of Division 8 of, the Evidence Code, and to amend Section 818.9 of the Government Code, relating to courts.

Bill presented by Assembly Member Corbett.

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—78**

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1250 (Florez)**—An act to add Section 2429.6 to the Vehicle Code, relating to the Department of the California Highway Patrol.

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—63**

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

**NOES—13**

Bates	Daucher	Mountjoy	Wyland
Campbell, Bill	La Suer	Richman	
Campbell, John	Leslie	Runner	
Cox	Maddox	Strickland	

Above bill ordered enrolled.

**JOINT RULE 62(a) WAIVED**

Assembly Member Chan was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 2944 for hearing in the Committee on Business and Professions, today, upon Call on the Chair.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 3029 (Steinberg)**—An act to amend Sections 1280 and 1281.6 of, and to add Sections 1281.81, 1281.82, and 1281.83 to, the Code of Civil Procedure, relating to arbitration.

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—52**

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

**NOES—25**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2004 (Correa)**—An act to amend Section 31641.3 of, and to add Sections 21026.5 and 31658 to, the Government Code, relating to public employees' retirement, and making an appropriation therefor.

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

**NOES—None**

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 2004: Assembly Member Hollingsworth, from “No” to “Aye”.

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 234**

At 9:37 p.m., on motion of Assembly Member Strom-Martin, 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 Strom-Martin moved to continue the call of the Assembly.

Motion carried. Time, 9:37 p.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  
SENATE BILL NO. 1523**

At 9:44 p.m., on motion of Assembly Member Steinberg, 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 Steinberg moved to continue the call of the Assembly.

Motion carried. Time, 9:44 p.m.

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

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 325 (Reyes)**—An act to amend Section 1697.1 of the Labor Code, and to amend Section 2400 of the Vehicle Code, relating to protection of farmworkers.

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

**NOES—27**

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

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 325: Assembly Member Maldonado, from "Aye" to "Not Voting".

Above bill ordered enrolled.

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

**SENATE BILL NO. 1551 (Battin)**—An act relating to the state militia, and making an appropriation therefor.

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

Bill passed by the following vote:

**AYES—77**

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

**NOES—None**

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1551: Assembly Member Papan, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

**At 10 p.m., Assistant Speaker pro Tempore Kehoe,  
76th District, presiding**



**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 234**

At 10 p.m., on motion of Assembly Member Strom-Martin, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 234 refused passage by the following vote:

**AYES—28**

Aroner	Jackson	Lowenthal	Simitian
Canciamilla	Keeley	Migden	Steinberg
Chan	Kehoe	Nakano	Strom-Martin
Chu	Koretz	Nation	Thomson
Corbett	La Suer	Negrete McLeod	Wayne
Goldberg	Liu	Pavley	Wiggins
Horton	Longville	Shelley	Mr. Speaker

**NOES—36**

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

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 234: Assembly Member Cedillo, from “Aye” to “Not Voting”.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 883**

At 10:10 p.m., Assembly Member Aroner, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly refused to concur in Senate amendments to Assembly Bill No. 883 by the following vote:

**AYES—21**

Calderon	Cohn	Keeley	Nation
Cardenas	Dutra	Koretz	Wiggins
Cardoza	Firebaugh	Leonard	Mr. Speaker
Cedillo	Florez	Liu	
Chavez	Havice	Lowenthal	
Chu	Horton	Matthews	

**NOES—33**

Aanestad	Cox	Maddox	Strickland
Ashburn	Daucher	Maldonado	Thomson
Bates	Dickerson	Mountjoy	Wayne
Bogh	Harman	Negrete McLeod	Wyland
Campbell, Bill	Hollingsworth	Pacheco, Robert	Wyman
Campbell, John	Kelley	Pacheco, Rod	Zettel
Canciamilla	La Suer	Pescetti	
Chan	Leach	Richman	
Cogdill	Leslie	Runner	

**Action Rescinded on Assembly Bill No. 883**

Assembly Member Aroner was granted unanimous consent to rescind the action whereby Senate amendments to Assembly Bill No. 883 were this day refused concurrence.

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

Pursuant to Assembly Rule 77.2, Speaker pro Tempore Kehoe re-referred Assembly Bill No. 883 to the Committee on Health.

**Action Rescinded on Assembly Bill No. 883**

Speaker pro Tempore Kehoe was granted unanimous consent to rescind the action whereby Assembly Bill No. 883 was re-referred to the Committee on Health pursuant to Assembly Rule 77.2.

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

**SENATE BILL NO. 2073 (Johannessen)**—An act to add Section 11710.1 to the Vehicle Code, relating to vehicles.

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

Bill passed by the following vote:

**AYES—44**

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

**NOES—19**

Ashburn	Cogdill	Leonard	Runner
Bates	Cox	Maddox	Strickland
Bogh	Daucher	Maldonado	Wyland
Campbell, Bill	Hollingsworth	Mountjoy	Wyman
Campbell, John	Leach	Pacheco, Robert	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 2073: Assembly Member Jackson from "Aye" to "Not Voting".

Bill ordered transmitted to the Senate.

**RULES TEMPORARILY SUSPENDED**

Assembly Member Firebaugh was granted unanimous consent that Assembly Rule 69(d) be suspended to permit consideration of Senate Bill No. 572, as amended, without reference to file.

**SENATE BILL NO. 572 (O'Connell)**—An act to amend, repeal, and add Section 17074.25 of, and to add and repeal Section 17072.35.1 to, the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

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

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—74**

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

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—74**

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

**NOES—None**

Bill ordered transmitted to the Senate.

**MESSAGES FROM THE SENATE**

Senate Chamber, August 30, 2002

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

Assembly Bill No. 925  
 Assembly Bill No. 989  
 Assembly Bill No. 1010  
 Assembly Bill No. 1872  
 Assembly Bill No. 1905  
 Assembly Bill No. 1969  
 Assembly Bill No. 2058

Assembly Bill No. 2156  
 Assembly Bill No. 2751  
 Assembly Bill No. 2785  
 Assembly Bill No. 2875  
 Assembly Bill No. 2954  
 Assembly Bill No. 3007

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.

**CONSIDERATION OF BILLS BY UNANIMOUS CONSENT**

Speaker pro Tempore Keeley was granted unanimous consent that the following bills be ordered to a Supplemental File for purpose of consideration on this day:

Assembly Bills Nos. 3007, 1045, 1677, 1234, 858, 424, 843, 1401, 925, 989, 1010, 1872, 1905, 1969, 2058, 2156, 2751, 2785, 2875, and 2954.

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

Pursuant to Assembly Rule 77.2, Speaker pro Tempore Keeley re-referred Assembly Bill No. 883 to the Committee on Health.

**At 11:44 p.m., Assistant Speaker pro Tempore Kehoe,  
 76th District, presiding**

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 925 (Aroner)**—An act to add Sections 12803.6, 12803.65, and 12803.7 to the Government Code, to add Division 10 (commencing with Section 18000) to the Unemployment Insurance Code, and to amend Sections 12300, and 14132.95 of, and to add Sections 14007.95 and 14132.955 to, the Welfare and Institutions Code, relating to disabilities.

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—49**

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

**NOES—28**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 989 (Chan)**—An act to add Article 12 (commencing with Section 32425) to Chapter 3 of Part 19 of the Education Code, to add Section 17131.1 to the Revenue and Taxation Code, to add Section 2629.5 to the Unemployment Insurance Code, and to amend Section 11008.20 of the Welfare and Institutions Code, relating to holocaust reparations, and making an appropriation therefor.

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1905 (Longville)**—An act to add and repeal Section 49452.6 of the Education Code, relating to pupil health.

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—80**

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

**NOES—None**

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 1905: Assembly Member Aanestad, from “No” to “Aye”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1872 (Canciamilla)**—An act to amend Sections 103450 and 103490 of, and to add Sections 103451 and 103466 to, the Health and Safety Code, relating to vital records.

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1969 (Bill Campbell)**—An act to amend Section 13385 of, and to add Section 13286.9 to, the Water Code, related to water, 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—79**

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

**NOES—None**



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

**AYES—79**

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

**NOES—None**

Above bill ordered enrolled.

**At 11:56 p.m., Hon. Sarah Reyes, 31st District, presiding**

**ASSEMBLY BILL NO. 2058 (Papan)**—An act to add Division 31 (commencing with Section 81300) to the Water Code, relating to water.

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—77**

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2156 (Kehoe)**—An act to add and repeal Division 22.9 (commencing with Section 32630) of the Public Resources Code, relating to the San Diego River Conservancy.

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—54**

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

**NOES—18**

Aanestad	Cogdill	Leonard	Runner
Ashburn	Cox	Leslie	Strickland
Bogh	Daucher	Maddox	Wyman
Campbell, Bill	Hollingsworth	Mountjoy	
Campbell, John	Leach	Pescetti	

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 1523**

At 11:58 p.m., on motion of Assembly Member Steinberg, 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 Steinberg moved to continue the call of the Assembly.

Motion carried. Time, 11:59 p.m.

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

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2751 (Pavley)**—An act to add Section 216.5 to the Streets and Highways Code, relating to highways.

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—67**

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

**NOES—11**

Ashburn	Hollingsworth	Mountjoy	Pescetti
Campbell, Bill	Kelley	Pacheco, Robert	Runner
Campbell, John	La Suer	Pacheco, Rod	

Above bill ordered enrolled.

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**SIX HUNDRED THIRTY-SIXTH CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**

---

Assembly Chamber, August 31, 2002

At 12 midnight.

Assistant Speaker pro Tempore Kehoe, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2875 (Vargas)**—An act to amend Section 7110 of, and to add Section 7110.5 to, the Government Code, relating to military bases.

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—80**

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2954 (Simitian)**—An act to add Section 65302.4 to the Government Code, relating to land use.

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—48**

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

**NOES—29**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1045 (Firebaugh)**—An act to repeal and add Section 853 of, and to add Sections 854 and 855 to, the Business and Professions Code, relating to healing arts.

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—46**

Aroner	Diaz	Kelley	Simitian
Ashburn	Dickerson	Koretz	Steinberg
Campbell, Bill	Dutra	Liu	Strom-Martin
Canciamilla	Firebaugh	Longville	Thomson
Cardenas	Florez	Matthews	Vargas
Cedillo	Goldberg	Migden	Washington
Chan	Harman	Nation	Wiggins
Chavez	Havice	Negrete McLeod	Wright
Chu	Hertzberg	Oropeza	Wyman
Cohn	Jackson	Papan	Mr. Speaker
Corbett	Keeley	Salinas	
Correa	Kehoe	Shelley	

**NOES—21**

Aanestad	Cox	Maddox	Wayne
Bates	Daucher	Mountjoy	Wyland
Bogh	Hollingsworth	Pacheco, Robert	Zettel
Campbell, John	La Suer	Pescetti	
Cardoza	Leach	Runner	
Cogdill	Leonard	Strickland	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 1045: Assembly Member Robert Pacheco, from “Aye” to “No”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1677 (Koretz)**—An act to amend Sections 221, 512, and 2674.1 of, to add Sections 512.5 and 1172 to, and to repeal and add Section 515.6 of, the Labor Code, relating to employment.

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.

**Call of the Assembly**

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

Motion carried. Time, 12:35 a.m.

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

**ASSEMBLY BILL NO. 1010 (Correa)**—An act to amend Section 130240 of the Public Utilities Code, and to amend Section 143 of the Streets and Highways Code, relating to transportation.

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—60**

Aanestad	Dickerson	Leslie	Runner
Alquist	Dutra	Liu	Salinas
Ashburn	Firebaugh	Longville	Shelley
Bogh	Florez	Lowenthal	Simitian
Campbell, Bill	Frommer	Maldonado	Steinberg
Canciamilla	Goldberg	Nakano	Strickland
Cardenas	Harman	Nation	Strom-Martin
Cedillo	Havice	Negrete McLeod	Vargas
Chavez	Hertzberg	Oropeza	Washington
Chu	Horton	Pacheco, Robert	Wayne
Cohn	Keeley	Pacheco, Rod	Wiggins
Corbett	Kelley	Pavley	Wright
Correa	Koretz	Pescetti	Wyman
Cox	La Suer	Reyes	Zettel
Daucher	Leach	Richman	Mr. Speaker

**NOES—1**

Cardoza

Above bill ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT**

Assembly Member Firebaugh was granted unanimous consent that Senate Bill No. 1613 be ordered from the First Day Consent Calendar to the Second Day Consent Calendar for purpose of consideration.

**At 12:42 a.m., Speaker pro Tempore Keeley, 27th District, presiding**

**CONSIDERATION OF CONSENT CALENDAR**

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

**Consent Calendar—Assembly Resolution**

**HOUSE RESOLUTION NO. 93 (Frommer)**—Relative to the Academy of Motion Picture Arts and Sciences.

Resolution read, and adopted.

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

**Consent Calendar—Senate Bills**

**SENATE CONCURRENT RESOLUTION NO. 89 (Machado)**—Relative to the CHP Officer Dale E. Newby Memorial Highway.

Resolution read, adopted, and ordered transmitted to the Senate.

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

**SENATE BILL NO. 1613 (Dunn)**—An act to amend Sections 10234.93 and 10236.11 of, and to amend, repeal, and add Section 10235.52 of, the Insurance Code, relating to insurance.

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—80**

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

**NOES—None****CONSIDERATION OF SPECIAL CONSENT CALENDAR**

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

**Special Consent Calendar—Consideration of Senate Amendments to Assembly Bills**

**ASSEMBLY BILL NO. 2132 (Matthews)**—An act to add Section 14100.95 to the Welfare and Institutions Code, relating to Medi-Cal.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

**ASSEMBLY BILL NO. 2308 (Chavez)**—An act to add and repeal Section 41821.3 of the Public Resources Code, relating to solid waste.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

**ASSEMBLY BILL NO. 2514 (Bates)**—An act to add Chapter 16 (commencing with Section 18998) to Part 6 of Division 9 of the Welfare and Institutions Code, relating to substance abuse.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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



**ASSEMBLY BILL NO. 687 (Thomson)**—An act to add Section 1798.1625 to the Health and Safety Code, relating to emergency medical services.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

**ASSEMBLY BILL NO. 1746 (Liu)**—An act to amend Section 76300 of, and to add Sections 68120.5 and 68121 to, the Education Code, relating to postsecondary education.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

**ASSEMBLY BILL NO. 2124 (Aanestad)**—An act to add and repeal Section 1301 of the Health and Safety Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

**ASSEMBLY BILL NO. 2138 (Firebaugh)**—An act to amend Sections 1622, 41344, and 42850 of the Education Code, relating to education finance.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

**ASSEMBLY BILL NO. 2351 (Canciamilla)**—An act to amend Section 13385 of the Water Code, relating to water.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

**ASSEMBLY BILL NO. 2367 (Correa)**—An act to amend Sections 20751, 21293, and 21294 of, and to add Sections 20751.5, 20910, and 21251.15 to, the Government Code, relating to public employees' retirement.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

**ASSEMBLY BILL NO. 2495 (Correa)**—An act to amend Sections 18551.1 and 18611 of the Health and Safety Code, relating to mobilehomes.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

**ASSEMBLY BILL NO. 2674 (Chu)**—An act to amend Sections 14087.325 and 14105 of the Welfare and Institutions Code, relating to Medi-Cal.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

**ASSEMBLY BILL NO. 3048 (Committee on Health)**—An act to amend Sections 1345, 1367.22, 1371.2, and 1374.9 of the Health and Safety Code, and to amend Section 12726 of the Insurance Code, relating to health care.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

**ASSEMBLY BILL NO. 1511 (Frommer)**—An act to amend Section 17285 of the Education Code, relating to school facilities.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

#### **Special Consent Calendar Roll Call**

The roll was called, and the above bills on the Special Consent Calendar passed, and any urgency clauses to the bills adopted, by the following vote:

#### **AYES—80**

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

#### **NOES—None**

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 1523**

At 12:46 a.m., on motion of Assembly Member Steinberg, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 1523 passed by the following vote:

**AYES—42**

Alquist	Dutra	Longville	Simitian
Aroner	Frommer	Lowenthal	Steinberg
Canciamilla	Goldberg	Migden	Strom-Martin
Cardenas	Hertzberg	Nakano	Thomson
Cedillo	Horton	Nation	Vargas
Chan	Jackson	Negrete McLeod	Washington
Chu	Keeley	Papan	Wayne
Cohn	Kehoe	Pavley	Wiggins
Corbett	Kelley	Reyes	Mr. Speaker
Correa	Koretz	Salinas	
Diaz	Liu	Shelley	

**NOES—34**

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

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 1449**

At 12:47 a.m., on motion of Assembly Member Aroner, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 1449 refused passage by the following vote:

**AYES—48**

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

**NOES—25**

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 1444**

At 12:47 a.m., on motion of Assembly Member Keeley, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 1444 refused passage by the following vote:

**AYES—31**

Aroner	Corbett	Kehoe	Shelley
Calderon	Diaz	Koretz	Simitian
Canciamilla	Firebaugh	Liu	Steinberg
Cardenas	Goldberg	Longville	Strom-Martin
Chan	Hertzberg	Migden	Washington
Chavez	Horton	Nation	Wiggins
Chu	Jackson	Pavley	Mr. Speaker
Cohn	Keeley	Salinas	

**NOES—32**

Aanestad	Dickerson	Leonard	Pescetti
Ashburn	Florez	Leslie	Reyes
Bates	Harman	Maddox	Richman
Briggs	Havice	Maldonado	Runner
Campbell, Bill	Hollingsworth	Matthews	Strickland
Cardoza	Kelley	Mountjoy	Wyland
Cogdill	La Suer	Pacheco, Robert	Wyman
Cox	Leach	Pacheco, Rod	Zettel

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1444: Assembly Member Cedillo, from “No” to “Not Voting”.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1677**

At 12:48 a.m., on motion of Assembly Member Koretz, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly refused to concur in Senate amendments to Assembly Bill No. 1677 by the following vote:

**AYES—37**

Alquist	Cohn	Kehoe	Steinberg
Aroner	Correa	Koretz	Vargas
Calderon	Diaz	Liu	Washington
Canciamilla	Dutra	Longville	Wayne
Cardenas	Firebaugh	Lowenthal	Wiggins
Cardoza	Goldberg	Migden	Wright
Cedillo	Havice	Nation	Mr. Speaker
Chan	Hertzberg	Negrete McLeod	
Chavez	Horton	Oropeza	
Chu	Keeley	Shelley	

**NOES—32**

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

**Motion to Reconsider Assembly Bill No. 1677  
on Next Legislative Day**

Assembly Member Koretz moved to reconsider on the next legislative day the vote whereby Senate amendments to Assembly Bill No. 1677 were this day refused concurrence.

Assembly Bill No. 1677 ordered to the unfinished business file.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Thomson announced that the Committee on Health would meet on Saturday, August 31, 2002 at 10 a.m., in Room 4202.

Assembly Member Correa announced that the Committee on Business and Professions would meet on August 31, 2002 at 10:30 a.m. in the Tom Bane Rules Committee Room.

**JOINT RULE 62(a) WAIVED**

Assembly Member Firebaugh was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 481 for hearing in the Committee on Health.

**ASSEMBLY BILL NO. 2969**

Assembly Member Firebaugh was granted unanimous consent that Assembly Bill No. 2969 be ordered returned to Enrollment.

**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Date of Hearing: August 29, 2002

Mr. Speaker: Your Committee on Appropriations reports:  
Senate Bill No. 1393

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

STEINBERG, Chairman

Above bill ordered to second reading.

Date of Hearing: August 29, 2002

Mr. Speaker: Your Committee on Appropriations reports:  
Senate Bill No. 621

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

STEINBERG, Chairman

Above bill ordered to second reading.

Date of Hearing: August 29, 2002

Mr. Speaker: Your Committee on Appropriations reports:  
Senate Bill No. 110

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

STEINBERG, Chairman

Above bill ordered to second reading.

**SECOND READING OF BILLS BY UNANIMOUS CONSENT**

Assembly Member Firebaugh was granted unanimous consent that Senate Bills Nos. 110, 621, and 1393, reported from the Committee on Appropriations today, be taken up without reference to file for purpose of second reading and adoption of committee amendments and the bills ordered to the third reading file for Saturday, August 31st.

**SENATE BILL NO. 1393**—An act to amend Sections 21080.5, 21151, 21159.9, and 21167.6 of, and to add Section 21167.6.5 to, the Public Resources Code, relating to environmental protection.

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

**SENATE BILL NO. 621**—An act relating to water, and making an appropriation therefor.

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

**SENATE BILL NO. 110**—An act to add Section 1670.8 to the Civil Code, to add Section 653.5 to the Penal Code, and to add Section 352.7 to the Public Utilities Code, relating to contracts.

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

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 2079 and 425; and Senate Bills Nos. 1830 and 1482 were continued until the next legislative day.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

**Senate Bill No. 1310:** Cohn, Corbett, Florez, Havice, Horton, Kehoe, Shelley, Wiggins, and Wright—Aye; Aanestad, Bogh, Briggs, Cox, Dickerson, Maddox, Mountjoy, Rod Pacheco, Strickland, and Wyland—No.

**Senate Bill No. 426:** Havice, Koretz, Nation, Simitian, and Steinberg—Aye; Aanestad, Bates, Bogh, Briggs, John Campbell, Dickerson, Harman, Hollingsworth, La Suer, Mountjoy, Rod Pacheco, and Wyland—No.

**Senate Bill No. 1278:** Briggs, Dutra, Koretz, Nation, Shelley, Simitian, and Wyland—Aye; Aanestad, Bogh, John Campbell, Cox, La Suer, Mountjoy, and Rod Pacheco—No.

**Senate Bill No. 737 and Urgency:** Aanestad, Briggs, Correa, Koretz, Nation, and Simitian—Aye; Bogh and Rod Pacheco—No.

**Assembly Bill No. 2184, Concurrence:** Bates, Bogh, Briggs, Chavez, Diaz, Firebaugh, Florez, Harman, Horton, Koretz, Nakano, Steinberg, Wyland, and Wyman—Aye; Rod Pacheco—No.

**Senate Bill No. 1868:** Bogh, Briggs, Chavez, Diaz, Hollingsworth, Koretz, Rod Pacheco, Simitian, Wyland, and Wyman—Aye.

**Senate Bill No. 1858 and Urgency:** Bogh, Briggs, Cardenas, Diaz, Firebaugh, Koretz, Nation, Rod Pacheco, Simitian, and Vargas—Aye.

**Senate Joint Resolution No. 41:** Correa, Havice, Koretz, and Nation—Aye; Bogh, Briggs, Rod Pacheco, and Wyland—No.

**Senate Bill No. 789:** Correa, Frommer, Koretz, and Nation—Aye; Bogh, Briggs, and Rod Pacheco—No.

**Assembly Bill No. 337, Concurrence:** Chu, Corbett, Daucher, Dickerson, Maddox, and Maldonado—Aye; Ashburn, Briggs, Bill Campbell, Kelley, Mountjoy, Rod Pacheco, and Wyland—No.

**Assembly Bill No. 2604, Concurrence:** Chu, Maddox, and Simitian—Aye; Briggs, Daucher, Mountjoy, Wyland, and Zettel—No.

**Assembly Bill No. 1814, Concurrence:** Cardoza, Matthews, and Simitian—Aye; Briggs, Maddox, Mountjoy, Rod Pacheco, Wyland, and Zettel—No.

**Assembly Bill No. 2075, Concurrence:** Briggs, Florez, Havice, Jackson, Maddox, Mountjoy, Rod Pacheco, Shelley, and Wyland—Aye.

**Assembly Bill No. 2125, Concurrence:** Briggs, Havice, Jackson, Maddox, and Strickland—Aye; Mountjoy, Rod Pacheco, and Wyland—No.

**Assembly Bill No. 2178, Concurrence:** Havice, Jackson, Liu, and Simitian—Aye; Bates, Briggs, Maddox, Mountjoy, Rod Pacheco, and Wyland—No.

**Firebaugh Motion to Suspend Rules:** Havice—Aye; Bates, Maddox, Mountjoy, and Wyland—No.

**Senate Bill No. 804, Cedillo Amendments:** Cardoza, Dickerson, Havice, Jackson, Liu, and Wayne—Aye; Bates, Bogh, Cox, Harman, Leach, Leslie, Maddox, and Wyland—No.

**Senate Bill No. 804:** Havice and Liu—Aye; Bogh, Harman, Leslie, Maddox, Wyland, and Zettel—No.

**Assembly Bill No. 2197, Concurrence:** Cedillo, Havice, and Simitian—Aye; Bogh, Briggs, Hollingsworth, Rod Pacheco, Pescetti, and Zettel—No.

**Assembly Bill No. 364, Concurrence:** Havice, Jackson, Wiggins, and Wright—Aye; Ashburn, Bates, Bogh, Briggs, Bill Campbell, Daucher, Maldonado, and Rod Pacheco—No.

**Assembly Bill No. 1694, Concurrence:** Bogh, Briggs, Havice, and Rod Pacheco—Aye.

**Assembly Bill No. 2277, Concurrence:** Daucher, Havice, and Maldonado—Aye; Bogh, Briggs, and Rod Pacheco—No.

**Assembly Bill No. 2386, Concurrence:** Frommer—Aye; Rod Pacheco and Zettel—No.

**Assembly Bill No. 1173, Concurrence:** Vargas—Aye; Bogh—No.

**Assembly Bill No. 2297, Concurrence:** Calderon, Correa, Diaz, Horton, and Liu—Aye; Kelley, Maldonado, and Mountjoy—No.

**Assembly Bill No. 2845, Concurrence:** Liu and Simitian—Aye; Briggs and Wyland—No.

**Assembly Bill No. 2874, Concurrence:** Horton, Jackson, Maldonado, Simitian, and Steinberg—Aye; Briggs, Mountjoy, Wyland, and Zettel—No.

**Assembly Bill No. 2879, Concurrence:** Briggs, Florez, Simitian, and Wyland—Aye.

**Assembly Bill No. 2540, Concurrence:** Cardenas, Cardoza, and Wyland—Aye.

**Senate Bill No. 2011:** Briggs, Dutra, and Simitian—Aye; Wyland and Zettel—No.

**Assembly Bill No. 629, Concurrence:** Havice and Simitian—Aye; Briggs and Wyland—No.

**Assembly Bill No. 2957, Concurrence:** Simitian—Aye.

**Assembly Bill No. 116, Concurrence:** Briggs, Daucher, Robert Pacheco, and Simitian—Aye; Bogh, Mountjoy, Rod Pacheco, and Zettel—No.

**Assembly Bill No. 248, Concurrence:** Bogh, Leach, Migden, Nation, Rod Pacheco, Shelley, and Simitian—Aye; Briggs, Leslie, and Mountjoy—No.

**Assembly Bill No. 421, Concurrence:** Briggs, Correa, Havice, Negrete McLeod, and Simitian—Aye; Bates, Bogh, Leslie, and Rod Pacheco—No.

**Assembly Bill No. 500, Concurrence:** Simitian—Aye; Briggs—No.

**Assembly Bill No. 690, Concurrence:** Aanestad, Ashburn, Briggs, Bill Campbell, Havice, La Suer, Maddox, Simitian, and Zettel—Aye.

**Assembly Bill No. 1776, Urgency and Concurrence:** Havice, Maddox, Shelley, Simitian, and Steinberg—Aye.

**Assembly Bill No. 1156, Concurrence:** Briggs, Havice, and Simitian—Aye.

**Assembly Bill No. 741, Concurrence:** Daucher, Havice, and Simitian—Aye; Briggs, Maddox, and Zettel—No.

**Assembly Bill No. 1994, Concurrence:** Correa—Aye; Briggs, Maddox, Mountjoy, and Wyland—No.

**Assembly Bill No. 1698, Concurrence:** Briggs, Correa, Firebaugh, Hollingsworth, Maddox, Mountjoy, Shelley, and Simitian—Aye.

**Assembly Bill No. 2003, Concurrence:** Correa, Hertzberg, Hollingsworth, Jackson, Maddox, and Mountjoy—Aye.

**Assembly Bill No. 2036, Concurrence:** Aanestad, Briggs, Bill Campbell, Havice, Maddox, Mountjoy, Negrete McLeod, Wyland, and Zettel—Aye; Ashburn—No.

**Assembly Bill No. 2217, Concurrence:** Cardenas, Daucher, Havice, Liu, and Shelley—Aye; Briggs, Leslie, Maddox, Mountjoy, and Wyland—No.

**Assembly Bill No. 2395, Concurrence:** Briggs, Maddox, and Wyland—No.

**Assembly Bill No. 2481, Concurrence:** Aroner, Daucher, and Firebaugh—Aye; Bogh, Briggs, and Rod Pacheco—No.

**Senate Bill No. 441:** Briggs, Canciamilla, Daucher, Florez, Simitian, Steinberg, and Wiggins—Aye; Leslie and Rod Pacheco—No.

**Senate Bill No. 1156:** Bogh and Cardoza—No.

**Senate Bill No. 2010 and Urgency:** Briggs, Chavez, Diaz, Havice, Leach, Leslie, Maddox, Mountjoy, Robert Pacheco, Richman, and Simitian—Aye.

**Senate Bill No. 646:** Briggs, Havice, Leslie, Maddox, Mountjoy, Rod Pacheco, Richman, Simitian, and Zettel—Aye.

**Assembly Bill No. 818, Concurrence:** Briggs, Havice, Kehoe, Leslie, Maddox, Mountjoy, Pavley, Richman, Simitian, Steinberg, and Wyland—Aye.



**Assembly Bill No. 551, Wyman Motion to Re-Refer:** Maddox—Aye.

**Senate Bill No. 1479:** Cardoza, Koretz, Salinas, and Wayne—Aye.

**Assembly Bill No. 551, Concurrence:** Frommer, Koretz, Liu, and Steinberg—Aye; Ashburn, Bates, Briggs, Dickerson, Leach, Maddox, Nakano, Rod Pacheco, and Zettel—No.

**Senate Bill No. 807:** Briggs, Cardenas, Daucher, Frommer, Jackson, Kelley, Koretz, Leach, Liu, Maddox, Maldonado, Robert Pacheco, and Rod Pacheco—Aye.

**Senate Bill No. 1093:** Jackson, Koretz, Leach, Maddox, and Robert Pacheco—Aye.

**Senate Bill No. 240:** Briggs, Daucher, Koretz, Leach, Maddox, and Robert Pacheco—Aye.

**Senate Bill No. 1038:** Briggs, Daucher, Frommer, Koretz, Maddox, and Migden—Aye; Rod Pacheco and Wyland—No.

**Senate Bill No. 984:** Briggs, Corbett, Daucher, Dickerson, Koretz, Maddox, Salinas, and Strom-Martin—Aye; Leslie and Rod Pacheco—No.

**Senate Bill No. 1732:** Horton, Salinas, and Strickland—Aye; Cox, Rod Pacheco, and Wyland—No.

**Senate Bill No. 1647 and Urgency:** Bates and Rod Pacheco—No.

**Assembly Bill No. 1713, Concurrence:** Bates, Briggs, John Campbell, Daucher, Firebaugh, Havice, Horton, and Wyland—Aye.

**Senate Bill No 483:** Correa and Koretz—Aye; Maldonado—No.

**Assembly Bill No. 2721, Concurrence:** Correa and Dickerson—Aye.

**Assembly Bill No. 2739, Concurrence:** Dickerson—Aye; Briggs, Hollingsworth, and Wyland—No.

**Senate Bill No. 1473:** Briggs, Correa, Dickerson, Hertzberg, Maddox, Mountjoy, Simitian, and Wyland—Aye.

**Senate Bill No. 2079, and Urgency:** Daucher and Strickland—Aye; Harman—No.

**Assembly Bill No. 2792, Concurrence:** Dickerson and Simitian—Aye; Kelley and Thomson—No.

**Assembly Concurrent Resolution No. 229, Concurrence:** Dickerson and Firebaugh—Aye; Zettel—No.

**Assembly Bill No. 164, Concurrence:** Cardenas, Cardoza, Dickerson, Havice, and Simitian—Aye.

**Assembly Bill No. 2759, Concurrence:** Havice and Simitian—Aye; Bogh and Dickerson—No.

**Assembly Bill No. 1634, Concurrence:** Bogh and Dickerson—Aye.

**Assembly Bill No. 1904, Urgency and Concurrence:** Havice, Mountjoy, and Rod Pacheco—Aye.

**Assembly Bill No. 716, Conference Report:** Dickerson—Aye; Bogh, Maddox, and Rod Pacheco—No.

**Assembly Bill No. 643, Concurrence:** Maddox—Aye; Bogh, Dickerson, Harman, and Zettel—No.

**Assembly Bill No. 1227, Concurrence:** Bogh, Dickerson, and Richman—Aye.

**Assembly Bill No. 1008, Concurrence:** Correa—Aye; Bogh and Dickerson—No.

**Assembly Bill No. 15, Concurrence:** Bogh, Dickerson, Maddox, and Wyland—Aye.

**Assembly Bill No. 2867, Concurrence:** Correa and Steinberg—Aye; Bogh, Dickerson, Mountjoy, Rod Pacheco, and Pescetti—No.

**Assembly Bill No. 2903, Concurrence:** Cohn, Correa, Havice, and Steinberg—Aye; Bogh and Dickerson—No.

**Assembly Bill No. 2928, Concurrence:** Bogh, Correa, Dickerson, Koretz, Maddox, Nakano, Rod Pacheco, Simitian, and Steinberg—Aye.

**Assembly Bill No. 1638, Urgency and Concurrence:** Bogh, Canciamilla, Cohn, Correa, Dickerson, Maddox, and Steinberg—Aye.

**Assembly Bill No. 2166, Concurrence:** Cohn, Steinberg, and Wayne—Aye; Bogh, Cardoza, and Dickerson—No.

**Assembly Bill No. 467, Concurrence:** Bogh, Dickerson, Salinas, and Steinberg—Aye.

**Assembly Bill No. 2235:** Correa and Horton—Aye; Rod Pacheco—No.

**Assembly Bill No. 787, Concurrence:** Cardenas, Frommer, Havice, Liu, and Nakano—Aye; Aanestad and Briggs—No.

**Assembly Bill No. 14, Conference Report:** Havice, Steinberg, and Wyland—Aye; Aanestad, Bates, Briggs, La Suer, Rod Pacheco, and Zettel—No.

**Assembly Bill No. 312, Conference Report, Urgency Added:** Aanestad, Cardenas, Correa, La Suer, and Liu—Aye.

**Assembly Bill No. 1314, Concurrence:** Cardenas, Correa, Dutra, Nation, and Richman—Aye; Aanestad, La Suer, Rod Pacheco, and Wyland—No.

**Assembly Bill No. 930, Concurrence:** Canciamilla, Correa, Hertzberg, and Maldonado—Aye; Bogh, Briggs, Rod Pacheco, and Wyland—No.

**Assembly Bill No. 2825, Concurrence:** Liu and Zettel—Aye; Aanestad, Bates, Briggs, Cox, La Suer, Rod Pacheco, Strickland, and Wyland—No.

**Assembly Bill No. 2834, Concurrence:** Aanestad, Briggs, and Canciamilla—Aye; La Suer, Maddox, and Wyland—No.

**Assembly Bill No. 2837, Concurrence:** Correa, Frommer, and Nakano—Aye; Cardoza—No.

**Assembly Bill No. 2869, Concurrence:** Firebaugh, Maddox, and Migden—Aye.

**Assembly Bill No. 2880, Concurrence:** Frommer, Rod Pacheco, and Shelley—Aye; Maddox—No.

**Assembly Bill No. 3042, Concurrence:** Correa, Maddox, Mountjoy, and Richman—Aye.

**Assembly Bill No. 692, Concurrence:** Correa—Aye.

**Assembly Bill No. 885, Concurrence:** Correa, Goldberg, Havice, Kelley, Koretz, Liu, Nakano, and Shelley—Aye.

**Assembly Bill No. 915, Urgency and Concurrence:** Briggs, Correa, Havice, Pavley, and Wyland—Aye.

**Assembly Bill No. 1000, Concurrence:** Correa, Frommer, Goldberg, Havice, Liu, Maddox, Nakano, and Shelley—Aye.

**Assembly Bill No. 1710, Concurrence:** Correa, Havice, and Simitian—Aye.

**Assembly Bill No. 2424, Concurrence:** Correa and Wyland—Aye; Daucher—No.

**Assembly Bill No. 2741, Concurrence:** Correa and Shelley—Aye; Daucher—No.

**Assembly Bill No. 2849, Concurrence:** Correa—Aye; Mountjoy—No.

**Assembly Bill No. 3027, Concurrence:** Correa and Mountjoy—Aye.

**Assembly Bill No. 1250, Concurrence:** Correa and Harman—Aye; Daucher and Mountjoy—No.

**Assembly Bill No. 3029, Concurrence:** Correa and Harman—Aye; Bogh—No.

**Assembly Bill No. 2004, Concurrence:** Briggs, Cardoza, Correa, Daucher, Hertzberg, Mountjoy, Nation, and Simitian—Aye.

**Assembly Bill No. 325, Concurrence:** Cardoza and Frommer—Aye.

**Senate Bill No. 1551:** Canciamilla, Cedillo, Goldberg, Longville, and Shelley—Aye.

**Senate Bill No. 234:** Negrete McLeod—Aye.

**Assembly Bill No. 883, Concurrence:** Havice—Aye.

**Senate Bill No. 2073:** Briggs and Havice—Aye; Ashburn, Bogh, Bill Campbell, Maddox, and Maldonado—No.

**Senate Bill No. 572 and Urgency:** Briggs, Havice, Hollingsworth, Koretz, and Maddox—Aye.

**Assembly Bill No. 989, Concurrence:** Canciamilla, Cedillo, Cox, Havice, Liu, and Strickland—Aye.

**Assembly Bill No. 1905, Concurrence:** Cedillo, Correa, Cox, Havice, Strickland, and Zettel—Aye.

**Assembly Bill No. 1872, Concurrence:** Cedillo, Cox, Havice, and Strickland—Aye.

**Assembly Bill No. 1969, Concurrence, Urgency Added:** Correa, Migden, and Nation—Aye.

**Assembly Bill No. 2058, Concurrence:** Correa, Firebaugh, and Havice—Aye.

**Assembly Bill No. 2156, Concurrence:** Correa, Havice, Maldonado, and Migden—Aye.

**Assembly Bill No. 2751, Concurrence:** Briggs, Firebaugh, Havice, and Salinas—Aye.

**Assembly Bill No. 2875, Concurrence:** Briggs and Correa—Aye.

**Assembly Bill No. 2954, Concurrence:** Correa, Havice, and Negrete McLeod—Aye; Briggs—No.

**Assembly Bill No. 1045, Concurrence:** Florez and Nation—Aye; Cox and Strickland—No.

**Assembly Bill No. 1010, Concurrence:** Canciamilla, Chavez, Chu, Firebaugh, Horton, Maldonado, and Shelley—Aye.

**Senate Bill No. 1523:** Cohn—Aye.

**Senate Bill No. 1449:** Canciamilla—Aye.

**Senate Bill No. 1444:** Canciamilla and Cardenas—Aye.

**Assembly Bill No. 1677, Concurrence:** Canciamilla—Aye.

**Assembly Bill No. 1959, Concurrence:** Frommer, Havice, Jackson, and Wright—Aye; Briggs, Rod Pacheco, and Wyland—No.

**Assembly Bill No. 3030, Concurrence:** Canciamilla and Correa—Aye; Cox, Maddox, and Mountjoy—No.

**Assembly Bill No. 925, Concurrence:** Havice—Aye; Bates, Cox, and Strickland—No.

#### MOTION TO ADJOURN

At 12:50 a.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Calderon seconded the motion.

Motion carried.

#### INTRODUCTION OF GUESTS

Assembly Member Kehoe, of the 76th Assembly District, introduced her brother and sister-in-law Bill and Beihua Kehoe, and their children Haixing and Haiyang.

#### ADJOURNMENT

At 12:51 a.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 11 a.m., Saturday, August 31, 2002.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON AUGUST 30, 2002**

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

<b>SB</b>	<b>RN</b>	
441	0218955	
572	0218994	
804	0219039	
1038	0219006	
1156	0218991	
1473	0219003	
1551	0218754	
2010	0218878	
2079	0218954	
<b>Daily Total:</b>		<b>9</b>
<b>Cumulative Total:</b>		<b>6428</b>

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON AUGUST 31, 2002**

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

<b>SB</b>	<b>RN</b>
110	0219055
621	0219004
1393	0219034

<b>Daily Total:</b>	<b>3</b>
<b>Cumulative Total:</b>	<b>6431</b>

CALIFORNIA LEGISLATURE  
2001-02 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Saturday, August 31, 2002**

**TWO HUNDRED SIXTY-FIRST SESSION DAY  
SIX HUNDRED THIRTY-SIXTH CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**



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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.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Saturday, August 31, 2002

The Assembly met at 11 a.m.  
Hon. Fred Keeley, Speaker pro Tempore of the Assembly,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.  
Assistant Clerk Francesca Vega reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Pescetti moved a quorum call of the Assembly.  
Motion carried. Time, 11:01 a.m.

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

#### Quorum Present

At 11:27 a.m., Speaker pro Tempore Keeley declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—80:

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



**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Member Tony Cárdenas, of the 39th Assembly District:

*Lord*, We were sent here as elected officials, we did not come here to be served, but to serve You and the people of California.

Guide us so that our actions are more like a day of thanksgiving rather than a day reminiscent of halloween.

May we *allow* your light to guide our actions and purpose, with kindness, thankfulness and love.

We offer a moment of silence so that we all can reflect and pray to You.—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 Firebaugh, seconded by Assembly Member Cogdill.

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

August 31, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I have appointed Assemblymember Joe Canciamilla to replace Assemblymember Rebecca Cohn on the Assembly Health Committee for today's hearing only.

Sincerely,

HERB J. WESSON, JR.  
 Speaker of the California Assembly

**RESOLUTIONS**

The following resolution was offered:

**HOUSE RESOLUTION NO. 96—Wesson.** Relative to the Speaker of the Assembly's Commission on Structural Challenges to Budgeting in California.

**REQUEST TO SUSPEND JOINT RULES**

The following request was received, and read:

Assembly Chamber, August 31, 2002

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(14) as it relates to Assembly Constitutional Amendment No. 11.

DARRELL STEINBERG

Above request ordered transmitted to the Committee on Rules.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Health**

Date of Hearing: August 31, 2002

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 481

With the recommendation: That the Senate amendments be concurred in.

THOMSON, Chairwoman

Above bill ordered to unfinished business.

**MESSAGES FROM THE SENATE**

Senate Chamber, August 30, 2002

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

Assembly Bill No. 2525

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

Above bill ordered enrolled.

Senate Chamber, August 30, 2002

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

Assembly Concurrent Resolution No. 242  
 Assembly Concurrent Resolution No. 243  
 Assembly Concurrent Resolution No. 249  
 Assembly Concurrent Resolution No. 250  
 Assembly Concurrent Resolution No. 251  
 Assembly Joint Resolution No. 61  
 Assembly Joint Resolution No. 63

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

Above resolutions ordered enrolled.

Senate Chamber, August 30, 2002

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

Senate Bill No. 105  
 Senate Bill No. 283  
 Senate Bill No. 319  
 Senate Bill No. 783  
 Senate Bill No. 796  
 Senate Bill No. 987  
 Senate Bill No. 1010  
 Senate Bill No. 1328  
 Senate Bill No. 1391  
 Senate Bill No. 1418  
 Senate Bill No. 1420  
 Senate Bill No. 1422  
 Senate Bill No. 1476  
 Senate Bill No. 1538  
 Senate Bill No. 1542  
 Senate Bill No. 1573  
 Senate Bill No. 1591

Senate Bill No. 1652  
 Senate Bill No. 1654  
 Senate Bill No. 1793  
 Senate Bill No. 1796  
 Senate Bill No. 1771  
 Senate Bill No. 1799  
 Senate Bill No. 1801  
 Senate Bill No. 1816  
 Senate Bill No. 1870  
 Senate Bill No. 1918  
 Senate Bill No. 1984  
 Senate Bill No. 1988  
 Senate Bill No. 2021  
 Senate Bill No. 2064  
 Senate Bill No. 2066  
 Senate Bill No. 2076

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

Senate Chamber, August 30, 2002

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

- Senate Bill No. 174
- Senate Bill No. 390
- Senate Bill No. 682
- Senate Bill No. 827
- Senate Bill No. 898
- Senate Bill No. 1011
- Senate Bill No. 1135
- Senate Bill No. 1175
- Senate Bill No. 1244
- Senate Bill No. 1298
- Senate Bill No. 1447

- Senate Bill No. 1530
- Senate Bill No. 1629
- Senate Bill No. 1657
- Senate Bill No. 1661
- Senate Bill No. 1665
- Senate Bill No. 1778
- Senate Bill No. 1951
- Senate Bill No. 2019
- Senate Concurrent Resolution No. 55
- Senate Joint Resolution No. 38

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

Senate Chamber, August 30, 2002

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

- Senate Bill No. 192
- Senate Bill No. 247
- Senate Bill No. 339
- Senate Bill No. 398
- Senate Bill No. 460
- Senate Bill No. 489
- Senate Bill No. 688
- Senate Bill No. 772
- Senate Bill No. 1156
- Senate Bill No. 1241
- Senate Bill No. 1350
- Senate Bill No. 1408
- Senate Bill No. 1413
- Senate Bill No. 1427
- Senate Bill No. 1453

- Senate Bill No. 1464
- Senate Bill No. 1534
- Senate Bill No. 1622
- Senate Bill No. 1730
- Senate Bill No. 1911
- Senate Bill No. 1926
- Senate Bill No. 1927
- Senate Bill No. 1934
- Senate Bill No. 1954
- Senate Bill No. 1955
- Senate Bill No. 1962
- Senate Bill No. 1970
- Senate Bill No. 1975
- Senate Bill No. 2008
- Senate Bill No. 2027

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

Senate Chamber, August 30, 2002

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

- Senate Bill No. 482
- Senate Bill No. 953
- Senate Bill No. 1045
- Senate Bill No. 1164
- Senate Bill No. 1386
- Senate Bill No. 1478
- Senate Bill No. 1590
- Senate Bill No. 1614
- Senate Bill No. 1695
- Senate Bill No. 1703

- Senate Bill No. 1731
- Senate Bill No. 1753
- Senate Bill No. 1804
- Senate Bill No. 1856
- Senate Bill No. 1957
- Senate Bill No. 1961
- Senate Bill No. 2051
- Senate Bill No. 2083
- Senate Bill No. 2099

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

Senate Chamber, August 30, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted the reports of the Committee on Conference concerning:

- Assembly Bill No. 14
- Assembly Bill No. 58

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

Above bills ordered enrolled.

Senate Chamber, August 30, 2002

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

Senate Concurrent Resolution No. 78

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. 78**—Relative to the Joint Legislative Committee on Prison Construction and Operations.

### BILLS PASSED ON FILE

**Assembly Bill No. 1525**—Passed on file.

### BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

**Senate Bill No. 1618**, on request of Assembly Member Cohn.

### CONSIDERATION OF DAILY FILE

#### UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

**ASSEMBLY BILL NO. 1234 (Pescetti)**—An act to add Chapter 2 (commencing with Section 3250) to Part 4 of, Division 1, of the Public Utilities Code, relating to natural gas.

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—73

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

### NOES—1

Havice

Above bill ordered enrolled.

**PRIVILEGES OF THE FLOOR**

Assembly Member Wyman was granted unanimous consent that the privileges of the Floor be granted to his daughters Elizabeth Wyman and Andrea Beacom.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 691**, on request of Assembly Member Keeley.

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

**SENATE BILL NO. 1393 (Kuehl)**—An act to amend Sections 21080.5, 21151, 21159.9, and 21167.6 of, and to add Section 21167.6.5 to, the Public Resources Code, relating to environmental protection.

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

Bill passed by the following vote:

**AYES—47**

Alquist	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	Hertzberg	Nation	Washington
Chavez	Horton	Negrete McLeod	Wayne
Chu	Jackson	Oropeza	Wiggins
Cohn	Keeley	Pavley	Mr. Speaker
Corbett	Kehoe	Reyes	

**NOES—30**

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

Bill ordered transmitted to the Senate.

**UNFINISHED BUSINESS (RESUMED)**  
**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 858 (Wiggins)**—An act to add Article 4 (commencing with Section 6930) to Chapter 8 of Part 1 of Division 6 of the Fish and Game Code, relating to fish.

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—49**

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

**NOES—28**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 424 (Thomson)**—An act to amend Sections 12670, 12671, and 12678 of, and to add Section 12692.5 to, the Insurance Code, relating to health insurance.

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—78**

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 843 (Chan)**—An act to add Section 14001.45 to the Welfare and Institutions Code, relating to Medi-Cal.

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

**NOES—7**

Bogh	La Suer	Mountjoy	Zettel
Hollingsworth	Leslie	Wyland	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1401 (Thomson)**—An act to amend Section 1366.27, to amend, repeal, and add Section 1373.6 of, to add Sections 1363.06, 1363.07, 1366.29, and 1373.622 to, and to add and repeal Section 1373.62 of, the Health and Safety Code, and to amend Sections 10128.57, 12711, 12725, 12739, 12739.1, and 12739.2 of, to add Sections 10113.8, 10127.14, 10127.16, 10128.59, and 12682.1 to, and to add and repeal Sections 10127.15 and 12712.5 of, the Insurance Code, relating to health care coverage, and making an appropriation therefor.

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—78**

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1677 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Koretz was granted unanimous consent that the vote be reconsidered whereby Assembly Bill No. 1677 was refused concurrence in Senate amendments.

**ASSEMBLY BILL NO. 1677 (Koretz)**—An act to amend Sections 221, 512, and 2674.1 of, to add Sections 512.5 and 1172 to, and to repeal and add Section 515.6 of, the Labor Code, relating to employment.

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.

**Call of the Assembly**

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

Motion carried. Time, 12:43 p.m.

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



**BILLS STRICKEN FROM FILE**

Assembly Member Aroner was granted unanimous consent that Senate Bill No. 1482 be stricken from file.

(NOTE: Later this day, the action was rescinded whereby Senate Bill No. 1482 was stricken from the file. See page 8764.)

**At 12:45 p.m., Assistant Speaker pro Tempore Kehoe,  
76th District, presiding**

**CAUCUS ANNOUNCEMENTS**

At 12:56 p.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 12:56 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**RECONVENED**

At 3:05 p.m., the Assembly reconvened.

Hon. Sarah Reyes, Assembly Member, 31st District, presiding.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 3:05 p.m., by unanimous consent, the members of the Committee on Business and Professions were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

**REPORTS OF STANDING COMMITTEES  
Committee on Business and Professions**

Date of Hearing: August 31, 2002

Mr. Speaker: Your Committee on Business and Professions reports:

Assembly Bill No. 2944

With the recommendation: That the Senate amendments be concurred in.

CORREA, Chairman

Above bill ordered to unfinished business.

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

**SENATE BILL NO. 773 (Speier)**—An act to add Division 1.2 (commencing with Section 4050) to the Financial Code, relating to financial privacy.

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

**Request to Read a Paper**

Assembly Members Wayne and Papan were granted unanimous consent to read a paper on the Floor.

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 3:59 p.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 CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1677**

At 3:59 p.m., on motion of Assembly Member La Suer, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1677 by the following vote:

**AYES—44**

Alquist	Correa	Kehoe	Papan
Aroner	Diaz	Koretz	Pavley
Calderon	Dutra	Liu	Salinas
Cardenas	Firebaugh	Longville	Shelley
Cardoza	Frommer	Lowenthal	Steinberg
Cedillo	Goldberg	Maddox	Vargas
Chan	Havice	Matthews	Washington
Chavez	Hertzberg	Migden	Wayne
Chu	Horton	Nation	Wiggins
Cohn	Jackson	Negrete McLeod	Wright
Corbett	Keeley	Oropeza	Mr. Speaker

**NOES—30**

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

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 1677: Assembly Member Maddox, from "No" to "Aye".

Above bill ordered enrolled.

**At 4:03 p.m., Assistant Speaker pro Tempore Kehoe,  
76th District, presiding**

**MESSAGES FROM THE SENATE**

Senate Chamber, August 30, 2002

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

Assembly Bill No. 1506  
Assembly Bill No. 2240  
Assembly Bill No. 2507

Assembly Bill No. 2534  
Assembly Bill No. 2727  
Assembly Bill No. 2994

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, August 30, 2002

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

Assembly Joint Resolution No. 45

And respectfully requests the Assembly to concur in said amendments.

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

Above resolution ordered to unfinished business file.

Senate Chamber, August 30, 2002

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

Assembly Bill No. 634  
Assembly Bill No. 669  
Assembly Bill No. 822

Assembly Bill No. 2214  
Assembly Bill No. 2752

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, August 31, 2002

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

Senate Bill No. 1837

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

**FIRST READING OF SENATE BILLS**

The following bill was read the first time:

**SENATE BILL NO. 1837**—An act to add Article 6.3 (commencing with Section 8592.9) to Chapter 7 of Division 1 of Title 2 of the Government Code, and to amend Section 830.1 of the Penal Code, relating to public safety.

**REQUEST FOR UNANIMOUS CONSENT**

Assembly Member Firebaugh was granted unanimous consent that measures on Supplemental File No. 1 be taken up.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2294 (Liu)**—An act to amend Sections 16162 and 16164 of the Welfare and Institutions Code, relating to foster care.

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—78**

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

**NOES—2**

La Suer                      Mountjoy

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Concurrence in Senate Amendments to Assembly Bill No. 2294: Assembly Members La Suer and Mountjoy, from “Aye” to “No”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1506 (Wesson)**—An act to add Section 1771.7 to the Labor Code, relating to public works.

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—52**

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

**NOES—26**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2240 (Wright)**—An act to add Section 7630.5 to, and to add Article 1.5 (commencing with Section 7645) to Chapter 4 of Part 3 of Division 12 of, the Family Code, relating to paternity testing.

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—54**

Aanestad	Correa	Leonard	Richman
Ashburn	Cox	Leslie	Runner
Bates	Dickerson	Longville	Salinas
Bogh	Dutra	Maddox	Strickland
Briggs	Firebaugh	Maldonado	Vargas
Calderon	Florez	Matthews	Washington
Campbell, Bill	Harman	Mountjoy	Wayne
Campbell, John	Havice	Nakano	Wiggins
Canciamilla	Hertzberg	Nation	Wright
Cardenas	Hollingsworth	Pacheco, Robert	Wyland
Cardoza	Horton	Pacheco, Rod	Zettel
Cedillo	Kelley	Papan	Mr. Speaker
Chavez	La Suer	Pescetti	
Cogdill	Leach	Reyes	

**NOES—17**

Aroner	Jackson	Migden	Thomson
Chu	Kehoe	Negrete McLeod	Wyman
Cohn	Koretz	Oropeza	
Corbett	Liu	Pavley	
Goldberg	Lowenthal	Strom-Martin	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 2240: Assembly Member Cohn, from "Aye" to "No".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2507 (Rod Pacheco)**—An act to amend Sections 59002.5, 59003, 59006, 59030.5, 59102.5, and 59300 of, and to add Sections 59001.2, 59001.4, 59002.7, 59015, and 59046 to, the Education Code, relating to special schools.

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—78**

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

**NOES—None****Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 2507: Assembly Member Corbett, from “Aye” to “Not Voting”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2534 (Pavley)**—An act to add Division 20.4 (commencing with Section 30901) to, and to add Chapter 5.5 (commencing with Section 31220) to Division 21 of, the Public Resources Code, relating to coastal resources, and making an appropriation therefor.

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—72**

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

**NOES—6**

Aanestad	Hollingsworth	Mountjoy
Ashburn	La Suer	Pescetti

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 773**

At 4:37 p.m., on motion of Assembly Member Nation, 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 Nation moved to continue the call of the Assembly.

Motion carried. Time, 4:37 p.m.

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

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 4:37 p.m., by unanimous consent, the members of the Committee on Rules were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.



**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2727 (Keeley)**—An act to amend Sections 31007, 31008, 31010, 31150.1, 31156, 31200, 31206, 31207, 31207.1, 31251, 31255.1, 31257, 31260, 31303, 31307, 31310, 31350, 31351, 31352, 31352.5, 31353, 31354, and 31355 of, and to add Sections 31017, 31111, 31112, 31120, and 31406 to, the Public Resources Code, relating to conservation.

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—55**

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

**NOES—21**

Aanestad	Cogdill	Leonard	Strickland
Ashburn	Cox	Leslie	Wyland
Bogh	Dickerson	Maddox	Wyman
Briggs	Hollingsworth	Mountjoy	
Campbell, Bill	La Suer	Pescetti	
Campbell, John	Leach	Runner	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2994 (Wright)**—An act to add Chapter 15 (commencing with Section 121340) to Part 4 of Division 105 of the Health and Safety Code, relating to communicable diseases.

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—77**

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY JOINT RESOLUTION NO. 45 (Canciamilla)**—Relative to the Independent System Operator.

The question being: Shall the Assembly concur in the Senate amendments to the above resolution?

*(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—77**

Aanestad	Cox	Leach	Runner
Alquist	Daucher	Leslie	Salinas
Aroner	Diaz	Liu	Shelley
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	Mountjoy	Washington
Canciamilla	Havice	Nakano	Wayne
Cardenas	Hertzberg	Nation	Wiggins
Cardoza	Hollingsworth	Negrete McLeod	Wright
Cedillo	Horton	Oropeza	Wyland
Chan	Horton	Pacheco, Robert	Wyman
Chavez	Keeley	Pacheco, Rod	Zettel
Chu	Kehoe	Papan	Mr. Speaker
Cohn	Kelley	Pavley	
Corbett	Koretz	Pescetti	
Correa	La Suer	Richman	

**NOES—None**

Above resolution ordered enrolled.

**ASSEMBLY BILL NO. 481 (Firebaugh)**—An act to add Section 49423.1 to the Education Code, relating to pupil health.

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.

**Call of the Assembly**

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

Motion carried. Time, 4:38 p.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  
SENATE BILL NO. 773**

At 4:38 p.m., on motion of Assembly Member Nation, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 773 refused passage by the following vote:

**AYES—38**

Aanestad	Firebaugh	Lowenthal	Simitian
Alquist	Florez	Migden	Steinberg
Aroner	Frommer	Nakano	Strom-Martin
Cardenas	Goldberg	Nation	Thomson
Cedillo	Jackson	Oropeza	Washington
Chan	Keeley	Pacheco, Rod	Wayne
Chu	Kehoe	Pavley	Wiggins
Cohn	Koretz	Reyes	Mr. Speaker
Corbett	Liu	Salinas	
Diaz	Longville	Shelley	

**NOES—36**

Ashburn	Chavez	Kelley	Pacheco, Robert
Bates	Cogdill	La Suer	Papan
Bogh	Cox	Leach	Pescetti
Briggs	Daucher	Leonard	Richman
Calderon	Dickerson	Leslie	Runner
Campbell, Bill	Dutra	Maldonado	Strickland
Campbell, John	Harman	Matthews	Vargas
Canciamilla	Havice	Mountjoy	Wyland
Cardoza	Hollingsworth	Negrete McLeod	Wyman

**Request for Reconsideration**

Assembly Member Firebaugh requested unanimous consent that the vote be reconsidered whereby Senate Bill No. 773 was refused passage.

Assembly Member Papan withheld unanimous consent.

**Motion to Reconsider**

Assembly Member Firebaugh moved that the vote be reconsidered whereby Senate Bill No. 773 was refused passage.

**Objection Withdrawn**

Assembly Member Papan withdrew his objection to the request for reconsideration of Senate Bill No. 773, by Assembly Member Firebaugh.

**Senate Bill No. 773 Reconsidered by Unanimous Consent**

Assembly Member Firebaugh was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 773 was refused passage.

**Further Consideration of Senate Bill No. 773**

**SENATE BILL NO. 773 (Speier)**—An act to add Division 1.2 (commencing with Section 4050) to the Financial Code, relating to financial privacy.

**Rules Temporarily Suspended**

Upon request of Assembly Member Firebaugh, Assembly Member Dutra was granted unanimous consent that Assembly Rule 69(b)(e) be suspended to permit consideration of proposed amendments to Senate Bill No. 773.

Bill read third time.

**Motion to Amend**

Assembly Member Dutra moved the adoption of amendments.

Amendments read.

**Roll Call Demanded**

Assembly Members Washington, Richman, and Jackson, demanded a roll call.

The roll was called, and the Dutra amendments adopted by the following vote:

**AYES—61**

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

**NOES—6**

Alquist	Goldberg	Longville
Chan	Jackson	Washington

**Vote Changes**

By unanimous consent, the following vote change was permitted on amendments offered by Assembly Member Dutra to Senate Bill No. 773: Assembly Members Kehoe and Shelley, from “Aye” to “Not Voting”.

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

**REPORTS OF STANDING COMMITTEES**  
**Committee on Rules**

August 31, 2002

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61(b)(13) and (b)(14), as it relates to the following resolution be granted:

*Appropriations*

Assembly Constitutional Amendment No. 11 (Richman).

NATION, Chairman

**RESOLUTIONS**

The following resolution was offered:

**Resolution to Suspend Joint Rules**

By Assembly Member Steinberg:

*Resolved*, That Joint Rule 61(b)(12), (b)(13), and (b)(14) be suspended to permit the Committee on Appropriations to meet, consider, and report Assembly Constitutional Amendment No. 11 for further action.

Resolution read, and adopted by the following vote:

**AYES—73**

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

**NOES—None**

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Steinberg was granted unanimous consent that the Committee on Appropriations be permitted to hold a special meeting at this time, in the Tom Bane Rules Committee Room, and that Joint Rule 62(a) be waived for the purpose of setting the following bills for hearing:

Assembly Constitutional Amendment No. 11; Senate Bills Nos. 1289, 1312, 1457, and 1496.

**FURTHER CONSIDERATION OF SENATE BILL NO. 773**  
**Rules Temporarily Suspended**

Assembly Member Dutra was granted unanimous consent that Assembly Rule 69(d) be suspended to permit consideration of Senate Bill No. 773, as amended, without reference to file.

**SENATE BILL NO. 773 (Speier)**—An act to add Division 1.2 (commencing with Section 4050) to the Financial Code, relating to financial privacy.

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

The roll was opened.

**Request to Pass Temporarily**

Assembly Member Aroner requested unanimous consent that Senate Bill No. 773 be passed temporarily for consideration of an additional, clarifying amendment.

**Parliamentary Inquiry**

Assembly Member Cox arose to the following parliamentary inquiry: Was the roll not opened on Senate Bill No. 773?

**Reply by Assistant Speaker pro Tempore Kehoe**

The Assistant Speaker pro Tempore replied that at the discretion of the Presiding Officer, the roll had been stricken.

**Parliamentary Inquiry**

Assembly Member Runner arose to the following parliamentary inquiry:

When Senate Bill No. 773 is returned for consideration later this day, will it be taken up for vote only?

**Reply by Assistant Speaker pro Tempore Kehoe**

The Assistant Speaker pro Tempore replied that further consideration of Senate Bill No. 773 will be subject to full debate, unless the House decides otherwise.

**Senate Bill No. 773 Passed Temporarily**

By unanimous consent, Senate Bill No. 773 was passed on file.

**BILL RETURNED TO SENATE**

Upon request of Assembly Member Chan, Assembly Member Canciamilla was granted unanimous consent that Assembly Bill No. 2838 be returned to the Senate for further action.

**PRIVILEGES OF THE FLOOR**

Assembly Member Aanestad was granted unanimous consent that the privileges of the Floor be granted to his wife Susan and their daughter, Kirsten.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 669 (Hertzberg)**—An act to add Article 6.6 (commencing with Section 53126) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, relating to public safety services.

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—70**

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

**NOES—8**

Aanestad	Campbell, Bill	Hollingsworth	Pacheco, Rod
Ashburn	Cox	Mountjoy	Runner

Above bill ordered enrolled.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 5:45 p.m., by unanimous consent, the members of the Committee on Appropriations were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.



**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 634 (Wesson)**—An act to add Section 48200.2 to the Education Code, relating to compulsory education.

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—48**

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

**NOES—27**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 822 (Shelley)**—An act to amend Section 6259 of, and to add Sections 6253.3, 6257, and 6259.1 to, the Government Code, relating to public records.

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—80**

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2214 (Keeley)**—An act to add Sections 115010.5 and 115261 to, and to add Article 19 (commencing with Section 115273) to Chapter 8 of Part 9 of Division 104 of, the Health and Safety Code, and to repeal Section 11 of Chapter 1309 of the Statutes of 1990, relating to radioactive waste.

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—43**

Aroner	Dutra	Koretz	Pacheco, Rod
Bogh	Firebaugh	Leonard	Pavley
Calderon	Florez	Liu	Salinas
Cardenas	Frommer	Longville	Shelley
Cedillo	Goldberg	Lowenthal	Simitian
Chan	Havice	Maldonado	Steinberg
Chavez	Hertzberg	Migden	Strom-Martin
Chu	Jackson	Nakano	Washington
Corbett	Keeley	Nation	Wiggins
Correa	Kehoe	Negrete McLeod	Mr. Speaker
Diaz	Kelley	Oropeza	

**NOES—32**

Aanestad	Cogdill	Leslie	Runner
Ashburn	Cox	Maddox	Strickland
Bates	Daucher	Matthews	Thomson
Briggs	Dickerson	Mountjoy	Wayne
Campbell, Bill	Harman	Pacheco, Robert	Wright
Campbell, John	Hollingsworth	Papan	Wyland
Canciamilla	La Suer	Pescetti	Wyman
Cardoza	Leach	Richman	Zettel

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 481**

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

The Assembly concurred in Senate amendments to Assembly Bill No. 481 by the following vote:

**AYES—41**

Alquist	Chavez	Hertzberg	Papan
Aroner	Cohn	Keeley	Pavley
Bates	Corbett	Kehoe	Reyes
Bogh	Correa	Kelley	Salinas
Briggs	Diaz	Koretz	Vargas
Calderon	Dickerson	Maddox	Wiggins
Campbell, Bill	Dutra	Matthews	Wright
Canciamilla	Firebaugh	Nakano	Mr. Speaker
Cardenas	Florez	Nation	
Cardoza	Harman	Negrete McLeod	
Cedillo	Havice	Oropeza	

**NOES—23**

Aanestad	Hollingsworth	Mountjoy	Thomson
Ashburn	La Suer	Pacheco, Rod	Washington
Campbell, John	Leach	Pescetti	Wyland
Cogdill	Leonard	Richman	Wyman
Cox	Leslie	Runner	Zettel
Daucher	Maldonado	Strickland	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Concurrence in Senate Amendments to Assembly Bill No. 481: Assembly Member Bill Campbell, from “No” to “Aye”; Assembly Members Horton and Shelley, from “Aye” to “Not Voting”.

Above bill ordered enrolled.

**REQUEST FOR PRIVILEGES OF THE FLOOR**

Assembly Member Zettel was granted unanimous consent that the privileges of the Floor be granted to her husband, David Zettel.

**REQUEST TO PLACE SENATE BILL NO. 773 ON INACTIVE FILE**

Assembly Member Rod Pacheco requested that Senate Bill No. 773 be placed upon the Inactive File.

**Reply by Assistant Speaker pro Tempore Kehoe**

Assistant Speaker pro Tempore Kehoe replied that a bill may be placed upon the inactive file at the request of the Floor Manager, and Assembly Member Dutra is the Floor Manager of Senate Bill No. 773 at this time.

**Motion to Temporarily Suspend Assembly Rule 78**

Assembly Member Rod Pacheco moved that Assembly Rule 78 be temporarily suspended for the purpose of permitting him to place Senate Bill No. 773 upon the inactive file.

Assembly Member Aanestad seconded the motion.

Motion for temporary suspension of Assembly Rule 78 lost by the following vote:

**AYES—17**

Aanestad	Briggs	La Suer	Wyland
Alquist	Campbell, Bill	Leslie	Zettel
Ashburn	Goldberg	Mountjoy	
Bates	Hollingsworth	Pacheco, Rod	
Bogh	Koretz	Washington	

**NOES—40**

Calderon	Diaz	Kelley	Richman
Campbell, John	Dutra	Longville	Salinas
Canciamilla	Firebaugh	Lowenthal	Steinberg
Cardenas	Florez	Matthews	Strickland
Cardoza	Frommer	Migden	Strom-Martin
Cedillo	Harman	Nakano	Thomson
Chavez	Havice	Negrete McLeod	Vargas
Chu	Hertzberg	Oropeza	Wiggins
Corbett	Keeley	Papan	Wright
Cox	Kehoe	Pavley	Mr. Speaker

**Vargas Request for Unanimous Consent**

Assembly Member Vargas was granted unanimous consent to correct page 14 of the mockup of Senate Bill No. 773, as amended, by striking out the sentence after “request to change”.

**Senate Bill No. 773 Placed on Inactive File**

At the request of the author, Assembly Member Rod Pacheco placed Senate Bill No. 773 upon the inactive file.

**Motion to Temporarily Suspend Assembly Rule 78**

Assembly Member Firebaugh moved that Assembly Rule 78 be temporarily suspended for the purpose of removing Senate Bill No. 773 from the inactive file.

Assembly Member Vargas seconded the motion.

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 6:15 p.m.

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

**CAUCUS ANNOUNCEMENTS**

At 6:15 p.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 6:15 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

**RECONVENED**

At 6:45 p.m., the Assembly reconvened.

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

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2752 (Alquist)**—An act to amend Sections 98.7, 6310, and 6312 of, to add Section 6312.5 to, and to repeal and add Section 6311 of, the Labor Code, relating to employment discrimination.

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—46**

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

**NOES—28**

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

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 2752: Assembly Member Cardoza, from “Aye” to “Not Voting”.

Above bill ordered enrolled.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 806**, on request of Assembly Member Koretz.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2251 (Nation)**—An act to add Article 9 (commencing with Section 4750) to Chapter 10 of Part 2 of Division 4 of the Public Resources Code, relating to sudden oak death, 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—77**

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

**NOES—None**

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

**AYES—77**

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

**NOES—None**

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON FIREBAUGH MOTION TO SUSPEND ASSEMBLY RULE 78, AS IT  
RELATES TO SENATE BILL NO. 773**

At 6:49 p.m., on motion of Assembly Member Firebaugh, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Firebaugh motion to suspend Assembly Rule 78 to remove Senate Bill No. 773 from the inactive file carried by the following vote:

**AYES—49**

Bates	Diaz	Leonard	Steinberg
Calderon	Dutra	Liu	Strickland
Campbell, Bill	Firebaugh	Longville	Strom-Martin
Canciamilla	Florez	Lowenthal	Thomson
Cardenas	Frommer	Matthews	Vargas
Cardoza	Harman	Migden	Wiggins
Cedillo	Havice	Nakano	Wright
Chan	Hertzberg	Negrete McLeod	Wyland
Chavez	Horton	Oropeza	Wyman
Chu	Keeley	Papan	Mr. Speaker
Cogdill	Kehoe	Pavley	
Correa	Kelley	Runner	
Cox	Koretz	Salinas	

**NOES—12**

Aanestad	Hollingsworth	Maddox	Pacheco, Robert
Ashburn	La Suer	Maldonado	Pacheco, Rod
Bogh	Leslie	Mountjoy	Zettel

**Vote Changes**

By unanimous consent, the following vote changes were permitted on the Firebaugh Motion to Suspend Assembly Rule 78: Assembly Member Mountjoy, from "Aye" to "No"; Assembly Member Corbett, from "Aye" to "Not Voting".

**Firebaugh Motion to Temporarily Suspend the Rules**

Assembly Member Firebaugh moved that the Rules be temporarily suspended for the purpose of permitting Assembly Member Dutra to take up Senate Bill No. 773, without reference to file, and serve as Floor Manager on the bill.

Assembly Member Chan seconded the motion.

Rules temporarily suspended by the following vote:

**AYES—57**

Alquist	Correa	Liu	Simitian
Aroner	Cox	Longville	Steinberg
Bates	Daucher	Lowenthal	Strickland
Calderon	Diaz	Maldonado	Strom-Martin
Campbell, Bill	Dutra	Matthews	Thomson
Campbell, John	Firebaugh	Migden	Vargas
Canciamilla	Frommer	Nakano	Washington
Cardenas	Goldberg	Negrete McLeod	Wiggins
Cardoza	Harman	Oropeza	Wright
Cedillo	Havice	Pacheco, Robert	Wyland
Chan	Hertzberg	Papan	Wyman
Chavez	Keeley	Pavley	Mr. Speaker
Cogdill	Kelley	Runner	
Cohn	Koretz	Salinas	
Corbett	Leonard	Shelley	

**NOES—8**

Aanestad	La Suer	Pacheco, Rod
Ashburn	Maddox	Zettel
Bogh	Mountjoy	

**Request to Suspend Assembly Rule 69(b)(d)(e)**

Assembly Member Dutra requested unanimous consent that Assembly Rule 69(b)(d)(e) be suspended to permit consideration of proposed amendments to Senate Bill No. 773 and to permit further consideration, as amended, without reference to file.

Assembly Member Rod Pacheco withheld unanimous consent.

**Motion to Suspend Assembly Rule 69(b)(d)(e)**

Assembly Member Dutra moved that Assembly Rule 69(b)(d)(e) be suspended to permit consideration of amendments to Senate Bill No. 773 and to permit further consideration, without reference to file.

Dutra motion for suspension of the Rules carried by the following vote:

**AYES—52**

Aroner	Corbett	Keeley	Runner
Bates	Correa	Kehoe	Salinas
Calderon	Cox	Kelley	Shelley
Campbell, Bill	Daucher	Koretz	Simitian
Campbell, John	Diaz	Leach	Strickland
Canciamilla	Dutra	Leonard	Strom-Martin
Cardenas	Firebaugh	Maldonado	Thomson
Cardoza	Florez	Matthews	Vargas
Cedillo	Frommer	Migden	Wiggins
Chan	Harman	Nakano	Wright
Chavez	Havice	Negrete McLeod	Wyland
Cogdill	Hertzberg	Papan	Wyman
Cohn	Horton	Pavley	Mr. Speaker

**NOES—9**

Aanestad	Hollingsworth	Mountjoy
Ashburn	La Suer	Pacheco, Rod
Bogh	Maddox	Pescetti

**Vote Changes**

By unanimous consent, the following vote change was permitted on the Dutra Motion to Suspend Rules: Assembly Member Wyland, from "No" to "Aye".



**Further Consideration of Senate Bill No. 773**

**SENATE BILL NO. 773 (Speier)**—An act to add Division 1.2 (commencing with Section 4050) to the Financial Code, relating to financial privacy.

Bill read third time.

**Motion to Amend**

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

**Further Consideration of Senate Bill No. 773, as Amended,  
Without Reference to File**

**SENATE BILL NO. 773 (Speier)**—An act to add Division 1.2 (commencing with Section 4050) to the Financial Code, relating to financial privacy.

Bill read third time, and presented by Assembly Member Dutra.  
The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 6:54 p.m.

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

**MESSAGES FROM THE SENATE**

Senate Chamber, August 31, 2002

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

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 52  | Assembly Bill No. 1105 |
| Assembly Bill No. 55  | Assembly Bill No. 1243 |
| Assembly Bill No. 374 | Assembly Bill No. 1403 |
| Assembly Bill No. 486 | Assembly Bill No. 2630 |

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, August 31, 2002

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1453 | Assembly Bill No. 2588 |
| Assembly Bill No. 2078 | Assembly Bill No. 2886 |
| Assembly Bill No. 2390 | Assembly Bill No. 2890 |
| Assembly Bill No. 2347 |                        |

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, August 31, 2002

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

- Assembly Constitutional Amendment No. 12

And respectfully requests the Assembly to concur in said amendments.

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

Above resolution ordered to unfinished business file.

Senate Chamber, August 31, 2002

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

Assembly Joint Resolution No. 37  
 Assembly Joint Resolution No. 53

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

Above resolutions ordered enrolled.

Senate Chamber, August 31, 2002

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

Assembly Bill No. 2363  
 Assembly Bill No. 2469  
 Assembly Bill No. 2683

Assembly Bill No. 2770  
 Assembly Bill No. 2887

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.

#### **REQUEST FOR UNANIMOUS CONSENT**

Assembly Member Firebaugh was granted unanimous consent that measures on Supplemental File No. 2 be taken up.

#### **CONSIDERATION OF DAILY FILE (RESUMED)**

#### **UNFINISHED BUSINESS (RESUMED)**

#### **CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 52 (Wiggins)**—An act to amend Section 10335.5 of, to add Division 10.3 (commencing with Section 10280) and Division 10.4 (commencing with Section 10285) to, and to add and repeal Division 10.25 (commencing with Section 10278) of, the Public Resources Code, relating to agricultural lands, and making an appropriation therefor.

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—66**

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

**NOES—11**

Aanestad	Hollingsworth	Leslie	Wyman
Ashburn	La Suer	Mountjoy	Zettel
Campbell, Bill	Leonard	Pescetti	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Concurrence in Senate Amendments to Assembly Bill No. 52: Assembly Member Zettel, from "Aye" to "No"; Assembly Member Daucher, from "No" to "Aye".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 55 (Shelley)**—An act to amend Sections 1502 and 2117 of, and to add Section 1502.5 to, the Corporations Code, relating to corporations.

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—53**

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

**NOES—27**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 374 (Matthews)**—An act to amend Sections 14170, 14171, and 14175 of, to amend the heading of Title 11.5 (commencing with Section 14170) of Part 4 of, and to add Section 14174.3 to, the Penal Code, relating to crime prevention, 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.)*

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

**AYES—76**

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

**NOES—2**

Aanestad	Leonard
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Above bill ordered enrolled.

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

Pursuant to Assembly Rule 77.2, Speaker pro Tempore Keeley re-referred Assembly Bill No. 2347 to the Committee on Banking and Finance.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 486 (Calderon)**—An act to amend Sections 78, 123.5, 123.6, 3201.5, 3501, 3742, 4453, 4600.5, 4614, 4702, and 5502 of, and to add Sections 3201.7, 3701.8, 5307.21, and 6354.7 to, the Labor Code, and to amend Section 86 of Chapter 6 of the Statutes of 2002, relating to workers' compensation.

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

**NOES—29**

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

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1243 (Wiggins)**—An act to amend Section 1151.5 of the Government Code, relating to public employment.

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—49**

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

**NOES—29**

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

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Concurrence in Senate Amendments to Assembly Bill No. 1243: Assembly Member Thomson, from “Aye” to “No”; and Assembly Member Oropeza, from “Aye” to “Not Voting”.

~~Above bill ordered enrolled.~~

(Note: Later this day the above vote on Assembly Bill No. 1243 was reconsidered.)

**ASSEMBLY BILL NO. 1403 (Hollingsworth)**—An act relating to agricultural lands.

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—75**

Alquist	Cox	Leach	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	Hertzberg	Nakano	Washington
Cardoza	Hollingsworth	Nation	Wayne
Cedillo	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Pacheco, Robert	Wright
Chavez	Keeley	Pacheco, Rod	Wyland
Chu	Kehoe	Papan	Wyman
Cohn	Kelley	Pavley	Zettel
Corbett	Koretz	Pescetti	Mr. Speaker
Correa	La Suer	Reyes	

**NOES—3**

Aanestad	Havice	Leonard
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**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 1403: Assembly Member Havice, from “Aye” to “No”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2630 (Cogdill)**—An act to amend Section 21683.1 of the Public Utilities Code, relating to aviation, 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	Correa	La Suer	Richman
Alquist	Cox	Leach	Runner
Aroner	Daucher	Leonard	Salinas
Ashburn	Diaz	Leslie	Shelley
Bates	Dickerson	Liu	Simitian
Bogh	Dutra	Longville	Steinberg
Briggs	Firebaugh	Lowenthal	Strickland
Calderon	Florez	Maddox	Strom-Martin
Campbell, Bill	Frommer	Maldonado	Thomson
Campbell, John	Goldberg	Matthews	Vargas
Canciamilla	Harman	Mountjoy	Washington
Cardenas	Havice	Nakano	Wayne
Cardoza	Hertzberg	Nation	Wiggins
Cedillo	Hollingsworth	Negrete McLeod	Wright
Chan	Horton	Pacheco, Robert	Wyland
Chavez	Jackson	Pacheco, Rod	Wyman
Chu	Keeley	Papan	Zettel
Cogdill	Kehoe	Pavley	Mr. Speaker
Cohn	Kelley	Pescetti	
Corbett	Koretz	Reyes	

**NOES—None**

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

**AYES—78**

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

**NOES—None**

Above bill ordered enrolled.



**ASSEMBLY BILL NO. 2944 (Kehoe)**—An act to amend Section 17538.4 of the Business and Professions Code, relating to advertising.

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.

**Call of the Assembly**

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

Motion carried. Time, 7:06 p.m.

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

**ASSEMBLY BILL NO. 2078 (Kelley)**—An act to amend Section 6527 of the Government Code, relating to joint powers authorities, 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—77**

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

**NOES—1**

Leonard

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

**AYES—77**

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

**NOES—1**

Leonard

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2588 (Hertzberg)**—An act to amend Section 17077.40 of, and to add Sections 17077.50, 17077.52, 17077.54, and 17077.56 to, the Education Code, relating to school facilities, making an appropriation therefor.

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—51**

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

**NOES—28**

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

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 2588: Assembly Member Havice, from "Aye" to "No".

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2886 (Wiggins)**—An act to amend Section 65400 of, and to repeal Section 65307 of, the Government Code, relating to local planning.

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2890 (Wiggins)**—An act to amend Sections 6047.4, 6047.5, and 6047.6 of, and to add Section 6047.35 to, the Food and Agricultural Code, relating to pests, 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—79**

Aanestad	Correa	La Suer	Reyes
Alquist	Cox	Leach	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	Hertzberg	Nation	Wayne
Cedillo	Hollingsworth	Negrete McLeod	Wiggins
Chan	Horton	Oropeza	Wright
Chavez	Jackson	Pacheco, Robert	Wyland
Chu	Keeley	Pacheco, Rod	Wyman
Cogdill	Kehoe	Papan	Zettel
Cohn	Kelley	Pavley	Mr. Speaker
Corbett	Koretz	Pescetti	

**NOES—1**

Leonard

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

**AYES—79**

Aanestad	Correa	La Suer	Reyes
Alquist	Cox	Leach	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	Hertzberg	Nation	Wayne
Cedillo	Hollingsworth	Negrete McLeod	Wiggins
Chan	Horton	Oropeza	Wright
Chavez	Jackson	Pacheco, Robert	Wyland
Chu	Keeley	Pacheco, Rod	Wyman
Cogdill	Kehoe	Papan	Zettel
Cohn	Kelley	Pavley	Mr. Speaker
Corbett	Koretz	Pescetti	

**NOES—1**

Leonard

Above bill ordered enrolled.

**CONFERENCE COMMITTEE REPORTS**

**SENATE BILL NO. 905** (As proposed by the Conference Committee)—An act to amend Sections 1158, 3205, and 8314 of, and to add Section 3205.1 to, the Government Code, relating to public employees.

Conference Committee report presented by Assembly Member Wiggins.

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 7:18 p.m.

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

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 1243**

Assembly Member Lowenthal moved to reconsider the vote whereby Senate amendments to Assembly Bill No. 1243 were concurred in, earlier this day.

**Motion Ruled Out of Order**

Speaker pro Tempore Keeley ruled the motion out of order, as no motion to reconsider the vote whereby a bill is passed, is in order on the last two legislative days preceding the final recess.

**Motion to Suspend Assembly Rule 100**

Assembly Member Lowenthal moved to suspend Assembly Rule 100 to permit a motion to reconsider as it relates to Assembly Bill No. 1243, on the last day, preceding the final recess.

Lowenthal motion to suspend Rules carried by the following vote:

**AYES—46**

Alquist	Cohn	Jackson	Reyes
Aroner	Corbett	Keeley	Runner
Ashburn	Daucher	Kehoe	Salinas
Bates	Diaz	Koretz	Shelley
Calderon	Firebaugh	Liu	Simitian
Campbell, Bill	Florez	Longville	Strom-Martin
Cardenas	Frommer	Lowenthal	Thomson
Cardoza	Goldberg	Matthews	Vargas
Cedillo	Havice	Mountjoy	Wayne
Chan	Hertzberg	Nation	Mr. Speaker
Chavez	Hollingsworth	Negrete McLeod	
Chu	Horton	Pescetti	

**NOES—11**

Aanestad	Cox	Leonard	Wyland
Bogh	Harman	Maddox	Wyman
Cogdill	La Suer	Strickland	

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 1243**

Assembly Member Lowenthal moved that the vote be reconsidered whereby Senate amendments to Assembly Bill No. 1243 were concurred in.

Assembly Member Reyes seconded the motion.

Lowenthal motion to reconsider carried by the following vote:

**AYES—45**

Alquist	Daucher	Kehoe	Reyes
Ashburn	Diaz	Koretz	Runner
Bates	Firebaugh	Leach	Salinas
Calderon	Florez	Liu	Shelley
Campbell, Bill	Frommer	Longville	Simitian
Campbell, John	Goldberg	Lowenthal	Strom-Martin
Cardenas	Havice	Matthews	Thomson
Cardoza	Hertzberg	Nation	Wayne
Cedillo	Hollingsworth	Negrete McLeod	Mr. Speaker
Chavez	Horton	Pacheco, Robert	
Cohn	Jackson	Pavley	
Corbett	Keeley	Pescetti	

**NOES—17**

Aanestad	Dickerson	Mountjoy	Wyland
Bogh	Harman	Papan	Wyman
Canciamilla	La Suer	Strickland	
Cogdill	Leonard	Wiggins	
Cox	Maddox	Wright	

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS (RESUMED)**

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2390 (Cedillo)**—An act to amend Sections 884, 45040, 67003, 67005, 67006, 67028, 67030, 67036.5, 67039, 67041, 67042, 67044, 67051, 67051.1, 67051.5, 67051.6, 67052, 67053, 67054, 67055, 67056, 67058, 67059, 67059.5, 67060, 67061, 67062, 67081, 67082, 67091, 67094, 67101, 67102, 67103, 67104, 67105, 67107, 67111, 67112, 67121, 67122, 67123, 67124, 67125, 67126, 67131, 67132, 67133, 67134, 67140, 67141, 67142, and 67143 of, to add Sections 67040.5 and 67112.5 to, and to repeal Sections 48004, 67024, 67026, 67027, 67031, 67032, 67032.5, 67033, 67036, 67045, 67051.3, 67055.5, 67055.6, 67092, 67093, 67106, 67121.5, 67131.5, and 67131.6 of, the Food and Agricultural Code, relating to agricultural products commissions, and making an appropriation therefor.

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

**NOES—2**

Leonard                      Mountjoy

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1453 (Firebaugh)**—An act to add Section 1182.2 to the Labor Code, relating to hours of employment.

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.

**Call of the Assembly**

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

Motion carried. Time, 7:31 p.m.

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



**BILLS WITHDRAWN FROM COMMITTEE BY UNANIMOUS CONSENT**

Assembly Member Firebaugh was granted unanimous consent that Senate Bills Nos. 1835, 1845, and 1849 be withdrawn from the Committee on Rules, to third reading.

**ASSEMBLY RULE 69(b)(e) SUSPENDED**

Assembly Member Firebaugh was granted unanimous consent that Assembly Rule 69(b)(e) be suspended to permit consideration of proposed amendments to Senate Bills Nos. 1835, 1845, and 1849.

**SENATE BILL NO. 1835 (Committee on Budget and Fiscal Review)**—An act to amend Items 6110-232-001, 6110-485, 6110-495, and 6870-101-0001 of Section 2.00 of, the Budget Act of 2001, and to amend Sections 24 and 25 of Senate Bill 1830 of the 2001-02 Regular Session, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

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

**SENATE BILL NO. 1845 (Committee on Budget and Fiscal Review)**—An act to amend Section 17706 of the Family Code, to amend Section 12759 of the Government Code, to amend Sections 1596.76, 1597.09, 1597.091, 11970.2, and 130060 of, to amend and repeal Section 11970 of, to add Article 5 (commencing with Section 11970.45) to, and to repeal Article 3 (commencing with Section 11970) of, Chapter 2 of Part 3 of Division 10.5 of, the Health and Safety Code, to amend Sections 1222, 1265.1, 1611.5, 9604, 9608, 9615, and 10521 of, to add Section 1253.9 to, to repeal Sections 9603 and 9611 of, and to repeal Article 3 (commencing with Section 9700) of Chapter 2 of Part 1 of Division 3 of, the Unemployment Insurance Code, to amend Sections 903.7, 10088, 10980, 11006.2, 11020, 11254, 11257, 11325.7, 11450, 11450.5, 11450.12, 11450.13, 11451.5, 11453, 11462, 11466.21, 11486, 12201, 12306.1, 14021.6, 14124.93, 15204.3, 15763, 16011, 16131, 19355.5, 19356, 19356.5, and 19356.6 of, to add Sections 10823.1, 11004.1, 11265.3, and 11323.3 to, to repeal Sections 11450.2 and 19356.65 of, and to repeal and add Sections 11265.1, 11265.2, and 18910 of, the Welfare and Institutions Code, and to add Provision 17 to Item 5180-101-0001 of Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001), to add Provision 17 to Item 5180-101-0001 of Section 2.00 of the Budget Act of 1999 (Chapter 50 of the Statutes of 1999), and to add Provision 15 to Item 5180-101-0001 of Section 2.00 of the Budget Act of 1998 (Chapter 324 of the Statutes of 1998), relating to human services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

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

**SENATE BILL NO. 1849 (Committee on Budget and Fiscal Review)**—An act to amend Sections 17052.2, 17053.84, 17276, 17276.3, 18662, 18663, 19136.8, 23457, 23684, 24348, 24416, 24416.3, and 24449 of, to add Article 4 (commencing with Section 30133) to Chapter 2 of Part 13 of Division 2 of, to add Part 14.5 (commencing with Section 33001) to Division 2 of, and to add and repeal Sections 7093.8 and 19444 of, the Revenue and Taxation Code, and to amend Section 13043 of the Unemployment Insurance Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

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

**SENATE CONCURRENT RESOLUTION NO. 106 TAKEN UP  
BY UNANIMOUS CONSENT**

Assembly Member Nation was granted unanimous consent to take up Senate Concurrent Resolution No. 106, without reference to committee or file.

**SENATE CONCURRENT RESOLUTION NO. 106**—Relative to the September 11, 2001, memorial.

Resolution read, and adopted by the following vote:

**AYES—76**

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

**NOES—None**

Resolution ordered transmitted to the Senate.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 1666**, on request of Assembly Member Horton.

**FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 1243**

**ASSEMBLY BILL NO. 1243 (Wiggins)**—An act to amend Section 1151.5 of the Government Code, relating to public employment.

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.

**Call of the Assembly**

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

Motion carried. Time, 7:44 p.m.

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

**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Date of Hearing: August 31, 2002

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1289

Senate Bill No. 1312

Senate Bill No. 1457

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

STEINBERG, Chairman

Above bills ordered to second reading.

Date of Hearing: August 31, 2002

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Constitutional Amendment No. 11

With amendments with the recommendation: Amend, and be adopted as amended.

STEINBERG, Chairman

Above resolution ordered to second reading.

Date of Hearing: August 31, 2002

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1496

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

STEINBERG, Chairman

Above bill ordered to second reading.

#### **BILLS TAKEN UP BY UNANIMOUS CONSENT FOR SECOND READING**

Assembly Member Firebaugh was granted unanimous consent to take up Senate Bills Nos. 1289, 1312, 1457, and 1496, and Assembly Constitutional Amendment No. 11 without reference to file, for the purpose of reading the bills a second time and adopting the committee amendments at this time.

**SENATE BILL NO. 1289**—An act relating to drugs.

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

**SENATE BILL NO. 1312**—An act to amend Section 11169 of, to add Section 11169.5 to, and to add and repeal Section 11174.4 of, the Penal Code, relating to the Child Abuse Central Index.

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

**SENATE BILL NO. 1457**—An act to add Sections 1452 and 1453 to the Military and Veterans Code, relating to veterans, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

**SENATE BILL NO. 1496**—An act to amend Sections 6250, 6258, and 6258.1 of the Penal Code, relating to parolees.

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

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 11**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Article XVI A thereto, relating to infrastructure finance.

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

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1453**

At 7:50 p.m., on motion of Assembly Member Firebaugh, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1453 by the following vote:

**AYES—41**

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

**NOES—30**

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

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Concurrence in Senate Amendments to Assembly Bill No. 1453: Assembly Members Corbett and Nation, from "Aye" to "Not Voting".

~~Above bill ordered enrolled.~~

(NOTE: Later this day, the action was rescinded whereby the Assembly concurred in Senate amendments to Assembly Bill No. 1453 and whereby the bill was ordered enrolled. See page 8764.)

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 2944**

At 7:50 p.m., on motion of Assembly Member Cardenas, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 2944 by the following vote:

**AYES—65**

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

**NOES—8**

Cogdill	Kelley	Leonard	Pacheco, Robert
Havice	Leach	Mountjoy	Wyman

Above bill ordered enrolled.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 8:04 p.m., by unanimous consent, the members of the Committee on Appropriations were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2785 (Oropeza)**—An act to amend Section 2 of Chapter 99 of the Statutes of 2002, relating to appropriations for the support of the government of the State of California, to take effect immediately as an appropriation for the usual and current expenses of the state.

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—69**

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

**NOES—5**

Bogh	Mountjoy	Wyland
Hollingsworth	Pacheco, Rod	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 2785: Assembly Member Zettel, from “No” to “Aye”.

Above bill ordered enrolled.

**CONSIDERATION OF CONSENT CALENDAR**

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

**Consent Calendar—Assembly Resolution**

**HOUSE RESOLUTION NO. 94 (Bill Campbell)**—Relative to food safety.

Resolution read, and adopted.

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

**Consent Calendar—Senate Resolutions**

**SENATE CONCURRENT RESOLUTION NO. 105 (Burton)**—Relative to Caltrans Maintenance Worker Memorial Bridge.

Resolution read, adopted, and ordered transmitted to the Senate.

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

**SENATE CONCURRENT RESOLUTION NO. 92 (Alpert)**—Relative to the Joint Committee to Develop a Master Plan for Education.

Resolution read, adopted, and ordered transmitted to the Senate.

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

**SENATE CONCURRENT RESOLUTION NO. 93 (Alpert)**—Relative to joint doctoral programs.

Resolution read, adopted, and ordered transmitted to the Senate.

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

**SENATE CONCURRENT RESOLUTION NO. 102 (Polanco)**—Relative to Binational Health Week.

Resolution read, adopted, and ordered transmitted to the Senate.

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

**Consent Calendar Roll Call**

The roll was called, and the above resolutions on the Consent Calendar adopted, by the following vote:

**AYES—80**

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

**NOES—None**

**CONSIDERATION OF SPECIAL CONSENT CALENDAR**

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

**Special Consent Calendar—**

**Consideration of Senate Amendments to Assembly Bills**

**ASSEMBLY BILL NO. 34 (Runner)**—An act to amend Section 1104.1 of the Military and Veterans Code, relating to veterans, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The Assembly adopted the urgency clause and concurred in the above Senate amendments; bill ordered enrolled.

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

**ASSEMBLY BILL NO. 700 (Simitian)**—An act to amend , renumber, and add Section 1798.82 of, and to add Section 1798.29 to, the Civil Code, relating to personal information.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

**ASSEMBLY BILL NO. 1412 (Wright)**—An act to amend Section 51226 of, and to add Sections 51221.5, 52525, and 66205.5 to, the Education Code, relating to adult and career technical education.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

**ASSEMBLY BILL NO. 1968 (Nation)**—An act to add Sections 17138.1 and 24308.1 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

**ASSEMBLY BILL NO. 2384 (Committee on Governmental Organization)**—An act to amend, add, and repeal Section 19613 of, and to add Section 19612.7 to, the Business and Professions Code, relating to horse racing, and declaring the urgency thereof, to take effect immediately.

The Assembly adopted the urgency clause and concurred in the above Senate amendments; bill ordered enrolled.

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

**ASSEMBLY BILL NO. 2793 (Pescetti)**—An act to amend Sections 12071, 12132, and 12276.1 of the Penal Code, relating to firearms.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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



**Special Consent Calendar Roll Call**

The roll was called, and the above bills on the Special Consent Calendar passed, and any urgency clauses to the bills adopted, by the following vote:

**AYES—80**

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

**NOES—None****PRIVILEGES OF THE FLOOR**

Assembly Member Bill Campbell was granted unanimous consent that the privileges of the Floor be granted to his wife, Mary Campbell.

**REQUEST FOR UNANIMOUS CONSENT**

Speaker pro Tempore Keeley was granted unanimous consent that measures on Supplemental File No. 3 be taken up.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 2363 (Firebaugh)**—An act to amend Section 33000 of, and to add Section 33009.3, to, the Education Code, relating to the State Board of Education.

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.

**Call of the Assembly**

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

Motion carried. Time, 8:38 p.m.

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

**ASSEMBLY BILL NO. 2469 (Dickerson)**—An act to add Section 10540 to the Water Code, relating to water.

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—78**

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2683 (Canciamilla)**—An act to add Section 79420, 79423, 79453, and 79455 to the Water Code, relating to water.

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—73**

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

**NOES—6**

Aanestad	La Suer	Mountjoy
Cogdill	Leslie	Wyland

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2770 (Matthews)**—An act to amend Sections 40194 and 40201 of, and to add Sections 40117 and 40507.1 to, the Public Resources Code, relating to solid waste and making an appropriation therefor.

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—72**

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

**NOES—7**

Aanestad	Leonard	Pescetti	Zettel
Hollingsworth	Mountjoy	Strickland	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2887 (Koretz)**—An act to repeal and add Section 22348 of, and to repeal Sections 23109.8, 23503, and 23583 of, the Vehicle Code, relating to vehicles.

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—76**

Aanestad	Correa	La Suer	Reyes
Alquist	Cox	Leach	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	Harman	Migden	Thomson
Canciamilla	Havice	Mountjoy	Vargas
Cardenas	Hertzberg	Nakano	Washington
Cardoza	Hollingsworth	Nation	Wayne
Cedillo	Horton	Oropeza	Wiggins
Chan	Jackson	Pacheco, Robert	Wright
Chavez	Keeley	Pacheco, Rod	Wyland
Chu	Kehoe	Papan	Wyman
Cohn	Kelley	Pavley	Zettel
Corbett	Koretz	Pescetti	Mr. Speaker

**NOES—2**

Cogdill	Leonard
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**Vote Changes**

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 2887: Assembly Member Goldberg, from "Aye" to "Not Voting".

Above bill ordered enrolled.

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1289 (Haynes)**—An act relating to drugs.

Bill read third time, and presented by Assembly Member Rod Pacheco.

Bill passed by the following vote:

**AYES—73**

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

**NOES—None**

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1312 (Peace)**—An act to add Article 6.3 (commencing with Section 8592.9) to Chapter 7 of Division 1 of Title 2 of the Government Code, to amend Section 12305 of the Penal Code, and to amend Section 7 of Assembly Bill 2580, relating to public safety.

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

Bill passed by the following vote:

**AYES—49**

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

**NOES—18**

Aanestad	Dickerson	Leonard	Pescetti
Ashburn	Harman	Leslie	Strickland
Bogh	Hollingsworth	Maddox	Wyman
Campbell, Bill	La Suer	Mountjoy	
Cox	Leach	Pacheco, Robert	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1312: Assembly Member Zettel, from “No” to “Not Voting”.

Bill ordered transmitted to the Senate.

**SENATE BILL NO. 1457 (Johannessen)**—An act to amend Section 30070 of the Government Code, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.

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

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—74**

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

**NOES—3**

Ashburn                      Leonard                      Mountjoy

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—74**

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

**NOES—3**

Ashburn                      Leonard                      Mountjoy

Bill ordered transmitted to the Senate.

**BILLS ORDERED TRANSMITTED TO SENATE**

Speaker pro Tempore Keeley was granted unanimous consent that all bills passed earlier this day, be ordered transmitted to the Senate immediately.

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 11 TAKEN UP BY UNANIMOUS CONSENT**

Assembly Member Richman was granted unanimous consent to take up Assembly Constitutional Amendment No. 11, without reference to file, and that the same be considered engrossed.

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 11**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Article XVI A thereto, relating to infrastructure finance.

Resolution read third time, and adopted by the following vote:

**AYES—74**

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

**NOES—3**

Aroner	Goldberg	Nation
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**Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Constitutional Amendment No. 11: Assembly Member Aroner, from “Aye” to “No”.

Above resolution ordered transmitted to the Senate.

**HOUSE RESOLUTION NO. 96 TAKEN UP BY UNANIMOUS CONSENT**

Assembly Member Wesson was granted unanimous consent to take up House Resolution No. 96, without reference to committee, print, or file, and that the same be considered engrossed.

**HOUSE RESOLUTION NO. 96**—Relative to the Speaker of the Assembly's Commission on Structural Challenges to Budgeting in California.

Resolution read, and adopted by the following vote:

**AYES—76**

Aanestad	Correa	Koretz	Reyes
Alquist	Cox	Leach	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	Nakano	Vargas
Cardenas	Havice	Nation	Washington
Cardoza	Hertzberg	Negrete McLeod	Wayne
Cedillo	Hollingsworth	Oropeza	Wiggins
Chan	Horton	Pacheco, Robert	Wright
Chavez	Jackson	Pacheco, Rod	Wyland
Chu	Keeley	Papan	Wyman
Cohn	Kehoe	Pavley	Zettel
Corbett	Kelley	Pescetti	Mr. Speaker

**NOES—2**

La Suer                      Mountjoy

**Vote Changes**

By unanimous consent, the following vote change was permitted on House Resolution No. 96: Assembly Member Mountjoy, from "Aye" to "No".



**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
ASSEMBLY BILL NO. 425 RECONSIDERED  
BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Oropeza was granted unanimous consent that the vote be reconsidered whereby Senate amendments to Assembly Bill No. 425 were refused concurrence.

**Further Consideration of Senate Amendments to Assembly Bill No. 425**

**ASSEMBLY BILL NO. 425 (Oropeza)**—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, 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 Cogdill moved a call of the Assembly.

Motion carried. Time, 10:02 p.m.

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

**THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1831 (Peace)**—An act to add Article 7 (commencing with Section 63049) to Chapter 2 of Division 1 of Title 6.7 of the Government Code, and to amend Section 104897 of the Health and Safety Code, relating to tobacco settlement moneys.

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

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 10:05 p.m.

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

**UNFINISHED BUSINESS (RESUMED)  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 1100 (Simitian)**—An act to amend Sections 47632 and 47635 of the Education Code, relating to education finance, 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 Cogdill moved a call of the Assembly.

Motion carried. Time, 10:07 p.m.

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

**ASSEMBLY BILL NO. 3004 (Committee on Budget)**—An act relating to natural disaster assistance.

Bill presented by Assembly Member Papan.

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.

**Call of the Assembly**

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

Motion carried. Time, 10:08 p.m.

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

**ASSEMBLY BILL NO. 442 (Committee on Budget)**—An act to amend Section 4426 of, and to repeal Section 4427 of, the Business and Professions Code, to amend Section 49557.2 of the Education Code, to amend Sections 1356, 1797.199, 53300, 100171, 120955, 124030, 124040, 124120, and 124250 of, to add Sections 26157, 104188, 124033, 124977, 125190, and 127280.1 to, and to add Article 6 (commencing with Section 101315) to Chapter 3 of Part 3 of Division 101 of, the Health and Safety Code, to amend Sections 12693.17, 12693.43, 12693.45, 12693.70, and 12693.981 of, and to amend, repeal, and add Section 12693.41 of, the Insurance Code, and to amend Sections 4094.2, 4380, 4418.3, 4418.7, 4640.6, 4643, 4646.5, 5600.8, 5869, 5881, 5882, 5883, 14005.41, 14011.6, 14019.3, 14051, 14085.7, 14085.8, 14103.6, 14105.2, 14105.3, 14105.31, 14105.33, 14105.337, 14105.34, 14105.35, 14105.37, 14105.38, 14105.39, 14105.405, 14105.42, 14105.43, 14105.45, 14125, 14132, 14132.26, 14132.88, 14132.95, 14163, 14495.10, 16809, 16809.4, and 18925 of, to add Sections 4418.2, 4418.25, 4781.5, 5767, 14000.03, 14000.5, 14011.7, 14011.8, 14011.9, 14105.18, 14105.332, 14105.46, 14105.47, 14105.8, 14105.85, 14132.73, and 14150 to, to add and repeal Sections 4631.5 and 14105.436 of, to repeal Sections 4847, 14105.65, 14105.91, 14105.915, and 14105.916 of, and to repeal and amend Sections 14105.4 and 14105.41 of, the Welfare and Institutions Code, relating to health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Assembly Member Oropeza.

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 Cogdill moved a call of the Assembly.

Motion carried. Time, 10:09 p.m.

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

**ASSEMBLY BILL NO. 444 (Committee on Budget)**—An act to amend Section 17706 of the Family Code, to amend Section 12759 of the Government Code, to amend Sections 1596.76, 1597.09, 1597.091, 11970, 11970.2, and 130060 of, to add Article 5 (commencing with Section 11970.45) to, and to repeal Article 3 (commencing with Section 11970) of, Chapter 2 of Part 3 of Division 10.5 of, the Health and Safety Code, to amend Sections 1222, 1265.1, 1611.5, 9604, 9608, 9615, and 10521 of, to add Section 1253.9 to, to repeal Sections 9603 and 9611 of, and to repeal Article 3 (commencing with Section 9700) of Chapter 2 of Part 1 of Division 3 of, the Unemployment Insurance Code, to amend Sections 903.7, 10980, 11006.2, 11020, 11254, 11257, 11325.7, 11450, 11450.5, 11450.12, 11450.13, 11451.5, 11453, 11462, 11466.21, 11486, 12201, 14021.6, 14124.93, 15204.3, 15763, 16011, 16131, 19355.5, 19356, 19356.5, and 19356.6 of, to add Sections 10823.1, 11004.1, 11265.3, and 11323.3 to, to repeal Sections 11450.2 and 19356.65 of, and to repeal and add Sections 11265.1, 11265.2, and 18910 of, the Welfare and Institutions Code, and to add Provision 17 to Item 5180-101-0001 of Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001), to add Provision 17 to Item 5180-101-0001 of Section 2.00 of the Budget Act of 1999 (Chapter 50 of the Statutes of 1999), and to add Provision 15 to Item 5180-101-0001 of Section 2.00 of the Budget Act of 1998 (Chapter 324 of the Statutes of 1998), relating to human services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Assembly Member Oropeza.

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 Cogdill moved a call of the Assembly.

Motion carried. Time, 10:11 p.m.

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

**ASSEMBLY BILL NO. 2996 (Committee on Budget)**—An act to amend Section 64000 of the Government Code, to amend Section 7236 of the Revenue and Taxation Code, to amend Sections 188.10, 2401, and 31071 of, and to repeal and add Article 4.8 (commencing with Section 179) of Chapter 1 of Division 1 of, the Streets and Highways Code, and to amend Sections 1656, 1661, 1810, 1810.7, 4604.5, 9552, 9553, 9554, 9554.5, 13106, 14900, 14900.1, 14905, 34602, and 34605 of, and to add Section 14907 to, the Vehicle Code, relating to transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Assembly Member Oropeza.

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 Cogdill moved a call of the Assembly.

Motion carried. Time, 10:11 p.m.

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

**ASSEMBLY BILL NO. 2997 (Committee on Budget)**—An act to amend Section 5627 of, and to add and repeal Section 35033.5 to, the Public Resources Code, relating to natural resources, and declaring the urgency thereof, to take effect immediately.

Bill presented by Assembly Member Oropeza.

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 Cogdill moved a call of the Assembly.

Motion carried. Time, 10:12 p.m.

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

**ASSEMBLY BILL NO. 2998 (Committee on Budget)**—An act to amend Section 47634 of the Education Code, relating to instructional materials, and declaring the urgency thereof, to take effect immediately.

Bill presented by Assembly Member Oropeza.

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

**NOES—None**

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

**AYES—78**

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 3009 (Committee on Budget)**—An act to amend Section 37022 of the Public Resources Code, and to amend Section 40016 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill presented by Assembly Member Oropeza.

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.

#### **Call of the Assembly**

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

Motion carried. Time, 10:14 p.m.

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

#### **THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 1834 (Committee on Budget and Fiscal Review)**—An act to amend Sections 14556.5, 14556.8, and 14556.9 of, and to add and repeal Section 14556.75 of, the Government Code, to add Section 99310.6 to the Public Utilities Code, and to amend Sections 183, 188.10, 2182, and 2182.1 of, and to add Section 183.3 to, the Streets and Highways Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

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

#### **Urgency Clause**

Urgency clause read.

The roll was opened.

#### **Call of the Assembly**

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

Motion carried. Time, 10:15 p.m.

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

#### **UNFINISHED BUSINESS (RESUMED)**

##### **CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 3010 (Committee on Budget)**—An act to amend Sections 1275 and 1703 of, and to add Section 1327.5 to, the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

Bill presented by Assembly Member Oropeza.

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.

#### **Call of the Assembly**

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

Motion carried. Time, 10:16 p.m.

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

**RULES TEMPORARILY SUSPENDED**

Assembly Member Oropeza was granted unanimous consent that Assembly Rule 69(d) be suspended to permit consideration of Senate Bill No. 1835, as amended, without reference to file.

**SENATE BILL NO. 1835 (Committee on Budget and Fiscal Review)**—An act to amend and supplement the Budget Act of 2002, relating to state government, and declaring the urgency thereof, to take effect immediately.

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

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—73**

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

**NOES—2**

Aanestad                      La Suer

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—73**

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

**NOES—2**

Aanestad                      La Suer

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1835 and Urgency: Assembly Member Bogh, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

**RULES TEMPORARILY SUSPENDED**

Assembly Member Oropeza was granted unanimous consent that Assembly Rule 69(d) be suspended to permit consideration of Senate Bill No. 1849, as amended, without reference to file.

**SENATE BILL NO. 1849 (Committee on Budget and Fiscal Review)**—An act to amend Sections 17052.2, 17276, 17276.3, 18662, 18663, 24348, 24416, 24416.3, and 24449 of, and to add and repeal Sections 7093.8 and 19444 of, the Revenue and Taxation Code, and to amend Section 13043 of the Unemployment Insurance Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

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

**Urgency Clause**

Urgency clause read.

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 10:20 p.m.

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



**BILLS PLACED ON INACTIVE FILE**

The following bills were placed upon the inactive file:

**Assembly Bill No. 2141**, on request of Assembly Member Firebaugh;

**Assembly Bill No. 557**, on request of Assembly Member Aroner;

**Senate Bill No. 11**, on request of Assembly Member Steinberg;

**Senate Bill No. 1583**, on request of Assembly Member Firebaugh;

**Senate Bill No. 1592**, on request of Assembly Member Keeley;

**Senate Bill No. 110**, on request of Assembly Member Firebaugh.

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

**SENATE BILL NO. 621 (Costa)**—An act relating to water, and making an appropriation therefor.

**Rules Temporarily Suspended**

Upon request of Assembly Member Firebaugh, Assembly Member Reyes was granted unanimous consent that Assembly Rule 69(b)(e) be suspended to permit consideration of proposed amendments to Senate Bill No. 621.

**Motion to Amend**

Assembly Member Reyes moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted.

**Rules Temporarily Suspended**

Upon request of Assembly Member Firebaugh, Assembly Member Reyes was granted unanimous consent that Assembly Rule 69(d) be suspended to permit consideration of Senate Bill No. 621, as amended, without reference to file.

**SENATE BILL NO. 621 (Costa)**—An act relating to water, and making an appropriation therefor.

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

Bill passed by the following vote:

**AYES—79**

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

**NOES—1**

Pacheco, Rod

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 621: Assembly Member Bates, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

**ACTION RESCINDED ON ASSEMBLY BILL NO. 1453**

Assembly Member Firebaugh was granted unanimous consent to rescind the action whereby the Assembly, earlier this day (Assembly Journal, page 8742), concurred in Senate amendments to Assembly Bill No. 1453, and whereby the bill was ordered enrolled and that the bill be returned to the Senate for further action.

**ACTION RESCINDED ON SENATE BILL NO. 1482**

Upon request of Assembly Member Firebaugh, Assembly Member Aroner was granted unanimous consent to rescind the action whereby earlier this day, (Assembly Journal, page 8699), Senate Bill No. 1482 was stricken from the file.

**SENATE BILL NO. 1482 RECONSIDERED BY UNANIMOUS CONSENT**

Upon request of Assembly Member Firebaugh, in compliance with a motion given, Assembly Member Aroner was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 1482 was refused passage.

**Further Consideration of Senate Bill No. 1482**

**SENATE BILL NO. 1482 (Polanco)**—An act to amend Section 2933 of the Penal Code, relating to worktime credit.

**Request to Suspend Rules**

Assembly Member Firebaugh was granted consent that Assembly Rule 69(b)(e) be suspended for purpose of consideration of proposed amendments to Senate Bill No. 1482.

Bill read third time.

**Motion to Amend**

Assembly Member Firebaugh moved the adoption of amendments.  
 Amendments read, and adopted.  
 Bill ordered reprinted.

**Rules Temporarily Suspended**

Assembly Member Firebaugh was granted unanimous consent that Assembly Rule 69(d) be suspended to permit consideration of Senate Bill No. 1482, as amended, without reference to file.

**SENATE BILL NO. 1482 (Polanco)**—An act to amend Sections 7301, 7302, 7304, 7309, 7311, 7312, and 7314 of, and to amend and repeal Section 7303 of, the Business and Professions Code, relating to barbering and cosmetology.

Bill read third time, and presented by Assembly Member Firebaugh.  
 Bill passed by the following vote:

**AYES—46**

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

**NOES—28**

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

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1482: Assembly Member Thomson, from “Aye” to “No”.

Bill ordered transmitted to the Senate.

**MESSAGES FROM THE SENATE**

Senate Chamber, August 31, 2002

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

Assembly Bill No. 2578

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, August 31, 2002

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

Assembly Bill No. 468

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, August 31, 2002

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

Assembly Bill No. 2833

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, August 31, 2002

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

Assembly Bill No. 2838

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.

### **RULES TEMPORARILY SUSPENDED**

Assembly Member Firebaugh was granted unanimous consent that Assembly Rule 77 be suspended to permit consideration of Senate amendments to Assembly Bills Nos. 2833, 2838, and 468, without reference to file.

**ASSEMBLY BILL NO. 2833 (Pescetti)**—An act to amend Section 20511 of, and to add Sections 20508.5 21413.5 to, the Government Code, relating to public employees' retirement.

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	La Suer	Reyes
Alquist	Cox	Leach	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	Hertzberg	Nation	Wayne
Cedillo	Hollingsworth	Negrete McLeod	Wiggins
Chan	Horton	Oropeza	Wright
Chavez	Jackson	Pacheco, Robert	Wyland
Chu	Keeley	Pacheco, Rod	Wyman
Cogdill	Kehoe	Papan	Zettel
Cohn	Kelley	Pavley	Mr. Speaker
Corbett	Koretz	Pescetti	

### **NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 2838 (Canciamilla)**—An act to amend Section 409 of, and to add Section 455.2 to, the Public Utilities Code, relating to public utilities, and making an appropriation therefor.

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—66**

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

**NOES—2**

Leonard                      Pacheco, Rod

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 468 (Firebaugh)**—An act to amend Section 14666.6 of, and to add Sections 14666.8 and 14666.9 to, the Government Code, relating to telecommunications.

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—49**

Aroner	Cohn	Koretz	Reyes
Ashburn	Diaz	Liu	Salinas
Briggs	Dutra	Longville	Shelley
Calderon	Firebaugh	Lowenthal	Steinberg
Campbell, Bill	Florez	Matthews	Vargas
Canciamilla	Frommer	Migden	Washington
Cardenas	Goldberg	Nakano	Wayne
Cardoza	Havice	Nation	Wiggins
Cedillo	Hertzberg	Negrete McLeod	Wright
Chan	Hollingsworth	Oropeza	Mr. Speaker
Chavez	Horton	Papan	
Chu	Keeley	Pavley	
Cogdill	Kehoe	Pescetti	

**NOES—22**

Aanestad	Dickerson	Leslie	Runner
Bates	Harman	Maldonado	Strickland
Bogh	Kelley	Mountjoy	Wyman
Campbell, John	La Suer	Pacheco, Robert	Zettel
Cox	Leach	Pacheco, Rod	
Daucher	Leonard	Richman	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Concurrence in Senate Amendments to Assembly Bill No. 468: Assembly Members Hollingsworth and Pescetti, from “No” to “Aye”.

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONFERENCE REPORT ON SENATE BILL NO. 905**

At 10:33 p.m., on motion of Assembly Member Wiggins, 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 Daucher moved to continue the call of the Assembly.

Motion carried. Time, 10:33 p.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 CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1243**

At 10:34 p.m., on motion of Assembly Member Wiggins, 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 Cogdill moved to continue the call of the Assembly.

Motion carried. Time, 10:34 p.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  
SENATE BILL NO. 773**

At 10:34 p.m., on motion of Assembly Member Nation, 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 Canciamilla moved to continue the call of the Assembly.

Motion carried. Time, 10:35 p.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 CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1243**

At 10:36 p.m., on motion of Assembly Member Cogdill, 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 Cogdill moved to continue the call of the Assembly.

Motion carried. Time, 10:36 p.m.

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

**RULES TEMPORARILY SUSPENDED**

Assembly Member Shelley was granted unanimous consent that Assembly Rule 77 be suspended to permit consideration of Senate amendments to Assembly Bill No. 2578.

**ASSEMBLY BILL NO. 2578 (Shelley)**—An act to add Section 10426 to the Public Contract Code, and to add Section 352.7 to the Public Utilities Code, relating to contracts.

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—49**

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

**NOES—23**

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

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 2363**

At 10:47 p.m., on motion of Assembly Member Firebaugh, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 2363 by the following vote:

**AYES—48**

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

**NOES—27**

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

Above bill ordered enrolled.



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

**SENATE BILL NO. 238 (Kuehl)**—An act to add Section 995.245 to the Code of Civil Procedure, relating to bonds and undertakings.

**Request to Suspend Rules**

Upon request of Assembly Member Firebaugh, Assembly Member Robert Pacheco was granted unanimous consent that Assembly Rule 69(b)(e) be suspended for purpose of consideration of proposed amendments to Senate Bill No. 238.

Bill read third time.

**Motion to Amend**

Assembly Member Robert Pacheco moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted.

**Rules Temporarily Suspended**

Upon request of Assembly Member Firebaugh, Assembly Member Robert Pacheco was granted unanimous consent that Assembly Rule 69(d) be suspended to permit consideration of Senate Bill No. 238, as amended, without reference to file.

**SENATE BILL NO. 238 (Kuehl)**—An act relating to parks.

Bill read third time, and presented by Assembly Member Robert Pacheco.

Bill passed by the following vote:

**AYES—57**

Alquist	Corbett	Leach	Salinas
Aroner	Diaz	Liu	Shelley
Ashburn	Dutra	Longville	Simitian
Calderon	Firebaugh	Lowenthal	Steinberg
Campbell, Bill	Florez	Maddox	Strom-Martin
Campbell, John	Frommer	Maldonado	Thomson
Canciamilla	Goldberg	Matthews	Vargas
Cardenas	Havice	Migden	Washington
Cardoza	Hertzberg	Nakano	Wayne
Cedillo	Horton	Nation	Wiggins
Chan	Jackson	Negrete McLeod	Wright
Chavez	Keeley	Oropeza	Mr. Speaker
Chu	Kehoe	Pacheco, Robert	
Cogdill	Kelley	Pavley	
Cohn	Koretz	Runner	

**NOES—16**

Aanestad	Cox	La Suer	Reyes
Bates	Daucher	Leonard	Strickland
Bogh	Harman	Mountjoy	Wyland
Correa	Hollingsworth	Pacheco, Rod	Zettel

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Senate Bill No. 238: Assembly Members Bates, Correa, Daucher, and Reyes, from “Aye” to “No”.

Bill ordered transmitted to the Senate immediately.

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

**SENATE BILL NO. 1767 (Perata)**—An act to add Section 14005.26 to the Welfare and Institutions Code, relating to human services.

**Motion to Amend**

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

**Rules Temporarily Suspended**

Assembly Member Koretz was granted unanimous consent that Assembly Rule 69(d) be suspended to permit consideration of Senate Bill No. 1767, as amended, without reference to file.

**SENATE BILL NO. 1767 (Perata)**—An act to add Section 14005.26 to the Welfare and Institutions Code, relating to human services.

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

Bill passed by the following vote:

**AYES—43**

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

**NOES—26**

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

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1767: Assembly Member Bogh, from "Aye" to "No".

Bill ordered transmitted to the Senate immediately.

**ACTION RESCINDED ON SENATE BILL NO. 2053**

Assembly Member Firebaugh was granted unanimous consent to rescind the action whereby the Assembly, on August 22, 2002 (Assembly Journal, page 7924), passed Senate Bill No. 2053, and whereby the bill was ordered transmitted to the Senate, and that the bill be returned to the Senate for further action.

**MESSAGES FROM THE SENATE**

Senate Chamber, August 31, 2002

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

Assembly Bill No. 2596

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.

**RULES TEMPORARILY SUSPENDED**

Assembly Member Firebaugh was granted unanimous consent that Assembly Rule 77 be suspended to permit consideration of Senate amendments to Assembly Bill No. 2596.

**ASSEMBLY BILL NO. 2596 (Wesson)**—An act to amend Sections 1164, 1164.3, and 1164.11 of, and to add Sections 1164.12 and 1164.14 to, the Labor Code, relating to agricultural labor relations.

Bill presented by Assembly Member Firebaugh.

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**

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

**NOES—24**

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

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 773**

At 11:02 p.m., on motion of Assembly Member Canciamilla, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 773 passed by the following vote:

**AYES—51**

Alquist	Cohn	Keeley	Richman
Aroner	Correa	Kelley	Runner
Bates	Cox	Leach	Salinas
Bogh	Daucher	Maddox	Steinberg
Briggs	Diaz	Maldonado	Strickland
Calderon	Dutra	Matthews	Thomson
Campbell, Bill	Firebaugh	Migden	Vargas
Campbell, John	Florez	Mountjoy	Wiggins
Canciamilla	Frommer	Nakano	Wright
Cardenas	Harman	Negrete McLeod	Wyland
Cardoza	Havice	Pacheco, Robert	Wyman
Cedillo	Hertzberg	Papan	Mr. Speaker
Chavez	Horton	Pavley	

**NOES—9**

Aanestad	Jackson	Leonard
Goldberg	Koretz	Leslie
Hollingsworth	La Suer	Longville

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Senate Bill No. 773: Assembly Member Mountjoy, from “No” to “Aye”; Assembly Members Liu and Lowenthal, from “No” to “Not Voting”.

Bill ordered transmitted to the Senate immediately.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 3004**

At 11:37 p.m., on motion of Assembly Member Cogdill, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 3004 by the following vote:

**AYES—49**

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

**NOES—26**

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

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 3010**

At 11:38 p.m., on motion of Assembly Member Cogdill, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 3010 by the following vote:

**AYES—54**

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

**NOES—26**

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

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 1831**

At 11:39 p.m., on motion of Assembly Member Cogdill, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 1831 passed by the following vote:

**AYES—43**

Alquist	Correa	Koretz	Salinas
Briggs	Diaz	Longville	Shelley
Calderon	Dickerson	Lowenthal	Steinberg
Canciamilla	Dutra	Matthews	Strom-Martin
Cardenas	Florez	Migden	Vargas
Cardoza	Havice	Nakano	Washington
Cedillo	Hertzberg	Nation	Wayne
Chavez	Horton	Oropeza	Wiggins
Chu	Keeley	Papan	Wright
Cohn	Kehoe	Reyes	Mr. Speaker
Corbett	Kelley	Richman	

**NOES—25**

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

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1831: Assembly Member Liu, from "Aye" to "Not Voting".

Bill ordered transmitted to the Senate immediately.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONFERENCE REPORT ON SENATE BILL NO. 905**

At 11:42 p.m., on motion of Assembly Member Daucher, 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 Cogdill moved to continue the call of the Assembly.

Motion carried. Time, 11:42 p.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 CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1243**

At 11:43 p.m., on motion of Assembly Member Cogdill, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1243 by the following vote:

**AYES—44**

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

**NOES—29**

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

Above bill ordered enrolled.



**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONFERENCE REPORT ON SENATE BILL NO. 905**

At 11:43 p.m., on motion of Assembly Member Cogdill, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Conference Committee Report on Senate Bill No. 905 adopted by the following vote:

**AYES—45**

Alquist	Dickerson	Liu	Simitian
Aroner	Dutra	Longville	Steinberg
Calderon	Firebaugh	Lowenthal	Strom-Martin
Canciamilla	Florez	Maddox	Vargas
Cardenas	Frommer	Migden	Washington
Cardoza	Goldberg	Nakano	Wayne
Cedillo	Hertzberg	Nation	Wiggins
Chan	Horton	Negrete McLeod	Wright
Chu	Jackson	Oropeza	Mr. Speaker
Cohn	Keeley	Papan	
Corbett	Kehoe	Reyes	
Correa	Koretz	Shelley	

**NOES—27**

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

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS (RESUMED)**

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 3000 (Committee on Budget)**—An act to amend Sections 7342 and 17591 of the Business and Professions Code, to amend Section 1540 of the Code of Civil Procedure, to amend Section 37220.6 of, and to add and repeal Section 37220.8 of, the Education Code, to amend Sections 910.4, 915.2, 935.7, 7299.4, 7299.6, 10205, 13103.5, 13915, 14612, 15323.5, 16429.1, 16475, 16475.5, 16724.6, 16727, 16731.6, 17551, 17558.5, 17561, 17562, and 17564 of, to amend, repeal, and add Section 12439 of, to add Sections 14612.5, 14669.21, 15320, 15364.725, 15605.5, and 16320 to, and to add and repeal Section 68087 of, the Government Code, to amend Sections 18909, 18913, 18937, 18938, 18942, and 18943 of the Health and Safety Code, to add Section 12907 to the Insurance Code, to amend Sections 62.5, 142, 142.3, and 1777.5 of, and to repeal Section 142.6 of, the Labor Code, to amend Sections 830.5, 1203.1d, 6045.8, and 13601 of, to add Section 2933.3 to, and to add and repeal Section 1465.7 of, the Penal Code, to amend Sections 309.5 and 3340 of the Public Utilities Code, to amend Sections 13563, 19521, and 40016 of, and to add Section 30018 to, the Revenue and Taxation Code, to amend Section 13260 of the Water Code, and to amend Section 3053 of, and to add Section 3055 to, the Welfare and Institutions Code, relating to state and local government, making an appropriation therefor, 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—54**

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

**NOES—25**

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

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

**AYES—54**

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

**NOES—25**

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

Above bill ordered enrolled.

**RULES TEMPORARILY SUSPENDED**

Upon request of Assembly Member Firebaugh, Assembly Member Oropeza was granted unanimous consent that Assembly Rule 69(d) be suspended to permit consideration of Senate Bill No. 1845, as amended, without reference to file.

**SENATE BILL NO. 1845 (Committee on Budget and Fiscal Review)**—An act to amend Sections 12152, 13400, 13401, 13402, 13403, 13405, 13406, 63048.5, and 63052 of, and to add Article 5.5 (commencing with Section 63047.5) to Chapter 2 of Division 1 of Title 6.7 of, the Government Code, to amend Sections 33020, 33681, and 33681.5 of, and to add Sections 33681.7 and 33681.8 to, the Health and Safety Code, to add Chapter 2.7 (commencing with Section 22047) to Part 3 of Division 2 of the Public Contract Code, to amend Section 19521 of the Revenue and Taxation Code, to amend Section 143 of the Streets and Highways Code, to amend Sections 1810, 1810.7, and 1811 of the Vehicle Code, and to amend and supplement the Budget Act of 2002, relating to state and local government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—54**

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

**NOES—24**

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

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—54**

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

**NOES—24**

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

Bill ordered transmitted to the Senate immediately.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS (RESUMED)**

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 3006 (Committee on Budget)**—An act to repeal Section 103 of Assembly Bill 442 of the 2001–02 Regular Session, relating to health, and declaring the urgency thereof, to take effect immediately.

Bill presented by Assembly Member Oropeza.

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—74**

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

**NOES—3**

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

**AYES—74**

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

**NOES—3**

Hollingsworth	Pacheco, Rod	Pescetti
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Above bill ordered enrolled.

**SENATE BILL NO. 1756 RETURNED TO SENATE**

Assembly Member Keeley was granted unanimous consent that Senate Bill No. 1756 be returned to the Senate for further action.

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**SIX HUNDRED THIRTY-SEVENTH CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**

---

Assembly Chamber, September 1, 2002

At 12 midnight

Speaker pro Tempore Fred Keeley, presiding.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY  
CLAUSE TO SENATE BILL NO. 1834**

At 12:01 a.m., on motion of Assembly Member Cogdill, 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 Cogdill moved to continue the call of the Assembly.

Motion carried. Time, 12:01 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 URGENCY  
CLAUSE TO SENATE BILL NO. 1834**

At 12:04 a.m., and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 1834 adopted by the following vote:

**AYES—54**

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

**NOES—26**

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

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—54**

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

**NOES—26**

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

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY  
CLAUSE TO SENATE BILL NO. 1849**

At 12:05 a.m., in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 1849 adopted by the following vote:

**AYES—54**

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

**NOES—26**

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

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—54**

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

**NOES—26**

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

Bill ordered transmitted to the Senate.

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

**SENATE BILL NO. 1841 (Committee on Budget and Fiscal Review)**—An act to amend Sections 10554, 41203.1, 44515, 47632, 47634.5, 47635, 47663, 48005.10, 48005.13, 48005.15, 48005.25, 48005.30, 48005.35, 48005.45, 48005.55, 53075, 54201, 56836.158, 70000, 99234, 99235, 99240, and 99242 of, to add Section 54205 to, and to add and repeal Section 52263.5 of, the Education Code, to amend Section 17581 of the Government Code, and to amend Section 5701.3 of the Welfare and Institutions Code, relating to education finance, and declaring the urgency thereof, to take effect immediately.

**Motion to Amend**

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

**Rules Temporarily Suspended**

Assembly Member Oropeza was granted unanimous consent that Assembly Rule 69(d) be suspended to permit consideration of Senate Bill No. 1841, as amended, without reference to file.

**SENATE BILL NO. 1841 (Committee on Budget and Fiscal Review)**—An act to amend Sections 10554, 41203.1, 42238, 42238.12, 42238.44, 44515, 44955.5, 47634.5, 48005.10, 48005.13, 48005.15, 48005.25, 48005.30, 48005.35, 48005.45, 48005.55, 53075, 54201, 56836.158, 68130.5, 69433.5, 69433.9, 69618.1, 69956, 70000, 76300, 99234, 99235, 99240, and 99242 of, to add Sections 42238.445, 42238.46, 54205, 66021.6, and 69506.7 to, and to add and repeal Section 52263.5 of, the Education Code, to add Section 17581.5 to the Government Code, and to amend Section 5701.3 of the Welfare and Institutions Code, relating to school finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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



**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—71**

Alquist	Cox	Leach	Richman
Aroner	Daucher	Leonard	Runner
Ashburn	Diaz	Liu	Salinas
Briggs	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	Hertzberg	Nation	Wayne
Chavez	Horton	Negrete McLeod	Wiggins
Chu	Jackson	Oropeza	Wright
Cogdill	Keeley	Pacheco, Robert	Wyland
Cohn	Kehoe	Papan	Wyman
Corbett	Kelley	Pavley	Mr. Speaker
Correa	Koretz	Reyes	

**NOES—4**

Aanestad	Hollingsworth	Pacheco, Rod	Pescetti
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The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—71**

Alquist	Cox	Leach	Richman
Aroner	Daucher	Leonard	Runner
Ashburn	Diaz	Liu	Salinas
Briggs	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	Hertzberg	Nation	Wayne
Chavez	Horton	Negrete McLeod	Wiggins
Chu	Jackson	Oropeza	Wright
Cogdill	Keeley	Pacheco, Robert	Wyland
Cohn	Kehoe	Papan	Wyman
Corbett	Kelley	Pavley	Mr. Speaker
Correa	Koretz	Reyes	

**NOES—4**

Aanestad	Hollingsworth	Pacheco, Rod	Pescetti
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Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 425**

At 12:09 a.m., on motion of Assembly Member Oropeza, 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. 425 adopted by the following vote:

**AYES—54**

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

**NOES—26**

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

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

**AYES—54**

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

**NOES—26**

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

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1100**

At 12:10 a.m., on motion of Assembly Member Cogdill, 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. 1100 adopted by the following vote:

**AYES—61**

Alquist	Correa	Koretz	Richman
Aroner	Daucher	Leonard	Salinas
Bates	Diaz	Liu	Shelley
Briggs	Dickerson	Longville	Simitian
Calderon	Dutra	Lowenthal	Steinberg
Campbell, Bill	Firebaugh	Maddox	Strom-Martin
Campbell, John	Florez	Maldonado	Thomson
Canciamilla	Frommer	Matthews	Vargas
Cardenas	Goldberg	Migden	Washington
Cardoza	Havice	Nakano	Wayne
Cedillo	Hertzberg	Nation	Wiggins
Chan	Horton	Negrete McLeod	Wright
Chavez	Jackson	Oropeza	Mr. Speaker
Chu	Keeley	Papan	
Cohn	Kehoe	Pavley	
Corbett	Kelley	Reyes	

**NOES—14**

Aanestad	Cox	Leslie	Runner
Ashburn	Harman	Pacheco, Robert	Wyman
Bogh	Hollingsworth	Pacheco, Rod	
Cogdill	La Suer	Pescetti	

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

**AYES—61**

Alquist	Correa	Koretz	Richman
Aroner	Daucher	Leonard	Salinas
Bates	Diaz	Liu	Shelley
Briggs	Dickerson	Longville	Simitian
Calderon	Dutra	Lowenthal	Steinberg
Campbell, Bill	Firebaugh	Maddox	Strom-Martin
Campbell, John	Florez	Maldonado	Thomson
Canciamilla	Frommer	Matthews	Vargas
Cardenas	Goldberg	Migden	Washington
Cardoza	Havice	Nakano	Wayne
Cedillo	Hertzberg	Nation	Wiggins
Chan	Horton	Negrete McLeod	Wright
Chavez	Jackson	Oropeza	Mr. Speaker
Chu	Keeley	Papan	
Cohn	Kehoe	Pavley	
Corbett	Kelley	Reyes	

**NOES—14**

Aanestad	Cox	Leslie	Runner
Ashburn	Harman	Pacheco, Robert	Wyman
Bogh	Hollingsworth	Pacheco, Rod	
Cogdill	La Suer	Pescetti	

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 442**

At 12:10 a.m., on motion of Assembly Member Cogdill, 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. 442 adopted by the following vote:

**AYES—55**

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

**NOES—25**

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

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

**AYES—55**

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

**NOES—25**

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

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 444**

At 12:11 a.m., on motion of Assembly Member Cogdill, 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. 444, adopted by the following vote:

**AYES—54**

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

**NOES—26**

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

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

**AYES—54**

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

**NOES—26**

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

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 2996**

At 12:11 a.m., on motion of Assembly Member Cogdill, 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. 2996 adopted by the following vote:

**AYES—54**

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

**NOES—26**

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

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

**AYES—54**

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

**NOES—26**

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

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 2997**

At 12:11 a.m., on motion of Assembly Member Cogdill, 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. 2997 adopted by the following vote:

**AYES—54**

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

**NOES—26**

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

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

**AYES—54**

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

**NOES—26**

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

**Vote Changes**

By unanimous consent, the following vote change was permitted on the urgency clause and on Concurrence in Senate Amendments to Assembly Bill No. 2997: Assembly Member Maldonado, from "Aye" to "No".

Above bill ordered enrolled.



**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 3009**

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

The Assembly concurred in Senate amendments to Assembly Bill No. 3009 by the following vote:

**AYES—54**

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

**NOES—26**

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

Above bill ordered enrolled.

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

**SENATE BILL NO. 1333 (Alpert)**—An act relating to the payment of judgments and settlement claims against the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—60**

Alquist	Corbett	Kelley	Pavley
Aroner	Diaz	Koretz	Reyes
Ashburn	Dickerson	Leonard	Richman
Bogh	Dutra	Liu	Salinas
Calderon	Firebaugh	Longville	Shelley
Campbell, Bill	Florez	Lowenthal	Simitian
Canciamilla	Frommer	Maddox	Steinberg
Cardenas	Goldberg	Maldonado	Strom-Martin
Cardoza	Harman	Matthews	Thomson
Cedillo	Havice	Migden	Vargas
Chan	Hertzberg	Nakano	Washington
Chavez	Horton	Nation	Wayne
Chu	Jackson	Negrete McLeod	Wiggins
Cogdill	Keeley	Oropeza	Wright
Cohn	Kehoe	Pacheco, Robert	Mr. Speaker

**NOES—9**

Aanestad	Leach	Wyland
Hollingsworth	Mountjoy	Wyman
La Suer	Pescetti	Zettel

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

**AYES—60**

Alquist	Corbett	Kelley	Pavley
Aroner	Diaz	Koretz	Reyes
Ashburn	Dickerson	Leonard	Richman
Bogh	Dutra	Liu	Salinas
Calderon	Firebaugh	Longville	Shelley
Campbell, Bill	Florez	Lowenthal	Simitian
Canciamilla	Frommer	Maddox	Steinberg
Cardenas	Goldberg	Maldonado	Strom-Martin
Cardoza	Harman	Matthews	Thomson
Cedillo	Havice	Migden	Vargas
Chan	Hertzberg	Nakano	Washington
Chavez	Horton	Nation	Wayne
Chu	Jackson	Negrete McLeod	Wiggins
Cogdill	Keeley	Oropeza	Wright
Cohn	Kehoe	Pacheco, Robert	Mr. Speaker

**NOES—9**

Aanestad	Leach	Wyland
Hollingsworth	Mountjoy	Wyman
La Suer	Pescetti	Zettel

Bill ordered transmitted to the Senate immediately.

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Upon request of Assembly Member Firebaugh, the following statements of legislative intent were printed in the Journal, by unanimous consent:

By Assembly Member Havice:

**Legislative Intent—Assembly Bill No. 80**

August 28, 2002

*The Honorable Herb Wesson, Speaker of the Assembly  
California State Assembly  
State Capitol  
Sacramento, California*

RE: AB 80—Magnolia Power Project

Dear Speaker Wesson: I request that the following language be incorporated into the Assembly Journal of August 29, 2002:

My legislation, AB 80, authorizes cities participating in the Magnolia Power Project to aggregate their electricity loads and provide direct access to their residents. Additionally, this bill contains general intent language that clarifies the intent of the Legislature in regards to a cost recovery mechanism for the Department of Water Resources uncollected costs for power purchases.

The use of the words “fair share” in this intent language should be read to show that the legislative intent is that a fair share of the Department of Water Resources’ power purchase costs and power purchase contract obligations could be zero if the evidence before the Commission supports the conclusion that zero is a fair share.

Sincerely,

SALLY HAVICE, Assembly Member  
Fifty-sixth District

By Assembly Member Migden:

**Legislative Intent—Assembly Bill No. 117**

*The Honorable Herb Wesson, Speaker  
California State Assembly  
State Capitol Building  
Sacramento, California*

RE: AB 117—Electrical restructuring: aggregation.

Dear Speaker Wesson: My legislation, AB 117, would allow cities and counties to aggregate their electric load and provide service directly to their residents. Additionally, this bill contains language expressing the intent of the Legislature regarding cost recovery mechanism to reimburse the Department of Water Resources for the cost of power purchases to avoid cost-shifting that may result from a change of electric supplier.

The measure expresses the intent of the Legislature that retail customers that purchased power from electrical corporations since February 1, 2001, when the State of California began purchasing electricity, should bear a fair share of the State’s electricity purchase

costs. The language further expresses the Legislature's intent to prevent cost-shifting between customers.

The use of the words "fair share" may be read to mean that a fair share of the Department of Water Resources' power purchase costs and power purchase contract obligations could be zero if the California Public Utilities Commission (CPUC) determines that a party bears no share of costs and that costs are not shifted between parties.

Sincerely,

CAROLE MIGDEN, Assembly Member  
Thirteenth District

By Assembly Member Oropeza:

**Legislative Intent—Assembly Bill No. 425**

August 31, 2002

*The Honorable Herb Wesson, Speaker  
California Assembly  
State Capitol Building  
Sacramento, California*

RE: Legislative Intent—Medi-Cal Provider Rate  
Reduction Limitation

Dear Speaker Wesson: This letter clarifies the intent of the Legislature with regard to the implementation of Medi-Cal provider rate reductions in 2002–03 by the Department of Health Services (DHS).

Assembly Bill 425, the 2002–2003 Budget Bill, appropriates \$55.4 million General Fund to reflect the restoration of the provider rate reductions proposed in the May Revision. Section 103 of Assembly Bill 442, the omnibus health trailer bill, requires the Director of Health Services to eliminate all provider rate increases that were provided effective August 1, 2000, for services rendered in the Medi-Cal program, except for the supplemental rate for the California Children's Services Program, home health services, shift nursing, non-emergency medical transportation, and family planning physician services. However, it is the intent of the Legislature with the \$55.4 million appropriation in AB 425 that the Director of Health Services only partially reduce provider rates to be commensurate with this level of funding and maintain the exceptions specified in Section 103 of AB 442 as being exempt from any rate reduction. It is further the intent of the Legislature that the Director of Health Services take this action pursuant to the rate setting authority provided under subdivision (a) of Section 14105 of the Welfare and Institutions Code.

Sincerely,

JENNY OROPEZA  
Chair, Assembly Budget Committee

By Assembly Member Cedillo:

**Legislative Intent—Senate Bill No. 804**

August 31, 2002

*Hon. Herb Wesson, Jr.  
Speaker  
California State Assembly  
State Capitol  
Sacramento, California*

Subject: Senate Bill 804 (Polanco)—Driver’s Licenses

Mr. Speaker: This letter is to reiterate that during legislative discussion and events leading up to the enactment of Senate Bill 804, the Legislature intended that it is sufficient for an applicant for a driver’s license pursuant to Section 12801 of the Vehicle Code to affirm and provide proof of either residency or employment in California, or both, for at least 15 months in the preceding three years to satisfy the requirements of Vehicle Code Section 12801.2. It is further the intent of the authors and the Legislature that the requirement that an applicant provide at least one form of proof under Section 12801.2 means that only one of the specified forms of proof shall be sufficient.

Respectfully submitted,

GIL CEDILLO, Assembly Member  
Forty-sixth District

By Assembly Member Aroner:

**Legislative Intent—Assembly Bill No. 925**

August 30, 2002

*The Honorable Herb Wesson  
Speaker of the Assembly  
State Capitol  
Sacramento, California*

Re: Letter to the Assembly Daily Journal

Dear Mr. Speaker: I am writing to clarify the intent of my AB 925 as it relates to the provision of personal care services in the In-Home Supportive Services program. As most recently amended, the bill allows for the provision of personal care services at the recipient’s place of employment, if certain conditions are met.

In-Home Supportive Services is administered by county welfare departments, which are responsible for assessing the personal care needs of recipients and authorizing the appropriate number and type of service hours. Nothing in this bill is intended to create a different process at the county level. All that AB 925 does is permit recipients to have services delivered to them in their workplace, as well as in their home.

Sincerely,

DION ARONER, Assembly Member  
Fourteenth District

By Assembly Member Firebaugh:

**Legislative Intent—Assembly Bill No. 1045**

August 30, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*The State Capitol Room 3196*  
*Sacramento, California*

Dear Mr. Wilson: Joined by Assembly Member Abel Maldonado, I introduced AB 1045 in response to the serious problem of medical and dental provider shortages in federal designated medically underserved communities throughout California. Due to a processing error, I want the record to properly reflect the support and assistance I have received throughout this effort from Assembly Member Maldonado. Therefore it is my intent to underscore that Assembly Member Abel Maldonado is a joint author of AB 1045.

The problem of medical and dental provider shortages is exacerbated by the lack of culturally and linguistically competent medical and dental providers to serve the growing number of persons living and working in California who do not speak English as their primary language. This problem was highlighted in a report by the California Endowment entitled *Suffering in Silence: A Report of the Health of California's Agricultural Workers*, that chronicled the serious structural and extensive barriers for farm workers in securing basic preventive primary health care services. One of the most glaring issues found is the lack of medical and dental providers, which is compounded by the significant shortage of providers who are culturally and linguistically competent.

AB 1045 establishes a three-year pilot program that would allow Mexican licensed and board-certified physicians and dentists to practice medicine and dentistry if they meet specific requirements and undergo additional training and oversight to insure compliance with current standards of practice and care.

In addition to provisions in AB 1045 that require nonprofit community health centers to meet specific quality of care standards and oversight of these standards, it is the intent of AB 1045 that physicians participating in this program be supervised according to the governing by-laws of employing nonprofit community health center's.

Finally, AB 1045 requires the Medical Board of California to insure that all Mexican physicians participating in this program have satisfactorily met the requirements set forth in subdivision (c) prior to the placement at a nonprofit community health center. It is the intent of AB 1045 that the Dental Board of California shall insure that all Mexican dentists participating in this program have adequately met the requirements set forth in subdivision (d)(1) prior to the placement at a nonprofit community health center.

Sincerely,

MARCO ANTONIO FIREBAUGH  
Assembly Majority Floor Leader  
Fiftieth District

By Assembly Member Aroner:

**Legislative Intent—Assembly Bill No. 1156**

August 30, 2002

Dear Mr. Speaker: Community treatment facilities (CTFs) were designed as community care facilities licensed by the State Department of Social Services (DSS), and certified by the State Department of Mental Health, (DMH), to provide mental health treatment services in a group residential setting for seriously emotionally disturbed children, with the additional capacity of secure containment.

In passing AB 1156, it is the Legislature's intent to allow CTFs to operate without the requirement or necessity of twenty-four (24) hour licensed nursing coverage. It is also the intent of the Legislature that existing DSS and DMH regulations governing CTFs shall be applied, interpreted, and modified as necessary to ensure that they do not result in a de facto need for all CTFs to retain 24-hour on-site licensed nursing staff.

It is additionally the Legislature's intent to ensure that children placed in CTF programs will be permitted to receive from staff, and to self-administer, appropriate medications on a 24-hour basis, even though licensed nursing staff may not be on site at the CTF on a 24-hour basis (consistent with Department of Social Services Community Care Licensing regulations governing group home facilities). For instance, youth who develop a headache during the evening hours should be able to self-administer aspirin, with staff supervision, without the requirement that a nurse be on site at the facility. As an additional example, youth who use asthma inhalers or take other medications related to health conditions on a regular basis should also be able to self-administer these medications, as they currently can in group home facilities.

It is further the intent of the Legislature to assure that CTF program staff receive appropriate training that permits them to assist children in the self-administration of medications, in monitoring and documenting their responses to psychotropic medications, and in recognizing possible side effects.

Sincerely,

DION LOUISE ARONER, Assembly Member  
Fourteenth District

By Assembly Member Chan:

**Legislative Intent—Assembly Bill No. 1634**

August 30, 2002

*The Honorable Herb Wesson  
Speaker, California State Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request permission that this letter be published in the Assembly Journal so that there will be no ambiguity regarding the intended source of funds appropriated in AB 1634.

The Governor's 2002/2003 Budget, as well as the Senate version of the budget, appropriates \$4 million in federal specialty crop block

grants funds to the State Department of Education for various purposes. It is the intent of AB 1634 that the \$200,000 appropriation contained in the bill, beginning on page 8, be a component of this \$4 million appropriation.

The delay in the enactment of the 2002/2003 State Budget makes this clarification necessary.

Sincerely,

WILMA CHAN, Assembly Member  
Sixteenth District

By Assembly Member Koretz:

**Legislative Intent—Assembly Bill No. 1677**

August 30, 2002

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: I request that this letter be printed in the Assembly journal to reflect the legislative intent that was expressed in the Assembly Labor Committee during the hearing on AB 1677 (Koretz).

Questions have arisen concerning the interpretation of Labor Code Section 512.5 as it would be enacted under AB 1677. This section is intended to extend the meal period and rest break regulations of the Industrial Welfare Commission (IWC) to commercial drivers employed by public employers. However, public agencies and labor organizations may agree through the collective bargaining process to create alternative scheduling systems for these breaks and meal periods if they provide “equivalent protection” to employees. It is concerning the definition of “equivalent protection” that questions have arisen.

Under Labor Codes Section 512.5 (c), “equivalent protection” is defined as meal periods and rest breaks having “the same duration as those provided under the wage orders of the Industrial Welfare Commission and these meal periods and rest breaks are considered hours worked.” Thus, for example, if the wage orders of the IWC require a total of 50 minutes of rest breaks and meal periods in an 8-hour work day, AB 1677 would permit a labor organization and employer to agree to divide that time period in any combination, provided the time is counted as “hours worked”. This represents greater flexibility in scheduling than is permitted under the current regulations of the IWC but is not intended to change the definition of when breaks or meal periods are to be considered “hours worked”, and thus paid time, under the wage orders. Rather, the language regarding counting such time as “hours worked” is merely intended to insure that public sector commercial drivers are treated identically to private sector drivers regarding when breaks and meal periods are to be counted as



compensable time under the IWC wage orders. Nothing in AB 1677 requires that breaks and meal periods that are not considered hours worked under the wage orders of the IWC would be counted as such because of this legislation.

Sincerely,

ASSEMBLYMAN PAUL KORETZ, CHAIR  
Assembly Committee on Labor and Employment

By Assembly Member Canciamilla:

**Legislative Intent—Assembly Bill No. 1818**

August 30, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to clarify that the date of July 1, 2003, contained in the amendment to Education Code Section 60451(d) in AB 1818 (Committee on Education), as amended August 22, 2002, is in reference to the deadline for State Board of Education actions that are necessary in order to ensure that standards maps are available for use by the publishers.

Sincerely,

JOE CANCIAMILLA, Assembly Member  
Eleventh District

By Assembly Member Firebaugh:

**Legislative Intent—Senate Bills Nos. 483 and 1828**

August 30, 2002

*The Honorable Herb Wesson, Speaker*  
*California State Assembly*  
*State Capitol*  
*Sacramento, California*

Dear Speaker Wesson: With regard to both SB 1828 (Burton) and SB 483 (Sher) of the 2001–2002 Regular Session, we wish to clarify our intent with regard to two sections.

It is our belief and our intent that Section 2773.3 as added to the Public Resources Code in SB 1828 and SB 483 does not affect the proposed CR Briggs Corp. mine in the Panamint Valley area of Inyo County because the proposed project area is not located on, or within one mile of, a Native American sacred site as defined in the bills.

It is further our intent that the purpose of Section 2773.5, as added to the Public Resources Code in SB 483, is that Section 2773.3 does not apply to any reclamation plan or financial assurances that are necessary for the continued operation or expansion of a surface mining operation in existence on January 1, 2003. This includes, without limitation, any

new or amended reclamation plan that may be required in conjunction with any modification of a mine plan or surface mining operation in existence on January 1, 2003.

We would appreciate having this letter published in the Assembly Journal.

Sincerely,

JOHN L. BURTON  
President pro Tempore

BYRON SHER, Senator  
11th District

By Assembly Member Lowenthal:

**Legislative Intent—Assembly Bill No. 2166**

August 28, 2002

*Speaker Herb Wesson  
State Capitol, Room 219  
Sacramento, California*

RE: AB 2166 (Lowenthal) Hazardous Waste: used oil recycling: transportation: household hazardous waste: liability. Intent of annual notification.

Dear Mr. Speaker: I have authored AB 2166 to encourage the safe recycling of used oil. This bill requires hazardous waste transporters of used oil to provide specified written notice to client generators of used oil regarding the shipment of the used oil to facilities that do not meet California environmental standards. It has been my intention, and explicitly required in the text of the bill, that the notice shall be provided annually.

When the bill was in the Senate, the association for used oil transporters asked me to include an option for the transporter to provide the notice on the back of the transporter's service order. When this option was added to the bill, the word "annually" was deleted from Section 25250.9 (a) in order to allow for the option of the more frequent use of service orders. Very recently a concern has been raised as to whether the deletion of the word "annually" means that the notice is to be provided each time there is a transaction. Unfortunately, I did not learn of this concern until after the deadline to amend Assembly bills in the Senate. Therefore, I am submitting this letter to the Assembly Journal to clarify that the notice is to be obtained annually unless the transporter chooses to provide the notice on the back of the service order.

If necessary to address this ambiguity, urgency legislation can be introduced next year that is declarative of existing law expressly providing that the signed notice is to be obtained annually, unless the transporter chooses to provide the notice on the back of the service order. Thank you for printing this letter in the Assembly Journal on the same date as the Assembly Floor vote on AB 2166.

Sincerely,

ALAN LOWENTHAL, Assembly Member  
Fifty-fourth District

By Assembly Member Strom-Martin:

**Legislative Intent—Assembly Bill No. 2217**

August 31, 2002

*The Honorable John Burton*  
*President pro Tempore of the Senate*

*The Honorable Herb Wesson*  
*Speaker of the Assembly*

Gentlemen: An issue has arisen relative to Assembly Bill 2217 (Strom-Martin) and the make-up of the Quality Education Commission, established with this bill. This letter is to clarify the intent of both the Senate and Assembly Education Committee Chairs relative to the composition of this commission.

Specifically, this bill establishes the Quality Education Commission composed of 13 members. It is our intent to include the Chair and Vice Chairs of the respective Education Committees on this Commission.

Sincerely,

JOHN VASCONCELLOS  
 Senator, 13th District  
 Chair,  
 Senate Committee on Education

VIRGINIA STROM-MARTIN  
 Assembly Member, 1st District  
 Chair,  
 Assembly Committee on Education

By Assembly Member Wright:

**Legislative Intent—Assembly Bill No. 2240**

August 30, 2002

*The Honorable Herb J. Wesson, Jr.*  
*Speaker, State Assembly*  
*Sacramento, California*

Re: Letter to the Assembly Journal on AB 2240 (Wright)

Dear Speaker Wesson: This letter is to clarify my intent as author of AB 2240 as to the application of the bill.

It is my intent that the bill apply to allow a previously established father, who meets the requirements of the bill and would be barred from setting aside the paternity judgment under existing law, to utilize the newly created procedures to move to set aside the judgment of paternity, even if he has been previously barred from bringing such an action due to existing time requirements. Second, it is also my intent that the bill not act to preclude other remedies that current law provides to set aside or vacate a judgment of paternity.

Sincerely,

RODERICK D. WRIGHT, Assembly Member  
 Forty-eighth District

By Assembly Member Aroner:

**Legislative Intent—Assembly Bill No. 2787**

August 28, 2002

*Hon. E. Dotson Wilson  
Chief Clerk of the Assembly  
Assembly Chamber  
State Capitol  
Sacramento, California*

Dear Mr. Wilson: I introduced AB 2787 in recognition that many people in our society are persons with disabilities or persons who, at some point in their lives, will have temporary or permanent mobility impairments. The bill directs the Department of Housing and Community Development, with the assistance and cooperation of many named state departments and stakeholder groups, to develop guidelines and at least one model ordinance on universal design. The objectives of the bill are simple and straightforward: (1) to encourage local governments to adopt such an ordinance as their own and to promote the use of universal design principles in construction, (2) to facilitate the ability of persons with mobility impairments to move around their own homes without having to undertake expensive modifications, (3) to assist persons with disabilities in visiting others in their homes, and (4) to permit persons to remain in their own homes as they age and as they may face mobility impairments as an alternative to having to reside in an institutional setting which is less desirable and more expensive to them and to the State.

Incorporation of universal design principles can be very cost-effective and is almost always less expensive than having to modify a home at a later date. Many times, a universal design element will result in no, or a minimal, net increase in cost. For example, levered door handles used in place of round door knobs should not cause a net increase in cost to the construction of the home. Similarly, there should be a minimal net increase from employing a door wide enough to accommodate a wheel chair instead of using a narrower door.

Designation of the Department of Housing and Community Development as the lead agency in the development of universal design guidelines and model ordinances was done for three main reasons: (1) it is the department experienced in the development and operation of building codes and standards, (2) its focus is on residential construction and development, and (3) it is the department especially committed to producing and maintaining the affordability of housing in California. Other departments and stakeholders are included in this effort in recognition of their special areas of expertise in related areas. We encourage full participation by those departments and stakeholders in the development of a consistent and coherent set of state universal design guidelines and model ordinances both for new construction and for home modification.

In development of universal design guidelines and model ordinances, I intended by amendments accepted during the consideration of this bill, to have as little new net cost impact on housing costs as is possible. Toward that end, I emphasize my desire that the Department of Housing and Community Development weigh carefully the costs and benefits of including specific universal design principles in the guidelines and

model ordinances. After all, the populations most likely to benefit immediately from universal design are seniors and persons with disabilities who, quite frequently, have limited and fixed incomes. It would be ironic, indeed, if universal design were incorporated in construction only to have the populations that would most benefit from universally designed homes be unable to afford to buy them.

Sincerely,

DION ARONER, Assembly Member  
Fourteenth District

By Assembly Member Matthews:

**Legislative Intent—Assembly Bill No. 3057**

August 29, 2002

*The Honorable Herb J. Wesson, Jr.*  
*Speaker, California State Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I have been asked to reiterate my intent with respect to several provisions in AB 3057 dealing with agriculture and open space in urban areas.

1. Cities retain their current broad discretion under Section 65564 to address their obligation to prepare an action program they believe to be locally appropriate. While I would encourage cities to review the program options identified for counties under Section 65565, I recognize that many urban cities have little or no agricultural and open space land, and few opportunities to find more, and that circumstances in incorporated urban areas are often unique and require maximum flexibility. Counties are intended to have the flexibility described in Section 65565 (b), (c) and (d).
2. I included the optional provisions for urban and transitional areas in Section 65565(d)(1) to recognize that maintaining agricultural and open space uses and opportunities in urban and transitional areas may require different strategies than those appropriate for other areas. For example, agriculture in urban areas is often dependent upon the willingness of public and private landowners to make land available to agricultural tenants, and the provision of incentives and avoidance of disincentives may be the most effective policy.
3. In providing in Section 65565 (c)(1) for separate inventories and policies with respect to farmland and open space, I recognize that these categories may often overlap on many parcels of land and may change over time. AB 3057 is not intended to interfere with the current discretion of landowners and local governments to determine the relative importance, in the local context, of various types of agricultural and open space uses, nor is it intended to interfere with the ability of the landowner to select an open space use to the exclusion of an agricultural use, or vice versa, when conjunctive use is impractical. For example,

grazing land which also supports habitat might be converted to irrigated crop land, or alternatively, dedicated exclusively to habitat, with landowner consent, to implement a local NCCP plan.

4. Cities and counties are intended to retain their current discretion to balance and harmonize policies in their agricultural and open space elements with policies in their other general plan element. For example, interim agricultural and open space policies may be appropriate in areas that may ultimately be required to meet housing needs, while other areas may be appropriate for long-term agricultural and open space commitments and strategies, including protection against development impacts.

Respectfully submitted,

BARBARA S. MATTHEWS

Chair, Assembly Committee on Agriculture

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Firebaugh requested unanimous consent that a statement of legislative intent by Assembly Member Cedillo, relative to Assembly Bill No. 2361 be printed in the Journal.

Assembly Member Cogdill withheld unanimous consent.

**Motion to Temporarily Suspend Assembly Rule 42(c)**

Assembly Member Firebaugh moved that Assembly Rule 42(c) be temporarily suspended for the purpose of permitting a statement of legislative intent by Assembly Member Cedillo, relative to Assembly Bill No. 2361 to be printed in the Journal.

Assembly Member Chan seconded the motion.

Rules temporarily suspended by the following vote:

**AYES—44**

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

**NOES—22**

Aanestad	Cogdill	Kelley	Strickland
Ashburn	Cox	La Suer	Wyland
Bates	Daucher	Maddox	Wyman
Bogh	Dickerson	Maldonado	Zettel
Briggs	Harman	Mountjoy	
Campbell, Bill	Hollingsworth	Pescetti	

**Statement of Legislative Intent Printed in Journal**

The following statement of legislative intent was printed in the Journal:

August 31, 2002

*The Honorable Herb Wesson, Jr.*  
*Speaker*  
*California Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

SUBJECT: Intent of AB 2361 (Cedillo)—  
 Nonprofit Educational Academy Billboard Exemption

Mr. Speaker,

The purpose of this letter is to state legislative intent that my bill, AB 2361 will provide the necessary authorization for Caltrans to allow for the construction of one advertising display on the roof of a nonprofit educational academy in my Assembly district.

For point of clarification, AB 2361 was also passed out of the legislature with the commitment that the bill's sponsors, the National Latino Arts Education & Media Institute, would still undergo the local approval process.

Respectfully submitted,

GILBERT CEDILLO, Assembly Member  
 Forty-sixth District

**MESSAGES FROM THE SENATE**

Senate Chamber, September 1, 2002

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

Assembly Bill No. 593  
 Assembly Bill No. 2065  
 Assembly Bill No. 2781

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 1, 2002

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

Assembly Bill No. 1768

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 1, 2002

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

Assembly Bill No. 523

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

Assembly Member Oropeza was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 593, without reference to file.

**ASSEMBLY BILL NO. 593 (Oropeza)**—An act to amend and supplement the Budget Act of 2002, relating to state government, 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—70**

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

**NOES—4**

Aanestad	La Suer	Leonard	Mountjoy
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The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—70**

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

**NOES—4**

Aanestad	La Suer	Leonard	Mountjoy
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Above bill ordered enrolled.

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

Assembly Member Oropeza was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 2781, without reference to file.

**ASSEMBLY BILL NO. 2781 (Oropeza)**—An act to amend Sections 10554, 41203.1, 42238, 42238.12, 42238.44, 44515, 44955.5, 47634.5, 48005.10, 48005.13, 48005.15, 48005.25, 48005.30, 48005.35, 48005.45, 48005.55, 53075, 54201, 56836.158, 68130.5, 69433.5, 69433.9, 69618.1, 69956, 70000, 76300, 99234, 99235, 99240, and 99242 of, to add Sections 42238.445, 42238.46, 54205, 66021.6, and 69506.7 to, and to add and repeal Section 52263.5 of, the Education Code, to add Section 17581.5 to the Government Code, and to amend Section 5701.3 of the Welfare and Institutions Code, relating to school finance, making an appropriation therefor, 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—75**

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

**NOES—3**

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

**AYES—75**

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

**NOES—3**

Hollingsworth	Leonard	Pescetti
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Above bill ordered enrolled.

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

Assembly Member Oropeza was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 2065, without reference to file.

**ASSEMBLY BILL NO. 2065 (Oropeza)**—An act to amend Sections 17052.2, 17276, 17276.3, 18662, 18663, 18668, 19136.8, 19183, 23457, 24348, 24416, 24416.3, and 2449 of, and to add and repeal Sections 7093.8 and 19444 of, the Revenue and Taxation Code, and to amend Section 13043 of the Unemployment Insurance Code, relating to taxation, 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 Oropeza moved a call of the Assembly.

Motion carried. Time, 12:47 a.m.

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

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

Assembly Member Oropeza was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 1768, without reference to file.

**ASSEMBLY BILL NO. 1768 (Oropeza)**—An act to amend Sections 12152, 13400, 13401, 13402, 13403, 13405, 13406, 63048.5, and 63052 of, and to add Article 6.3 (commencing with Section 8592.9) to Chapter 7 of Division 1 of Title 2 of, and to add Article 5.5 (commencing with Section 63047.5) to Chapter 2 of Division 1 of Title 6.7 of, the Government Code, to amend Sections 33020, 33681, and 33681.5 of, and to add Sections 33681.7 and 33681.8 to, the Health and Safety Code, to add Chapter 2.7 (commencing with Section 22047) to Part 3 of Division 2 of the Public Contract Code, to amend Section 19521 of the Revenue and Taxation Code, to amend Section 143 of the Streets and Highways Code, and to amend and supplement the Budget Act of 2002, relating to state and local government, making an appropriation therefor, 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 Oropeza moved a call of the Assembly.

Motion carried. Time, 12:50 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 URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 2065**

At 12:51 a.m., on motion of Assembly Member Oropeza, 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. 2065 adopted by the following vote:

**AYES—54**

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

**NOES—25**

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

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

**AYES—54**

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

**NOES—25**

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

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1768**

At 12:51 a.m., on motion of Assembly Member Oropeza, 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. 1768 adopted by the following vote:

**AYES—54**

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

**NOES—25**

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

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

**AYES—54**

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

**NOES—25**

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

Above bill ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)  
MOTIONS TO RECONSIDER BILLS LAPSED**

The motions to reconsider the votes on Assembly Bill No. 2079 and Senate Bill No. 1830 lapsed.

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

Assembly Member Vargas was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 523, without reference to file.

**ASSEMBLY BILL NO. 523 (Vargas)**—An act to amend Section 14105.337 of the Welfare and Institutions Code, relating to health care, 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—57**

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

**NOES—11**

Bogh	Cox	Leonard	Strickland
Campbell, Bill	Harman	Pacheco, Robert	Wyman
Cogdill	Hollingsworth	Pescetti	

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

**AYES—57**

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

**NOES—11**

Bogh	Cox	Leonard	Strickland
Campbell, Bill	Harman	Pacheco, Robert	Wyman
Cogdill	Hollingsworth	Pescetti	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Concurrence in Senate Amendments to Assembly Bill No. 523: Assembly Members Bates, Daucher, and Zettel, from “No” to “Not Voting”.

Above bill ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Upon request of Assembly Member Firebaugh, Assembly Member Canciamilla was granted unanimous consent that the following statement of legislative intent be printed in the Journal:

**Legislative Intent—Assembly Bill No. 2838**

August 30, 2002

*The Honorable Herb Wesson, Speaker  
California State Assembly  
State Capitol  
Sacramento, California*

RE: AB 2838—Canciamilla: Public Utilities Commission: fees: water rates.

Dear Speaker Wesson: AB 2838 allows for the implementation of interim water rates when the California Public Utilities Commission (Commission) fails to establish new rates in time for those rates to be effective on the first day of the first test year in the general rate increase application. These interim rates would be based on the water company’s existing rates increased for the amount of inflation since the last approved rate adjustment.

Additionally, this bill states that “if the presiding officer in the case determines that the Commission’s decision cannot become effective on the first day of the first test year due to actions by the water corporation,

the presiding officer or commission may require a different effective date for the interim rates or final rates.” It is the intent of this bill that if the case requires a formal hearing, the assigned commissioner is the “presiding officer.”

Finally, the provision in the legislation which allows for a delay in the implementation of the interim or final rate “due to actions by the water corporation” is meant to assure the water corporation responds timely to all reasonable requests made during the course of the rate case process, but should not be interpreted as a punitive measure when the water corporation has entered settlement negotiations or otherwise acted in good faith to meet the reasonable data or other request issued during the course of the rate case proceeding.

Sincerely,

JOSEPH CANCIAMILLA, Assembly Member  
Eleventh District

#### ADJOURN IN MEMORY

Assembly Member Alquist was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dianne Marie Edwards, of Elk Grove.

Assembly Member Corbett was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bella Gonsalves, of San Leandro; Dick and Wendy Lombardi, of Alamo; and Finbarr O’Driscoll, of Drinagh, Dunmanway, Co. Cork, Ireland.

Assembly Member Frommer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Pete Rose, of Arcadia.

Assembly Member Pescetti was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Florence Pawlicki, of Bay City, Minnesota.

Assembly Member Wayne was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Khambata, of San Diego.

#### ADJOURN IN HONOR

Assembly Member Correa was granted unanimous consent that when the Assembly adjourns on this day it do so in honor of the birth of David Ramon Rodriguez, born on August 31, 2002.

#### VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

**Assembly Bill No. 1234, Concurrence:** Aanestad, Aroner, Ashburn, Bogh, Briggs, Bill Campbell, Cardoza, Cedillo, Corbett, Diaz, Frommer, Hertzberg, Hollingsworth, Horton, Jackson, Kelley, Maddox, Migden, Nakano, Reyes, Shelley, Simitian, Steinberg, Strom-Martin, Thomson, Wyland, and Zettel—Aye; Havice—No.

**Senate Bill No. 1393:** Cardenas, Cedillo, Horton, Migden, and Simitian—Aye; Aanestad, Bogh, Briggs, Havice, Hollingsworth, Maddox, Maldonado, and Zettel—No.



**Assembly Bill No. 858, Concurrence:** Cedillo, Horton, Migden, and Simitian—Aye; Aanestad, Bogh, Briggs, Maddox, Mountjoy, and Wyland—No.

**Assembly Bill No. 424, Concurrence:** Aanestad, Ashburn, Bogh, Briggs, Bill Campbell, Cedillo, Horton, Maddox, Migden, Mountjoy, and Simitian—Aye.

**Assembly Bill No. 843, Concurrence:** Aanestad, Briggs, Bill Campbell, Cedillo, Chu, Kehoe, Maddox, Migden, and Simitian—Aye; Bogh, Leslie, Mountjoy, Wyland, and Zettel—No.

**Assembly Bill No. 1401, Concurrence:** Aanestad, Bogh, Briggs, Cedillo, Florez, Frommer, Maddox, Migden, Mountjoy, Shelley, Simitian, and Wyland—Aye.

**Assembly Bill No. 1677:** Correa—Aye; Briggs and Dickerson—No.

**Assembly Bill No. 2294, Concurrence:** Bates, Bogh, Cedillo, Chavez, Correa, Daucher, Dickerson, Frommer, Koretz, Nakano, and Simitian—Aye.

**Assembly Bill No. 1506, Concurrence:** Havice, Jackson, Koretz, Nakano, Simitian, and Thomson—Aye; Bates and Dickerson—No.

**Assembly Bill No. 2240, Concurrence:** Bates, Bogh, Briggs, Cedillo, Firebaugh, Washington, Wesson, Wyland, and Zettel—Aye.

**Assembly Bill No. 2507, Concurrence:** Bogh, Briggs, Cedillo, Chu, Simitian, and Wyland—Aye.

**Assembly Bill No. 2534, Concurrence:** Bogh, Briggs, Bill Campbell, Leslie, Simitian, Wyland, and Zettel—Aye.

**Assembly Bill No. 2727, Concurrence:** Cedillo, Daucher, Horton, and Simitian—Aye; Briggs, Leslie, Maddox, and Wyland—No.

**Assembly Bill No. 2994, Concurrence:** Briggs, Cardenas, Cedillo, Maddox, Simitian, and Wyland—Aye.

**Assembly Joint Resolution No. 45, Concurrence:** Bogh, Briggs, Cardenas, Cedillo, Daucher, Liu, Maddox, and Simitian—Aye.

**Senate Bill No. 773:** Aanestad, Cardenas, Florez, and Nakano—Aye.

**Senate Bill No. 773, Dutra Amendments:** Ashburn, Bates, Bogh, and Bill Campbell—Aye; Alquist—No.

**Assembly Constitutional Amendment No. 11, Resolution to Suspend Rules:** Ashburn, Bill Campbell, Shelley, and Zettel—Aye.

**Assembly Bill No. 669, Concurrence:** Bates and Cedillo—Aye; Mountjoy—No.

**Assembly Bill No. 634, Concurrence:** Correa, Florez, Horton, Koretz, Pavley, Simitian, and Steinberg—Aye; Bates, Briggs, Leslie, Maldonado, Richman, Wyland, and Zettel—No.

**Assembly Bill No. 822, Concurrence:** Aroner, Bates, Briggs, Correa, Daucher, Firebaugh, Goldberg, Leslie, Longville, Richman, Simitian, and Wyland—Aye.

**Assembly Bill No. 2214, Concurrence:** Cardenas and Steinberg—Aye; Briggs—No.

**Assembly Bill No. 481, Concurrence:** Maldonado—No.

**Senate Bill No. 773, Rod Pacheco Motion:** Havice, Kelley and Longville—No.

**Assembly Bill No. 2752, Concurrence:** Cedillo, Correa, Florez, Frommer, and Horton—Aye; Aanestad, Briggs, La Suer, Leslie, Mountjoy, and Wyland—No.

**Assembly Bill No. 2251, Urgency and Concurrence:** Ashburn, Briggs, Bill Campbell, Cedillo, Florez, Havice, Horton, Leslie, Pavley, Simitian, and Steinberg—Aye.

**Senate Bill No. 773, Firebaugh Motion to Suspend Assembly Rule 78:** Cedillo—Aye; Maddox and Robert Pacheco—No.

**Senate Bill No. 773, Firebaugh Motion to Suspend Rules for Consideration Without Reference to File:** Kelley—Aye; Mountjoy—No.

**Senate Bill No. 773, Dutra Motion to Suspend Rules:** Cedillo—Aye; Maddox—No.

**Assembly Bill No. 52, Concurrence:** Bates, Briggs, Dickerson, Maddox, Matthews, Nakano, Robert Pacheco, Reyes, Richman, Salinas, Simitian, Strom-Martin, Thomson, and Wyland—Aye; Leslie, Mountjoy, and Wyman—No.

**Assembly Bill No. 55, Concurrence:** Correa, Havice, Reyes, Shelley, and Wright—Aye; Briggs, Dickerson, Leslie, Maddox, Mountjoy, and Richman—No.

**Assembly Bill No. 374, Concurrence:** Briggs, Leslie, Reyes, and Richman—Aye.

**Assembly Bill No. 486, Concurrence:** Correa, Leslie, Longville, Matthews, Reyes, and Wiggins—Aye; Dickerson, Kelley, Maddox, Mountjoy, and Richman—No.

**Assembly Bill No. 1243, Concurrence:** Leslie and Maddox—Aye; Dickerson, Mountjoy, and Richman—No.

**Assembly Bill No. 1403, Concurrence:** Kehoe, Leslie, Maddox, Mountjoy, Richman, and Steinberg—Aye.

**Assembly Bill No. 2630, Concurrence:** Leslie, Longville, Richman, and Simitian—Aye.

**Assembly Bill No. 2078, Concurrence:** Cox, Kehoe, Leslie, Maddox, Mountjoy, Richman, and Shelley—Aye.

**Assembly Bill No. 2588, Concurrence:** Correa, Shelley, and Strom-Martin—Aye; Dickerson, Leslie, Mountjoy, and Richman—No.

**Assembly Bill No. 2886, Concurrence:** Leslie and Richman—Aye.

**Assembly Bill No. 2890, Concurrence:** Leslie and Richman—Aye.

**Assembly Bill No. 1243, Lowenthal Motion to Suspend Assembly Rule 100:** Bogh and Maddox—No.

**Assembly Bill No. 1243, Lowenthal Motion to Reconsider:** Chavez, Firebaugh, Frommer, and Shelley—Aye; Bogh and Maddox—No.

**Assembly Bill No. 2390, Concurrence:** Bogh, Briggs, Correa, Frommer, Koretz, Leslie, Liu, Lowenthal, Maddox, Simitian, Wiggins, Wright, Wyland, Wyman, and Zettel—Aye; Mountjoy—No.

**Senate Concurrent Resolution No. 106:** Briggs, Lowenthal, Maddox, Pavley, Steinberg, Wayne, Wiggins, Wyland, and Zettel—Aye.

**Assembly Bill No. 1453, Concurrence:** Migden—Aye; Matthews and Mountjoy—No.

**Assembly Bill No. 2944, Concurrence:** Briggs, Leslie, and Richman—Aye; Mountjoy—No.

**Assembly Bill No. 2785, Concurrence:** Alquist, Briggs, Chavez, Correa, Daucher, Diaz, Hertzberg, Jackson, Leslie, Nation, Robert Pacheco, Richman, Shelley, Simitian, and Thomson—Aye; Mountjoy and Wyland—No.

**House Resolution No. 94, Consent Calendar:** Thomson—Aye.

**Assembly Bill No. 34, Urgency and Special Consent Calendar:** Thomson—Aye.

**Assembly Bill No. 2469, Concurrence:** Chavez, Correa, Cox, Diaz, Jackson, Leslie, Maddox, Simitian, and Strickland—Aye.

**Assembly Bill No. 2683, Concurrence:** Correa, Leach, Liu, Maddox, and Simitian—Aye; Leslie—No.

**Assembly Bill No. 2770, Concurrence:** Correa, Maddox, Negrete McLeod, Simitian, Wiggins, and Wright—Aye.

**Assembly Bill No. 2887, Concurrence:** Cox, Maddox, and Strickland—Aye.

**Senate Bill No. 1289:** Cox, Maddox, Strickland, and Thomson—Aye.

**Senate Bill No. 1312:** Havice, Horton, Maldonado, and Shelley—Aye; Cox, Leach, Leslie, Maddox, Robert Pacheco, and Strickland—No.

**Senate Bill No. 1457 and Urgency:** Maddox, Shelley, and Wyland—Aye.

**Assembly Constitutional Amendment No. 11:** Goldberg and Nation—No.

**House Resolution No. 96:** Shelley and Simitian—aye.

**Assembly Bill No. 2998, Urgency and Concurrence:** Daucher, Dutra, and Firebaugh—Aye.

**Senate Bill No. 1835 and Urgency:** Firebaugh and Zettel—Aye.

**Senate Bill No. 1482:** Frommer and Shelley—Aye.

**Assembly Bill No. 2833, Concurrence:** Cedillo and Havice—Aye.

**Assembly Bill No. 2838, Concurrence:** Cardenas, Cardoza, Cedillo, Chu, Firebaugh, Koretz, Matthews, Shelley, Thomson, and Wayne—Aye.

**Assembly Bill No. 468, Concurrence:** Havice, Koretz, and Wayne—Aye.

**Assembly Bill No. 2578; Concurrence:** Correa—Aye; Bogh—No.

**Assembly Bill No. 2363, Concurrence:** Simitian—Aye.

**Senate Bill No. 238:** Canciamilla, Leach, Shelley, Thomson, Wiggins, and Wright—Aye.

**Senate Bill No. 1767:** Havice—Aye.

**Assembly Bill No. 2596, Concurrence:** Cedillo and Salinas—Aye; Runner—No.

**Senate Bill No. 773:** Alquist—Aye.

**Assembly Bill No. 3004, Concurrence:** Koretz—Aye.

**Senate Bill No. 1831:** Havice—Aye; Maldonado—No.

**Assembly Bill No. 1243, Concurrence:** Havice and Mountjoy—No.

**Assembly Bill No. 3000, Urgency and Concurrence:** Bogh—No.  
**Senate Bill No. 1845:** Bogh—No.

**Assembly Bill No. 3006, Urgency and Concurrence:** Briggs, Canciamilla, Wyman, and Zettel—Aye.

**Senate Bill No. 1841 and Urgency:** Wyland—Aye.

**Assembly Bill No. 442, Urgency and Concurrence:** Thomson—Aye; Bates—No.

**Assembly Bill No. 2996, Urgency and Concurrence:** Wyland—No.

**Senate Bill No. 1333 and Urgency:** Canciamilla, Maddox, and Shelley—Aye; Mountjoy—No.

**Assembly Bill No. 2361, Firebaugh Motion to Print in Journal:** Canciamilla and Havice—Aye.

**Assembly Bill No. 593, Concurrence:** Havice—Aye.

**Assembly Bill No. 2781, Concurrence:** Bogh and Corbett—Aye; Hollingsworth—No.

**Assembly Bill No. 523, Concurrence:** Horton, Maddox, and Mountjoy—Aye.

#### **MOTION TO ADJOURN**

At 1:08 a.m., Assembly Member Firebaugh moved that the Assembly do now adjourn, pursuant to the provisions of Joint Rule 51.

Assembly Member Cox seconded the motion.

#### **REMARKS ON CONDITION OF THE FILE**

Assembly Members Cox, Wesson, and Keeley arose to speak on the condition of the file.

#### **FURTHER CONSIDERATION OF MOTION TO ADJOURN**

The question being on the motion of Assembly Member Firebaugh that the Assembly adjourn.

Motion carried.

#### **QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 1:32 a.m., Speaker pro Tempore Keeley declared the quorum call of the Assembly dispensed with.

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, August 31, 2002

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

Assembly Bill No. 797

Assembly Bill No. 2969

And reports the same correctly enrolled, and presented to the Governor on the 31st day of August, 2002, at 3 p.m.

E. DOTSON WILSON, Chief Clerk  
 Assembly Chamber, August 31, 2002

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

Assembly Bill No. 1860

And reports the same correctly enrolled, and presented to the Governor on the 31st day of August, 2002, at 4:15 p.m.

E. DOTSON WILSON, Chief Clerk

**MESSAGES FROM THE SENATE**

Senate Chamber, May 30, 2002

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

Senate Bill No. 1261

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

**FIRST READING OF SENATE BILLS**

The following bill was read the first time:

**SENATE BILL NO. 1261**—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency, to take effect immediately.

**MESSAGES FROM THE SENATE**

Senate Chamber, August 31, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 312  
Assembly Bill No. 716

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

Above bills ordered enrolled.

Senate Chamber, August 31, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 905

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

Senate Chamber, August 31, 2002

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

**Senate Bill No. 773.**

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

Senate Chamber, August 31, 2002

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

Assembly Concurrent Resolution No. 79

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

Above resolution ordered enrolled.

Senate Chamber, September 1, 2002

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

Senate Bill No. 238  
Senate Bill No. 240  
Senate Bill No. 336  
Senate Bill No. 371  
Senate Bill No. 426  
Senate Bill No. 441  
Senate Bill No. 483  
Senate Bill No. 510  
Senate Bill No. 533  
Senate Bill No. 572  
Senate Bill No. 621  
Senate Bill No. 631  
Senate Bill No. 646  
Senate Bill No. 689  
Senate Bill No. 737  
Senate Bill No. 789  
Senate Bill No. 800  
Senate Bill No. 804  
Senate Bill No. 807  
Senate Bill No. 842

Senate Bill No. 984  
Senate Bill No. 993  
Senate Bill No. 1038  
Senate Bill No. 1078  
Senate Bill No. 1092  
Senate Bill No. 1093  
Senate Bill No. 1278  
Senate Bill No. 1289  
Senate Bill No. 1310  
Senate Bill No. 1312  
Senate Bill No. 1384  
Senate Bill No. 1393  
Senate Bill No. 1407  
Senate Bill No. 1457  
Senate Bill No. 1467  
Senate Bill No. 1473  
Senate Bill No. 1479  
Senate Bill No. 1482  
Senate Bill No. 1523  
Senate Bill No. 1536

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

Senate Chamber, September 1, 2002

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

Senate Bill No. 1551  
Senate Bill No. 1580  
Senate Bill No. 1613  
Senate Bill No. 1637  
Senate Bill No. 1672  
Senate Bill No. 1732  
Senate Bill No. 1759  
Senate Bill No. 1767  
Senate Bill No. 1835  
Senate Bill No. 1857  
Senate Bill No. 1858

Senate Bill No. 1868  
Senate Bill No. 1884  
Senate Bill No. 1925  
Senate Bill No. 1938  
Senate Bill No. 2010  
Senate Bill No. 2011  
Senate Bill No. 2028  
Senate Bill No. 2055  
Senate Bill No. 2065  
Senate Bill No. 2073  
Senate Bill No. 2079

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

Senate Chamber, September 1, 2002

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

Assembly Constitutional Amendment No. 11

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

Above resolution ordered enrolled.

### INTRODUCTION OF GUESTS

Speaker Wesson introduced Lana Raspberry, of Fairfield.

Assembly Member Harman, of the 67th Assembly District, introduced his wife, Dianne Harman.

Assembly Member La Suer, of the 77th Assembly District, introduced his wife, Lynne La Suer.

**ADJOURNMENT**

At 1:32 a.m., pursuant to the motion by Assembly Member Firebaugh, and the provisions of Joint Rule 51, the Assembly adjourned for the Final Recess of the 2001–02 Regular Session, out of respect to the memory of Dianne Marie Edwards, on motion of Assembly Member Alquist; out of respect to the memory of Bella Gonsalves, Dick and Wendy Lombardi, and Finbarr O’Driscoll, on motion of Assembly Member Corbett; out of respect to the memory of Pete Rose, on motion of Assembly Member Frommer; out of respect to the memory of Florence Pawlicki, on motion of Assembly Member Pescetti; out of respect to the memory of Mary Khambata, on motion of Assembly Member Wayne; and in honor of the birth of David Ramon Rodriguez, on motion of Assembly Member Correa.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON AUGUST 31, 2002

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

### ACA RN

11 0219365

### SB RN

238 0219045  
621 0219277  
773 0219299  
1289 0219093  
1312 0219281  
1457 0219058  
1482 0219207  
1496 0219372  
1767 0219078  
1835 0219098  
1845 0219231  
1849 0219102

**Daily Total: 14**

**Cumulative Total: 6445**

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON SEPTEMBER 1, 2004

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

### SB RN

1841 0219237

**Daily Total: 1**

**Cumulative Total: 6446**



CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

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# ASSEMBLY JOURNAL

RECESS JOURNAL NO. 13

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**FINAL RECESS**

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Assembly Chamber, Sacramento  
October 1, 2002

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 2001–02 Regular Session was printed while the Assembly was in Final Recess:

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

September 1, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Sarah Reyes to replace Assemblymember Rod Wright as Chair of the Assembly Utilities and Commerce Committee.

I am also removing Assemblymember Reyes as chair of the Jobs, Economic Development, and the Economy Committee, where she remains a member of the committee.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

September 1, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Patricia Wiggins to replace Assemblymember Lou Papan as Chair of the Assembly Banking and Finance Committee.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

September 1, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Jackie Goldberg to replace Assemblymember Virginia Strom-Martin as Chair of the Assembly Education Committee.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

September 1, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Fran Pavley to replace Assemblymember Hannah-Beth Jackson as Chair of the Assembly Environmental Safety and Toxic Materials Committee.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

September 1, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Dario Frommer to replace Assemblymember Helen Thomson as Chair of the Assembly Health Committee.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

September 1, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Carol Liu to replace Assemblymember Elaine Alquist as Chair of the Assembly Higher Education Committee.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

September 1, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Juan Vargas to replace Assemblymember Tom Calderon as Chair of the Assembly Insurance Committee.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

September 1, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Simon Salinas to replace Assemblymember Patricia Wiggins as Chair of the Assembly Local Government Committee.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

September 1, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Hannah-Beth Jackson to replace Assemblymember Howard Wayne as the Chair of the Assembly Natural Resources Committee.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

September 1, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I have appointed Assemblymember Gloria Negrete McLeod to replace Assemblymember Sally Havice as Chair of the Assembly Public Employees, Retirement and Social Security Committee.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

September 1, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember George Nakano to replace Assemblymember Dion Aroner as Chair of the Democratic Caucus.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

September 5, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Judy Chu to replace Assemblymember Gil Cedillo as Chair of the Assembly Budget Subcommittee #1—Health and Human Services.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

September 25, 2002

*Mr. E. Dotson Wilson, Chief Clerk*  
*California State Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

RE: Appointment of Ryan Rauzon  
to Tahoe Regional Planning Agency

Dear Mr. Wilson: Please be advised I have withdrawn the appointment of Mr. Ryan Rauzon to the Tahoe Regional Planning Agency. The previous appointee, Ms. Catherine Derringer, will continue as my appointee.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

October 1, 2002

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

RE: Appointment of Faye Washington to  
Education Commission, California Postsecondary

Dear Mr. Wilson: Please be advised I have appointed Ms. Faye Washington to the Education Commission, California Postsecondary. This is a term appointment starting October 1, 2002 and the expiration date is December 31, 2007. Ms. Washington will be replacing Mr. Lance Izumi.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

The following communication was presented by the Chief Clerk from:

Walter Barnes, Chief Deputy Controller, Finance, transmitting information regarding the new electronic report of the 250 California special districts with the largest revenues (Pursuant to Senate Bill 282, Chapter 288, Statutes of 2001)

Referred by the Speaker to the Committee on Local Government.

**Proposed Initiatives**

The following communications were presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

**State and County Clemency Boards.  
Initiative Constitutional Amendments. SA 2002RF0016**

Referred by the Speaker to the Committee on Judiciary.

**Personal Income Tax.  
Treatment of Stock Purchased Through Incentive Stock Options.  
Initiative Statute. SA 2002RF0017**

Referred by the Speaker to the Committee on Revenue and Taxation.

**REPORTS**

The following reports were presented by the Chief Clerk:

**2000–01 Report on Lottery Expenditures for K–12 Education  
(Pursuant to Budget Act 2001)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated September 13, 2002, referred by the Speaker to the Committee on Budget.

**Disabled Veterans Business Enterprise Report 2001-02  
(Pursuant to Public Contract Code, Section 10115.5 and  
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from Gloria Merk, Deputy Director, Administration Division, Department of Social Services, dated September 10, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Disabled Veterans Business Enterprise Report 2001-02  
(Pursuant to Public Contract Code, Section 10115.5 and  
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from Tim Lynn, Chief, Administrative Services Division, Department of Personnel Administration, dated August 30, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Disabled Veterans Business Enterprise Report 2001-02  
(Pursuant to Public Contract Code, Section 10115.5 and  
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from Denise Brown, Chief Deputy Director, State and Consumer Services Agency, dated August 26, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Status Update on Security Construction Modifications at  
Porterville and Lanterman Developmental Centers  
(Pursuant to Senate Bill No. 160, Chapter 50, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Director, Department of Developmental Services, dated August 19, 2002, referred by the Speaker to the Committee on Budget.

**Semi-Annual Report on the California Innocence Protection Program  
(Pursuant to Budget Act 2001, Chapter 106, Statutes of 2001  
Item 8100-101-001)**

Above transmitted report, together with letter of transmittal from N. Allen Sawyer, Chief Deputy Director, Office of Criminal Justice Planning, dated August 23, 2002, referred by the Speaker to the Committee on Budget.

**Annual Report Fraud Deterrence and Detection Activities  
(Pursuant to Unemployment Insurance Code, Section 2614)**

Above transmitted report, together with letter of transmittal from Michael S. Bernick, Director, Employment Development Department, dated August 14, 2002, referred by the Speaker to the Committee on Insurance.

**Senior Legal Services Task Force  
(Pursuant to Assembly Bill 830, Chapter 682, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Virginia Strom-Martin, Assembly Member, 1st District, Task Force Chair, Department of Aging, dated August 22, 2002, referred by the Speaker to the Committee on Aging and Long-Term Care.

**Prevalence of Hepatitis C in Correctional Facilities  
(Pursuant to Senate Bill 1256, Chapter 754, Statutes of 2000)**

Above transmitted report, together with letter of transmittal from Edward S. Alameida, Jr., Director, Department of Corrections, dated August 29, 2002, referred by the Speaker to the Committee on Health.

**Plan for Delivering Pharmaceutical Services:  
An Implementation of the Recommendations of FOX Systems, Inc.  
(Pursuant to Budget Act 2001-02, Item 5240-001-0001, Provision 9)**

Above transmitted report, together with letter of transmittal from Edward S. Alameida, Jr., Director, Department of Corrections, dated September 4, 2002, referred by the Speaker to the Committee on Budget.

**Child Care Funds  
(Pursuant to Senate Bill 1703, Chapter 704, Statutes of 2000)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated August 28, 2002, referred by the Speaker to the Committee on Human Services.

**Quarterly Report for the  
California School Information Services Independent Project Oversight  
(Pursuant to Education Code Section 49080)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated August 29, 2002, referred by the Speaker to the Committee on Education.

**Dental Board's Enforcement Monitor's Initial Report  
(Pursuant to Business and Professions Code, Section 1601.3)**

Above transmitted report, together with letter of transmittal from Kristy Wiese, Assistant Deputy Director, Division of Legislative and Regulatory Review, Department of Consumer Affairs, dated August 28, 2002, referred by the Speaker to the Committee on Business and Professions.

**Report on the Scope of Practice for Dental Auxiliaries  
(Pursuant to Business and Professions Code, Section 1620.1)**

Above transmitted report, together with letter of transmittal from Kristy Wiese, Assistant Deputy Director, Division of Legislative and Regulatory Review, Department of Consumer Affairs, dated August 30, 2002, referred by the Speaker to the Committee on Business and Professions.

**Biannual Report of  
Research Conducted in the California Department of Corrections  
July 31, 2000 through December 31, 2000  
(Pursuant to Penal Code Section 3520)**

Above transmitted report, together with letter of transmittal from Edward S. Alameda, Jr., Director, Department of Corrections, dated September 5, 2002, referred by the Speaker to the Committee on Public Safety.

**Average Statewide Employment in Manufacturing  
(minus Aerospace Industries)  
Annual Report  
(Pursuant to Revenue and Taxation Code,  
Sections 6377, 17053.49, and 23649)**

Above transmitted report, together with letter of transmittal from Michael S. Bernick, Director, Employment Development Department, dated August 14, 2002, referred by the Speaker to the Committee on Revenue and Taxation.

**California Community and Faith-Based Initiative  
Diversity Report  
(Pursuant to Supplemental Language of the Budget Act of 2001)**

Above transmitted report, together with letter of transmittal from Michael S. Bernick, Director, Employment Development Department, dated August 30, 2002, referred by the Speaker to the Committee on Budget.

**Employment Development Building Fund Transfer to  
the Federal Unemployment Fund  
(Pursuant to Budget Act 2001, Item 5100-311-0690,  
Chapter 106, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Michael S. Bernick, Director, Employment Development Department, dated August 30, 2002, referred by the Speaker to the Committee on Budget.

**Disabled Veterans Business Enterprise Report 2001-02  
(Pursuant to Public Contract Code, Section 10115.5 and  
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from Ronald J. Lucero, Chief, Business Management Bureau, Department of Insurance, dated September 5, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Disabled Veterans Business Enterprise Report 2001-02  
(Pursuant to Public Contract Code, Section 10115.5 and  
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from Ray Hague, Business Service Office, California State Library, dated September 3, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Disabled Veterans Business Enterprise Report 2001-02  
(Pursuant to Public Contract Code, Section 10115.5 and  
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from Anna Schneider, Office Technician, Coastal Conservancy, dated August 30, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Disabled Veterans Business Enterprise Report 2001-02  
(Pursuant to Public Contract Code, Section 10115.5 and  
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from David L. Crippens, Interim Executive Director, California African American Museum, dated August 19, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Disabled Veterans Business Enterprise Report 2001-02  
(Pursuant to Public Contract Code, Section 10115.5 and  
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from Thomas L. Morrison, Deputy Executive Director, California Building Standards Commission, dated August 28, 2002, referred by the Speaker to the Committee on Utilities and Commerce.



**Disabled Veterans Business Enterprise Report 2001-02  
(Pursuant to Public Contract Code, Section 10115.5 and  
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from Denise Choye, Administrative Services Manager, Fair Employment and Housing Commission, dated September 28, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Disabled Veterans Business Enterprise Report 2001/02  
(Pursuant to Public Contract Code Section 10115.5 and  
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from Nancy E. Bither, Deputy Director, Gambling Control Commission, dated September 11, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Disabled Veterans Business Enterprise Report 2001-02  
(Pursuant to Public Contract Code Section 10115.5 and  
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from James E. Speed, Executive Director, Board of Equalization, dated September 23, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Crime and Delinquency in California, 2001, Advance Release  
(Pursuant to Penal Code Section 13010(g))**

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Administrative Services Division, Department of Justice, dated September 13, 2002, referred by the Speaker to the Committee on Public Safety.

**Hate Crime in California, 2001  
(Pursuant to Penal Code Section 13023)**

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Administrative Services Division, Department of Justice, dated September 18, 2002, referred by the Speaker to the Committee on Public Safety.

**CalWorks: Multidisciplinary Services Teams  
(Pursuant to Assembly Bill 1518, Chapter 919, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Rita Saenz, Director, Department of Social Services, dated April 1, 2002, referred by the Speaker to the Committee on Human Services.

**The Natural Heritage Preservation Tax Credit Act of 2000  
(Pursuant to Supplemental Language of the Budget Act of 2001)**

Above transmitted report, together with letter of transmittal from Al Wright, Executive Director, Wildlife Conservation Board, dated September 23, 2002, referred by the Speaker to the Committee on Revenue and Taxation.

**Legislation Necessary to Maintain the Codes  
(Pursuant to Government Code Section 10242)**

Above transmitted report, together with letter of transmittal from Jeffrey A. DeLand, Chief Deputy, Office of Legislative Counsel, dated September 24, 2002, referred by the Speaker to the Committee on Judiciary.

**The California Master Plan for Education  
(Pursuant to Senate Concurrent Resolution 29, Chapter 43, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Dede Alpert, Chair, Joint Committee To Develop A Master Plan For Education-Kindergarten Through University, dated August 31, 2002, referred by the Speaker to the Committee on Education.

**2001 Federal Annual Report Children's Health Insurance Program  
(Pursuant to Insurance Code Section 12693.92 (b))**

Above transmitted report, together with letter of transmittal from Lesley Cummings, Executive Director, Managed Risk Medical Insurance Board, dated September 13, 2002, referred by the Speaker to the Committee on Insurance.

**Advanced Placement Challenge Grant Program:  
A Preliminary Report on the First Two Years of Implementation  
(Pursuant to Senate Bill 1689, Chapter 73, Statutes of 2000)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated September 13, 2002, referred by the Speaker to the Committee on Education.

**Consulting Services Contract Report 2001-02  
(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from Harry W. Low, Insurance Commissioner, Department of Insurance, dated September 5, 2002, referred by the Speaker to the Committee on Budget.

**Consulting Services Contract Report 2001-02  
(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from Andrea E. Tuttle, Director, Department of Forestry and Fire Protection, dated September 2, 2002, referred by the Speaker to the Committee on Budget.

**Consulting Services Contract Report 2001-02  
(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from David Nahigian, Chief, Business Management Unit, Department of Managed Health Care, dated September 12, 2002, referred by the Speaker to the Committee on Budget.

**Amendment No. 1 to Energy Resource Investment Plan of  
the California Power and Conservation Financing Authority  
(Pursuant to Senate Bill X1)**

Above transmitted report, together with letter of transmittal from S. David Freeman, Chairman, Consumer Power Conservation Financing Authority, dated September 23, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

The following letters of transmittal were presented by the Chief Clerk, and ordered printed in the Journal:

California State Auditor

2001-017  
September 10, 2002

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As required by Chapter 157, Statutes of 2001, the Bureau of State Audits presents its audit report concerning whether the labor commissioner in the Department of Industrial Relations (department) has an operational process for verifying whether farm labor contractors have current licenses.

This report concludes that the department's process for verifying the status of licenses issued to farm labor contractors is operational but needs some improvement.

Respectfully submitted,

ELAINE M. HOWLE  
State Auditor

Above report referred to the Committee on Labor and Employment.

California State Auditor

2002-031  
September 12, 2002

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As required by Section 19640.5 of the California Welfare and Institutions Code, the Bureau of State Audits presents its audit report concerning the Department of Rehabilitation's (department) Business Enterprise Program for the Blind (program).

This report concludes that the department's delays in addressing known problems have hampered its ability to provide blind persons with meaningful business opportunities that allow them to be independent. In recent years, the department has achieved only a limited level of success in terms of program participation and operator income. In fiscal year 2000-01, more than half the blind operators earned less than \$2,500 per month, the program's minimum for opening a new vending location, and almost a third of the operators earned less than what a person could earn working full time at California's 2001 minimum wage. In a step forward, the department recently completed its first strategic plan for the program, but the plan lacks defined outcomes and important performance measures. In contrast, after more than seven years of work, the department has yet to update its regulations for administration of the program, which may lead to disparate service delivery. Lacking guidelines, the department has not ensured that partnerships between blind operators and private food-service companies are consistent with federal law and pay their fair share of

program costs. Finally, the department has neither adequately addressed significant flaws in its process for collecting past-due commissions from private vending businesses nor consistently fulfilled its responsibilities to program participants by providing adequate consulting and monitoring services.

Respectfully submitted,

ELAINE M. HOWLE  
State Auditor

Above report referred to the Committee on Human Services.

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 3, 2002

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

Assembly Concurrent Resolution No. 168  
Assembly Concurrent Resolution No. 177  
Assembly Concurrent Resolution No. 178  
Assembly Concurrent Resolution No. 193  
Assembly Concurrent Resolution No. 223  
Assembly Concurrent Resolution No. 225  
Assembly Concurrent Resolution No. 237  
Assembly Joint Resolution No. 30  
Assembly Joint Resolution No. 39  
Assembly Joint Resolution No. 49  
Assembly Joint Resolution No. 50

And reports the same correctly enrolled, and presented to the Secretary of State on the 3rd day of September, 2002, at 3:15 p.m.

E. DOTSON WILSON, Chief Clerk

#### **MESSAGES FROM THE GOVERNOR**

The following message from the Governor was received and ordered printed in the Journal:

September 4, 2002

*To the Members of the Assembly:*

AB 2785, in my opinion, constitutes an emergency bill within the meaning of that term as used in Section 12 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of AB 2785 as an emergency measure.

Sincerely,

GRAY DAVIS

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 4, 2002

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

Assembly Bill No. 425  
Assembly Bill No. 2065  
Assembly Bill No. 2785

And reports the same correctly enrolled, and presented to the Governor on the 4th day of September, 2002, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 4, 2002

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 51   | Assembly Bill No. 2048 |
| Assembly Bill No. 776  | Assembly Bill No. 2083 |
| Assembly Bill No. 892  | Assembly Bill No. 2254 |
| Assembly Bill No. 1282 | Assembly Bill No. 2292 |
| Assembly Bill No. 1393 | Assembly Bill No. 2311 |
| Assembly Bill No. 1544 | Assembly Bill No. 2321 |
| Assembly Bill No. 1855 | Assembly Bill No. 2441 |
| Assembly Bill No. 1868 | Assembly Bill No. 2470 |
| Assembly Bill No. 1928 | Assembly Bill No. 2504 |
| Assembly Bill No. 1990 | Assembly Bill No. 2506 |

And reports the same correctly enrolled, and presented to the Governor on the 4th day of September, 2002, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 5, 2002

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

- Assembly Concurrent Resolution No. 188
- Assembly Concurrent Resolution No. 190

And reports the same correctly enrolled, and presented to the Secretary of State on the 5th day of September, 2002, at 11:45 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 5, 2002

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 55   | Assembly Bill No. 2616 |
| Assembly Bill No. 736  | Assembly Bill No. 2648 |
| Assembly Bill No. 947  | Assembly Bill No. 2695 |
| Assembly Bill No. 1139 | Assembly Bill No. 2776 |
| Assembly Bill No. 1155 | Assembly Bill No. 2891 |
| Assembly Bill No. 1235 | Assembly Bill No. 2935 |
| Assembly Bill No. 1379 | Assembly Bill No. 2937 |
| Assembly Bill No. 1486 | Assembly Bill No. 2972 |
| Assembly Bill No. 1830 | Assembly Bill No. 3033 |
| Assembly Bill No. 2550 |                        |

And reports the same correctly enrolled, and presented to the Governor on the 5th day of September, 2002, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 5, 2002

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1140 | Assembly Bill No. 2352 |
| Assembly Bill No. 2001 | Assembly Bill No. 2462 |
| Assembly Bill No. 2059 | Assembly Bill No. 2583 |
| Assembly Bill No. 2092 | Assembly Bill No. 2652 |
| Assembly Bill No. 2136 | Assembly Bill No. 2888 |
| Assembly Bill No. 2149 | Assembly Bill No. 2973 |
| Assembly Bill No. 2313 | Assembly Bill No. 3045 |
| Assembly Bill No. 2338 | Assembly Bill No. 3055 |
| Assembly Bill No. 2339 |                        |

And reports the same correctly enrolled, and presented to the Governor on the 5th day of September, 2002, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 5, 2002

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

- Assembly Bill No. 1850

And reports the same correctly enrolled, and presented to the Governor on the 5th day of September, 2002, at 4 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 6, 2002

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

Assembly Bill No. 2596

And reports the same correctly enrolled, and presented to the Governor on the 6th day of September, 2002, at 2:15 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 6, 2002

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

Assembly Bill No. 138

Assembly Bill No. 320

Assembly Bill No. 709

Assembly Bill No. 1163

Assembly Bill No. 1342

Assembly Bill No. 1746

Assembly Bill No. 1794

Assembly Bill No. 1795

Assembly Bill No. 1859

Assembly Bill No. 1943

Assembly Bill No. 1986

Assembly Bill No. 2072

Assembly Bill No. 2175

Assembly Bill No. 2208

Assembly Bill No. 2264

Assembly Bill No. 2361

Assembly Bill No. 2388

Assembly Bill No. 2397

Assembly Bill No. 2413

Assembly Bill No. 2459

And reports the same correctly enrolled, and presented to the Governor on the 6th day of September, 2002, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 9, 2002

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

Assembly Bill No. 381

Assembly Bill No. 428

Assembly Bill No. 496

Assembly Bill No. 879

Assembly Bill No. 1788

Assembly Bill No. 1825

Assembly Bill No. 1835

Assembly Bill No. 1847

Assembly Bill No. 1906

Assembly Bill No. 1926

Assembly Bill No. 1996

Assembly Bill No. 2045

Assembly Bill No. 2206

Assembly Bill No. 2211

Assembly Bill No. 2274

Assembly Bill No. 2328

Assembly Bill No. 2406

Assembly Bill No. 2438

Assembly Bill No. 2440

Assembly Bill No. 2457

And reports the same correctly enrolled, and presented to the Governor on the 9th day of September, 2002, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 9, 2002

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

Assembly Bill No. 2529

Assembly Bill No. 2532

Assembly Bill No. 2533

Assembly Bill No. 2539

Assembly Bill No. 2612

Assembly Bill No. 2671

Assembly Bill No. 2709

Assembly Bill No. 2735

Assembly Bill No. 2783

Assembly Bill No. 2798

Assembly Bill No. 2807

Assembly Bill No. 2826

Assembly Bill No. 2883

Assembly Bill No. 2909

Assembly Bill No. 2912

Assembly Bill No. 2920

Assembly Bill No. 2930

Assembly Bill No. 2950

Assembly Bill No. 2967

Assembly Bill No. 2987

And reports the same correctly enrolled, and presented to the Governor on the 9th day of September, 2002, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 9, 2002

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 555  | Assembly Bill No. 3022 |
| Assembly Bill No. 666  | Assembly Bill No. 3023 |
| Assembly Bill No. 2235 | Assembly Bill No. 3024 |
| Assembly Bill No. 2401 | Assembly Bill No. 3034 |
| Assembly Bill No. 2964 | Assembly Bill No. 3049 |
| Assembly Bill No. 2990 | Assembly Bill No. 3059 |

And reports the same correctly enrolled, and presented to the Governor on the 9th day of September, 2002, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 10, 2002

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1421 | Assembly Bill No. 2127 |
| Assembly Bill No. 1881 | Assembly Bill No. 2130 |
| Assembly Bill No. 1886 | Assembly Bill No. 2192 |
| Assembly Bill No. 1907 | Assembly Bill No. 2198 |
| Assembly Bill No. 1923 | Assembly Bill No. 2238 |
| Assembly Bill No. 1957 | Assembly Bill No. 2263 |
| Assembly Bill No. 1973 | Assembly Bill No. 2289 |
| Assembly Bill No. 1984 | Assembly Bill No. 2296 |
| Assembly Bill No. 2010 | Assembly Bill No. 2305 |
| Assembly Bill No. 2069 | Assembly Bill No. 2314 |

And reports the same correctly enrolled, and presented to the Governor on the 10th day of September, 2002, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 10, 2002

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 74   | Assembly Bill No. 1823 |
| Assembly Bill No. 275  | Assembly Bill No. 2267 |
| Assembly Bill No. 363  | Assembly Bill No. 2295 |
| Assembly Bill No. 410  | Assembly Bill No. 2330 |
| Assembly Bill No. 499  | Assembly Bill No. 2466 |
| Assembly Bill No. 625  | Assembly Bill No. 2486 |
| Assembly Bill No. 746  | Assembly Bill No. 2851 |
| Assembly Bill No. 1119 | Assembly Bill No. 2823 |
| Assembly Bill No. 1316 | Assembly Bill No. 2865 |
| Assembly Bill No. 1742 | Assembly Bill No. 2913 |

And reports the same correctly enrolled, and presented to the Governor on the 10th day of September, 2002, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 10, 2002

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

- Assembly Bill No. 2936
- Assembly Bill No. 2993
- Assembly Bill No. 3028

And reports the same correctly enrolled, and presented to the Governor on the 10th day of September, 2002, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 11, 2002

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

Assembly Bill No. 857	Assembly Bill No. 2673
Assembly Bill No. 1599	Assembly Bill No. 2676
Assembly Bill No. 2055	Assembly Bill No. 2750
Assembly Bill No. 2359	Assembly Bill No. 2842
Assembly Bill No. 2366	Assembly Bill No. 2892
Assembly Bill No. 2420	Assembly Bill No. 2899
Assembly Bill No. 2521	Assembly Bill No. 2965
Assembly Bill No. 2637	Assembly Bill No. 2981
Assembly Bill No. 2650	Assembly Bill No. 3025
Assembly Bill No. 2669	Assembly Bill No. 3054

And reports the same correctly enrolled, and presented to the Governor on the 11th day of September, 2002, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 11, 2002

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

Assembly Bill No. 2058  
Assembly Bill No. 2214

And reports the same correctly enrolled, and presented to the Governor on the 11th day of September, 2002, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 11, 2002

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

Assembly Bill No. 1838	Assembly Bill No. 2645
Assembly Bill No. 2156	Assembly Bill No. 2672
Assembly Bill No. 2496	Assembly Bill No. 2729
Assembly Bill No. 2531	Assembly Bill No. 2753
Assembly Bill No. 2580	Assembly Bill No. 3005
Assembly Bill No. 2619	

And reports the same correctly enrolled, and presented to the Governor on the 11th day of September, 2002, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 11, 2002

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

Assembly Bill No. 2312

And reports the same correctly enrolled, and presented to the Governor on the 11th day of September, 2002, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 12, 2002

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

Assembly Bill No. 299	Assembly Bill No. 1916
Assembly Bill No. 323	Assembly Bill No. 1942
Assembly Bill No. 748	Assembly Bill No. 1962
Assembly Bill No. 982	Assembly Bill No. 1972
Assembly Bill No. 1381	Assembly Bill No. 2030
Assembly Bill No. 1408	Assembly Bill No. 2067
Assembly Bill No. 1773	Assembly Bill No. 2131
Assembly Bill No. 1793	Assembly Bill No. 2179
Assembly Bill No. 1840	Assembly Bill No. 2431
Assembly Bill No. 1901	Assembly Bill No. 2436

And reports the same correctly enrolled, and presented to the Governor on the 12th day of September, 2002, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk



Assembly Chamber, September 12, 2002

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

- Assembly Bill No. 2399
- Assembly Bill No. 2701
- Assembly Bill No. 2740

And reports the same correctly enrolled, and presented to the Governor on the 12th day of September, 2002, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 12, 2002

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1866 | Assembly Bill No. 2326 |
| Assembly Bill No. 1974 | Assembly Bill No. 2333 |
| Assembly Bill No. 2013 | Assembly Bill No. 2360 |
| Assembly Bill No. 2024 | Assembly Bill No. 2403 |
| Assembly Bill No. 2041 | Assembly Bill No. 2410 |
| Assembly Bill No. 2085 | Assembly Bill No. 2442 |
| Assembly Bill No. 2128 | Assembly Bill No. 2444 |
| Assembly Bill No. 2212 | Assembly Bill No. 2471 |
| Assembly Bill No. 2271 | Assembly Bill No. 2477 |
| Assembly Bill No. 2279 | Assembly Bill No. 2587 |

And reports the same correctly enrolled, and presented to the Governor on the 12th day of September, 2002, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 12, 2002

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 2600 | Assembly Bill No. 2811 |
| Assembly Bill No. 2607 | Assembly Bill No. 2817 |
| Assembly Bill No. 2626 | Assembly Bill No. 2818 |
| Assembly Bill No. 2668 | Assembly Bill No. 2855 |
| Assembly Bill No. 2670 | Assembly Bill No. 2902 |
| Assembly Bill No. 2706 | Assembly Bill No. 3032 |
| Assembly Bill No. 2795 |                        |

And reports the same correctly enrolled, and presented to the Governor on the 12th day of September, 2002, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 13, 2002

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 65   | Assembly Bill No. 1895 |
| Assembly Bill No. 117  | Assembly Bill No. 1945 |
| Assembly Bill No. 421  | Assembly Bill No. 1947 |
| Assembly Bill No. 498  | Assembly Bill No. 2018 |
| Assembly Bill No. 552  | Assembly Bill No. 2027 |
| Assembly Bill No. 692  | Assembly Bill No. 2044 |
| Assembly Bill No. 878  | Assembly Bill No. 2258 |
| Assembly Bill No. 1454 | Assembly Bill No. 2269 |
| Assembly Bill No. 1781 | Assembly Bill No. 2356 |
| Assembly Bill No. 1891 | Assembly Bill No. 2451 |

And reports the same correctly enrolled, and presented to the Governor on the 13th day of September, 2002, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 13, 2002

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

Assembly Bill No. 2474	Assembly Bill No. 2853
Assembly Bill No. 2549	Assembly Bill No. 2905
Assembly Bill No. 2554	Assembly Bill No. 2922
Assembly Bill No. 2642	Assembly Bill No. 2985
Assembly Bill No. 2780	Assembly Bill No. 2989
Assembly Bill No. 2787	Assembly Bill No. 3036
Assembly Bill No. 2816	Assembly Bill No. 3057
Assembly Bill No. 2850	

And reports the same correctly enrolled, and presented to the Governor on the 13th day of September, 2002, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 13, 2002

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

Assembly Bill No. 42	Assembly Bill No. 1227
Assembly Bill No. 80	Assembly Bill No. 1357
Assembly Bill No. 164	Assembly Bill No. 1422
Assembly Bill No. 248	Assembly Bill No. 1652
Assembly Bill No. 467	Assembly Bill No. 1914
Assembly Bill No. 643	Assembly Bill No. 1975
Assembly Bill No. 818	Assembly Bill No. 2370
Assembly Bill No. 966	Assembly Bill No. 2656
Assembly Bill No. 1000	Assembly Bill No. 2659
Assembly Bill No. 1108	Assembly Bill No. 2732

And reports the same correctly enrolled, and presented to the Governor on the 13th day of September, 2002, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 13, 2002

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

Assembly Bill No. 116	Assembly Bill No. 2574
Assembly Bill No. 1170	Assembly Bill No. 2704
Assembly Bill No. 1250	Assembly Bill No. 2717
Assembly Bill No. 2023	Assembly Bill No. 2859
Assembly Bill No. 2188	Assembly Bill No. 2862
Assembly Bill No. 2293	Assembly Bill No. 2915

And reports the same correctly enrolled, and presented to the Governor on the 13th day of September, 2002, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 16, 2002

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

- Assembly Concurrent Resolution No. 123
- Assembly Concurrent Resolution No. 125
- Assembly Concurrent Resolution No. 154
- Assembly Concurrent Resolution No. 158
- Assembly Concurrent Resolution No. 189
- Assembly Concurrent Resolution No. 204
- Assembly Concurrent Resolution No. 205
- Assembly Concurrent Resolution No. 213
- Assembly Concurrent Resolution No. 215
- Assembly Concurrent Resolution No. 221
- Assembly Concurrent Resolution No. 234
- Assembly Concurrent Resolution No. 235
- Assembly Concurrent Resolution No. 236
- Assembly Concurrent Resolution No. 238
- Assembly Concurrent Resolution No. 240
- Assembly Concurrent Resolution No. 241
- Assembly Joint Resolution No. 52
- Assembly Joint Resolution No. 57
- Assembly Joint Resolution No. 60

And reports the same correctly enrolled, and presented to the Secretary of State on the 16th day of September, 2002, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 16, 2002

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 15   | Assembly Bill No. 1173 |
| Assembly Bill No. 337  | Assembly Bill No. 1314 |
| Assembly Bill No. 364  | Assembly Bill No. 1694 |
| Assembly Bill No. 500  | Assembly Bill No. 1698 |
| Assembly Bill No. 629  | Assembly Bill No. 1776 |
| Assembly Bill No. 787  | Assembly Bill No. 2003 |
| Assembly Bill No. 885  | Assembly Bill No. 2197 |
| Assembly Bill No. 930  | Assembly Bill No. 2217 |
| Assembly Bill No. 1059 | Assembly Bill No. 2277 |
| Assembly Bill No. 1156 | Assembly Bill No. 2297 |

And reports the same correctly enrolled, and presented to the Governor on the 16th day of September, 2002, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 16, 2002

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 2386 | Assembly Bill No. 2604 |
| Assembly Bill No. 2395 | Assembly Bill No. 2721 |
| Assembly Bill No. 2540 | Assembly Bill No. 2774 |
| Assembly Bill No. 2567 | Assembly Bill No. 2907 |

And reports the same correctly enrolled, and presented to the Governor on the 16th day of September, 2002, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 16, 2002

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

Assembly Bill No. 551	Assembly Bill No. 1858
Assembly Bill No. 630	Assembly Bill No. 1959
Assembly Bill No. 690	Assembly Bill No. 1969
Assembly Bill No. 741	Assembly Bill No. 2004
Assembly Bill No. 915	Assembly Bill No. 2036
Assembly Bill No. 1401	Assembly Bill No. 2075
Assembly Bill No. 1634	Assembly Bill No. 2125
Assembly Bill No. 1638	Assembly Bill No. 2166
Assembly Bill No. 1710	Assembly Bill No. 2178
Assembly Bill No. 1713	Assembly Bill No. 2184

And reports the same correctly enrolled, and presented to the Governor on the 16th day of September, 2002, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 16, 2002

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

Assembly Bill No. 2294	Assembly Bill No. 2879
Assembly Bill No. 2424	Assembly Bill No. 2903
Assembly Bill No. 2473	Assembly Bill No. 2928
Assembly Bill No. 2525	Assembly Bill No. 2954
Assembly Bill No. 2741	Assembly Bill No. 2957
Assembly Bill No. 2751	Assembly Bill No. 2963
Assembly Bill No. 2759	Assembly Bill No. 3027
Assembly Bill No. 2837	Assembly Bill No. 3029
Assembly Bill No. 2845	Assembly Bill No. 3030
Assembly Bill No. 2867	Assembly Bill No. 3042

And reports the same correctly enrolled, and presented to the Governor on the 16th day of September, 2002, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 17, 2002

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

Assembly Bill No. 34	Assembly Bill No. 925
Assembly Bill No. 325	Assembly Bill No. 989
Assembly Bill No. 424	Assembly Bill No. 1008
Assembly Bill No. 481	Assembly Bill No. 1045
Assembly Bill No. 634	Assembly Bill No. 1234
Assembly Bill No. 669	Assembly Bill No. 1403
Assembly Bill No. 687	Assembly Bill No. 1412
Assembly Bill No. 716	Assembly Bill No. 1506
Assembly Bill No. 843	Assembly Bill No. 1511
Assembly Bill No. 858	Assembly Bill No. 1872

And reports the same correctly enrolled, and presented to the Governor on the 17th day of September, 2002, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 17, 2002

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

Assembly Bill No. 1243

And reports the same correctly enrolled, and presented to the Governor on the 17th day of September, 2002, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 17, 2002

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1814 | Assembly Bill No. 2308 |
| Assembly Bill No. 1904 | Assembly Bill No. 2351 |
| Assembly Bill No. 1905 | Assembly Bill No. 2363 |
| Assembly Bill No. 1968 | Assembly Bill No. 2367 |
| Assembly Bill No. 1994 | Assembly Bill No. 2469 |
| Assembly Bill No. 2078 | Assembly Bill No. 2495 |
| Assembly Bill No. 2124 | Assembly Bill No. 2507 |
| Assembly Bill No. 2132 | Assembly Bill No. 2514 |
| Assembly Bill No. 2138 | Assembly Bill No. 2534 |
| Assembly Bill No. 2251 | Assembly Bill No. 2578 |

And reports the same correctly enrolled, and presented to the Governor on the 17th day of September, 2002, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 17, 2002

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 2588 | Assembly Bill No. 2825 |
| Assembly Bill No. 2630 | Assembly Bill No. 2849 |
| Assembly Bill No. 2770 | Assembly Bill No. 2869 |
| Assembly Bill No. 2792 |                        |

And reports the same correctly enrolled, and presented to the Governor on the 17th day of September, 2002, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 17, 2002

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 14   | Assembly Bill No. 2875 |
| Assembly Bill No. 52   | Assembly Bill No. 2880 |
| Assembly Bill No. 58   | Assembly Bill No. 2886 |
| Assembly Bill No. 2481 | Assembly Bill No. 2994 |
| Assembly Bill No. 2674 | Assembly Bill No. 2998 |
| Assembly Bill No. 2683 | Assembly Bill No. 3004 |
| Assembly Bill No. 2727 | Assembly Bill No. 3010 |
| Assembly Bill No. 2838 | Assembly Bill No. 3048 |
| Assembly Bill No. 2874 |                        |

And reports the same correctly enrolled, and presented to the Governor on the 17th day of September, 2002, at 4 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 17, 2002

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

- Assembly Bill No. 1010

And reports the same correctly enrolled, and presented to the Governor on the 17th day of September, 2002, at 4 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 18, 2002

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 468  | Assembly Bill No. 2739 |
| Assembly Bill No. 523  | Assembly Bill No. 2752 |
| Assembly Bill No. 593  | Assembly Bill No. 2833 |
| Assembly Bill No. 700  | Assembly Bill No. 2834 |
| Assembly Bill No. 822  | Assembly Bill No. 2887 |
| Assembly Bill No. 1100 | Assembly Bill No. 2890 |
| Assembly Bill No. 2240 | Assembly Bill No. 2944 |
| Assembly Bill No. 2384 | Assembly Bill No. 2997 |
| Assembly Bill No. 2390 | Assembly Bill No. 3009 |

And reports the same correctly enrolled, and presented to the Governor on the 18th day of September, 2002, at 9:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 18, 2002

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

Assembly Bill No. 312	Assembly Bill No. 2080
Assembly Bill No. 374	Assembly Bill No. 2781
Assembly Bill No. 442	Assembly Bill No. 2793
Assembly Bill No. 444	Assembly Bill No. 2841
Assembly Bill No. 486	Assembly Bill No. 2996
Assembly Bill No. 1677	Assembly Bill No. 3000
Assembly Bill No. 1768	Assembly Bill No. 3006
Assembly Bill No. 1818	

And reports the same correctly enrolled, and presented to the Governor on the 18th day of September, 2002, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 18, 2002

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

Assembly Constitutional Amendment No. 11

And reports the same correctly enrolled, and presented to the Secretary of State on the 18th day of September, 2002, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 18, 2002

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

Assembly Concurrent Resolution No. 79  
 Assembly Concurrent Resolution No. 229  
 Assembly Concurrent Resolution No. 242  
 Assembly Concurrent Resolution No. 243  
 Assembly Concurrent Resolution No. 249  
 Assembly Concurrent Resolution No. 250  
 Assembly Concurrent Resolution No. 251  
 Assembly Joint Resolution No. 37  
 Assembly Joint Resolution No. 45  
 Assembly Joint Resolution No. 53  
 Assembly Joint Resolution No. 61  
 Assembly Joint Resolution No. 63

And reports the same correctly enrolled, and presented to the Secretary of State on the 18th day of September, 2002, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

### MESSAGES FROM THE GOVERNOR

The following veto messages from the Governor were received and ordered printed in the Journal and the bills ordered to the unfinished business file:

#### **Veto Message—Assembly Bill No. 1074**

Governor's Office, Sacramento  
 September 11, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1074 without my signature.

This bill is an exact re-introduction of a bill vetoed two years ago. This bill would make it illegal for a floral vendor to misrepresent its business location by either using a fictitious local name or telephone number in its advertisement or telephone listing without listing the true physical location of its business location.

I have the same concern with this bill as I did two years ago with the previous bill. In our global economy of today, it is not reasonable to restrict out-of-area businesses from using local names or telephone numbers. Consumers are accustomed to purchasing products made all over the world.

Even if it were appropriate to restrict floral businesses in such a fashion, how would a local business name be defined? How many miles away from the Pacific coast would a business have to be located before it could not use the word “Pacific” in its name? This legislation would be problematic to define and enforce. Additionally, I fear that this bill would create a slippery slope of unnecessary restrictions on all kinds of businesses.

Lastly, a similar law in Delaware has been found unconstitutional by a trial court because it violates the U.S. Constitution’s commerce clause.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2068**

Governor’s Office, Sacramento  
September 11, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2068 without my signature.

This bill would make early childhood development special education teachers eligible for the State’s student loan forgiveness program, the Assumption Program of Loans for Education.

While early childhood development programs for special needs students are an important component of the State’s education policy, the bill could displace eligible teachers who are serving in our highest need communities and top priority subject areas such as science and math. In addition, expanding the APLE Program to pre-kindergarten programs could reduce the State’s ability to meet its constitutional obligation to provide K–12 instruction. Lastly, given the State’s current fiscal condition, it would be imprudent to enact a program that may create a General Fund cost pressure.

In addition, California is currently undertaking the task of ensuring that all K–12 pupils have a highly qualified teacher, pursuant to the federal No Child Left Behind Act. It would be untimely to make any changes to current law that may reduce the State’s pool of K–12 teachers.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2648**

Governor’s Office, Sacramento  
September 11, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2648 without my signature.

This bill is intended to give the San Diego County Board of Supervisors more authority over county law library expenditures by granting the Board the right to review reimbursement claims submitted by the law library trustees and to reject any claims the Board deems outside the county’s obligation to the law library.

Current law already gives county supervisors discretion in funding law library operations and requires law library trustees to use law library fund monies, when available, toward maintenance costs. A law library is an essential component of any court facility, and the local court system

would be seriously weakened without county support. This bill creates a poor precedent for counties to follow in providing support for county law libraries.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2025**

Governor's Office, Sacramento  
September 12, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2025 without my signature.

This bill would require the State Department of Education to convene a working group to develop a five-year master plan for pupil support services, determine appropriate pupil-to-school counselor ratios for elementary, middle, and high schools, and design a plan for offering incentives to schools to meet pupil-to-school ratios by 2009. It would also require that a report on the master plan be provided by January 1, 2004.

Less than a year ago, I signed AB 722 (Corbett), Chapter 250, Statutes of 2001, which appropriated \$125,000 to study a number of pupil support issues, including some of those referenced in this bill. The results of that study are not due until January 2003, and it would be premature to commit to the development of a long-term master plan until the results of the study can be evaluated. In addition, while I realize the importance of pupil support services, this bill requires funding for a study that is not included in the pending budget bill. The master plan recommendations could create an expectation of substantial future funding that may not be available given the uncertainty in the availability of General Fund revenues for education.

For these reasons, I cannot support this bill.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2048**

Governor's Office, Sacramento  
September 12, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2048 without my signature.

This bill would free transit agencies from current requirements to keep all routine monitoring videos for one year, and also would consolidate current records retention requirements for cities, counties, and special districts.

While AB 2048 is intended to free transit agencies from the added expense of processing and storing these videotapes, such tapes can be a valuable tool to help solve crimes. The fact that a monitoring video contains useful information may not be known in time to preserve a particular tape under the terms in this bill. Requiring transit agencies to hold tapes for a least a short period of time could prevent the loss of useful evidence. The law requiring local governments to preserve monitoring videotapes was drafted to be all inclusive. The fact that



transit agencies were not aware the law applied to them or chose to ignore the requirements, does not necessarily justify a change in law on their behalf.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2803**

Governor's Office, Sacramento  
September 12, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2803 without my signature.

This bill makes various findings and declarations suggesting inadequate state funding for pupil transportation and would require the Legislative Analyst Office to conduct a study on the current home to school transportation funding formula.

This bill would likely create significant pressure to increase state funding for pupil transportation, a discretionary program, during a period of significant budget uncertainty. No information has been provided suggesting that the current funding formula does not optimize the distribution and use of funds for pupil transportation, and the current proposed budget includes \$524 million for home to school transportation. School districts also have the option of using discretionary funding to provide transportation to students. For these reasons, I am unable to support this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2920**

Governor's Office, Sacramento  
September 12, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill No. 2920 without my signature.

This bill would require the Health and Human Services Agency (HHSA) to contract with a public or nonprofit entity to develop a California Center on Social Work Careers (Center) to help recruit potential social workers. It would also establish a Social Work Careers Concurrence Committee comprised of representatives from various organizations.

Although the bill's attempts to foster social work careers is meritorious, it would impose ongoing cost pressure during a period of limited resources and uncertain future economic conditions. In order to maintain existing core functions already performed by the HHSA, it is necessary at this time to restrain any discretionary new programs. I would urge advocates of this measure to work informally to accomplish its goals by collaborating with career centers at the University of California, the California State University, the California Community Colleges, and others to encourage their students to consider social work careers.

Sincerely,

GRAY DAVIS

## RECEIPT

I acknowledge receipt this 12th day of September 2002 at 2 p.m., of Assembly Bills Nos. 1074, 2025, 2048, 2068, 2648, 2803, and 2920, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

LAWRENCE A. MURMAN  
Assistant Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 51**

Governor's Office, Sacramento  
September 12, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 51 without my signature.

Current law allows a new citizen to register to vote up to 7 days before an election. For all others the deadline is 14 days before elections. This bill would permit new citizens to register to vote until 8:00 p.m. on election day. It would make other conforming changes to existing elections laws.

While extending the deadline to register could potentially increase voter participation, this legislation could pose logistical problems for local elections officials in the final days of preparation prior to an election. Additionally, it could result in confusion of poll workers and voters by having voting and registration activities occurring simultaneously on Election Day.

I would encourage the proponents of this bill to continue working with the U.S. Immigration and Naturalization Service to schedule naturalization ceremonies several weeks before the voter registration deadline, thereby ensuring that our newest citizens are able to cast their first vote.

For the above reasons, and because it could create a reimbursable state-mandated cost to the General Fund, I am returning this bill without my signature.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1544**

Governor's Office, Sacramento  
September 12, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1544 without my signature.

This bill would deem the East-West Ranch Annexation to the Cambria Community Services District for assessment and taxation purposes to be effective for the 2002–03 fiscal year if the required documents were filed by June 1, 2002.

Existing law establishes a document filing date of December 1 in order for such annexations to be effective for the next fiscal year. In this circumstance, the District purchased the East West Ranch property in November 2000 with monies received from the state budget. On June 28, 2001 the District's board of directors adopted its resolution of application to LAFCO for the purpose of annexation. On December 18,

2001, the District's staff submitted a completed application to LAFCO, 18 days beyond the date required for completion of the annexation itself. Approval of the annexation was not granted by LAFCO until February 21, 2002, and the annexation was effective on March 12, 2002. Unfortunately, the district was 3 months late in obtaining approval of its annexation which is a precondition for tax relief.

Although I realize that circumstances within the District caused a missed statutory deadline, I am obligated to evaluate this bill within the overall context of its effect on the General Fund during these uncertain fiscal times. Therefore, I am vetoing this bill because any reduction in local property tax revenue to K-14 school districts would subsequently result in a General Fund backfill of the same amount.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1789**

Governor's Office, Sacramento  
September 12, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1789 without my signature.

This bill would provide create a special provision for Sierra Elementary School in the Cutler-Orosi Joint Unified School District, allowing the school to qualify for augmented funding through the necessary small school apportionment. State law regarding necessary small school funding is drafted to limit applicability to cases in which a small school district has no choice other than to operate a very small school. Cutler-Orosi Joint Unified School District does not meet the necessary small school funding criteria because it exceeds the maximum district size of 2,500 pupils. Allowing a special provision for this particular school, despite their ineligibility under the general law, would increase pressure to allow similar exemptions for other districts.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2361**

Governor's Office, Sacramento  
September 12, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2361 without my signature.

This bill would create an exemption from the Outdoor Advertising Act by granting authority for a proposed not-for-profit arts academy to construct and lease a rooftop billboard along a section of landscaped freeway in the City of Los Angeles. AB 2361 would also preempt local ordinances regulating billboards in that city as well as bypass the neighborhood process specified for the Supplemental Use Districts in Los Angeles.

I recommend that the proponents of this measure avail themselves of the City of Los Angeles' applicable procedures.

Existing federal law, the Highway Beautification Act of 1965, requires states to monitor and control outdoor advertising adjacent to and within certain distances of the national system of highways. California's Outdoor Advertising Act of 1970 similarly regulates outdoor advertising and vests responsibility for enforcement of the

federal act with Caltrans. The intent of both acts is to protect the public investment in highways, promote the safety and recreational value of public travel, and to preserve scenic beauty.

California expends tremendous time and resources to preserve and beautify the State Highway System, through its maintenance, litter removal and landscaping operations. I am concerned that continued enactment of exceptions to the landscaped freeway provisions of the Outdoor Advertising Act will erode the effectiveness of this important statute.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 12th day of September 2002 at 2:01 p.m. of Assembly Bills Nos. 51, 1544, 1789, and 2361 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

LAWRENCE A. MURMAN  
Assistant Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 388**

Governor's Office, Sacramento  
September 15, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 388 without my signature.

This bill would request that the University of California conduct a study of the economic opportunities associated with the production of alternative fiber crops, including industrial hemp, flax, and kenaf.

There are a number of significant concerns regarding the legality of producing industrial hemp in the United States. The U.S. Department of Agriculture concluded that "legal issues currently preclude research into the viability of industrial hemp fiber production in the United States. In addition, the Drug Enforcement Administration applies the same strict controls to industrial hemp as it does to marijuana. That is, it is a Schedule I Controlled Substance under federal law. For these reasons, I am returning this bill without my signature.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2010**

Governor's Office, Sacramento  
September 15, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2010 without my signature.

This bill would require the Department of Health Services (DHS) to develop, by July 1, 2003, two consolidated application forms for specified clinics. One form would allow primary care clinics to apply for licensure and obtain a Medi-Cal provider identification number. The other form would allow specified clinics to apply for participation in any of various Medi-Cal programs. In addition, the DHS would be

required to submit a report to the Legislature on the effectiveness of the consolidated application procedure.

The purpose of this bill is to shorten the licensure and application times for certain clinics. However, the approach the bill takes would not achieve that result. The bill would allow clinics to obtain licensure and Medi-Cal participation with one form. However, existing law requires licensure as a predicate to participation in Medi-Cal. I do not think it appropriate that these two activities be performed simultaneously.

This bill would require 3.5 two-year limited term positions at a cost of \$203,000 (\$130,000 General Fund). It would not be fiscally prudent to increase General Fund expenditures in these times of economic uncertainty. For these reasons, I cannot support this legislation.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2208**

Governor's Office, Sacramento  
September 15, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2208 without my signature.

This bill would require the California Department of Aging (CDA) to develop and implement a procedure for the electronic transfer of funds to the area agencies on aging by July 1, 2003. This bill would result in estimated General Fund costs of \$256,000 in 2002–03 and \$105,000 annually thereafter for the CDA to comply with the provisions of this measure. These costs are not absorbable by the CDA.

While I support the intention of this bill to pay area agencies on aging accurately and promptly, I believe that this can be accomplished administratively without the need to spend additional limited General Fund resources. The State Controller is required under the Prompt Payment Act to process payments to the area agencies within two weeks. I encourage the Department of Aging and the State Controller's Office to work together to ensure that payments are mailed to the correct addresses.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2254**

Governor's Office, Sacramento  
September 15, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2254 without my signature.

This bill would make various clarifications, changes, and adjustments to current laws governing school district reorganizations. Among the more significant changes, the bill would: require county committees on school district reorganizations to hold public hearings on reorganization proposals from school boards; permit mail ballots for reorganization elections; and provide county committees with expanded authority to approve specified reorganization proposals.

By increasing the responsibilities of county committees, this bill could create new Proposition 98 General Fund costs through the imposition of reimbursable mandates. In this regard, I am particularly

concerned by the provision that would expand the circumstances in which county committees must hold public hearings to consider reorganization proposals.

Lastly, by providing county committees discretion to approve certain reorganizations, this bill may result in local entities using this authority to take actions that would not incorporate a statewide perspective on the funding and other ramifications of a reorganization. These decisions should be left to the State Board of Education, as it would provide a broader perspective on these matters.

For these reasons, I cannot support this bill.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2296**

Governor's Office, Sacramento  
September 15, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2296 without my signature.

This bill would require the Department of Mental Health (DMH) to examine problematic reporting requirements for mental health programs, to make recommendations to simplify these requirements, and to report to the Legislature no later than January 1, 2004. This bill would require the DMH to form a workgroup consisting of specified members.

This bill would result in costs to the DMH, and potentially the Department of Alcohol and Drug Programs, to establish a workgroup, review mental health services reporting procedures, and report recommendations to the Legislature. While this bill would make its provisions subject to the availability of resources already appropriated by the annual Budget Act, it would create pressure for the DMH to absorb unfunded workload. This is especially true since the bill requires that the DMH complete its work and submit a final report to the Legislature no later than January 1, 2004. Funds are not included in the budget for these activities. Furthermore, the pending elimination of vacant positions pursuant to the proposed budget and recent reductions to the DMH support budget likely will reduce the ability of the DMH to absorb the new duties within existing resources.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2740**

Governor's Office, Sacramento  
September 15, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2740 without my signature.

This bill requires the Department of Mental Health (DMH) to develop and implement a grant program to encourage each county to voluntarily develop a plan which identifies and addresses any mental health services needed for children in that county. This bill requires DMH to award grants on a competitive basis, and each county recipient of a grant to develop a mental health plan for children. This bill establishes specified goals for this plan. The bill also provides that

implementation of the provisions of the bill is *contingent* on an appropriation in the annual Budget Act of \$150,000 from the General Fund for the purposes of the program.

The \$150,000 General Fund contained in the 2002–03 budget for the purpose of this bill was vetoed because counties are already required to assess mental health needs and develop plans to meet those needs. Section 5772 of the Welfare and Institutions Code requires local mental health boards at the county level to complete these responsibilities. Since these bodies already exist and have the responsibility for developing plans to meet mental health needs and given the difficult fiscal situation of the state, I did not support the augmentation. Because implementation of this bill was contingent upon funding that has been vetoed, I cannot sign this bill.

Sincerely,

GRAY DAVIS

#### RECEIPT

I acknowledge receipt this 16th day of September 2002 at 9:34 a.m., of Assembly Bills Nos. 388, 2010, 2208, 2254, 2296, and 2740 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

#### **Veto Message—Assembly Bill No. 421**

Governor's Office, Sacramento

September 18, 2002

*To the Member of the California State Assembly:*

I am returning Assembly Bill 421 (Wayne) without my signature. This bill would delete requirements that the operator of recording equipment for the deposition of an expert witness may not have a financial interest in the action or be related to or employed by an attorney of any party, thus allowing an attorney or his or her employee or relative, to be the operator of the video equipment.

Although there is speculation that this bill would save money for California courts, I am not convinced that it ensures a neutral, unbiased video recording of expert witness depositions. There are many ways to manipulate a video recording to reflect the witness in a negative or unfavorable manner, and I believe that removing the requirement for a certified videographer would increase the chances of fraudulent video recordings.

I look forward to legislation in the future that would address these concerns, while also reducing litigation costs in California.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1638**

Governor's Office, Sacramento  
September 18, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1638 without my signature.

This bill assigns four additional representatives to the Long-Term Care Council, an entity currently housed within the California Health and Human Services Agency. Two of the representatives would be members of the Assembly, appointed by Speaker of the Assembly, and two of the representatives would be Senate members, appointed by the Senate Rules Committee.

Adding members of the Legislature to the council would significantly change the nature of the council, which acts as a coordinating body for departments within the Administration. Additionally, expanding the council in this manner during these tight fiscal times would provide additional strain on the already stretched staff support resources. Further, the Legislature has other methods of guiding California's long-term care policy. In particular, the Assembly operates a standing committee on Aging and Long-Term Care, and the Senate maintains a subcommittee to address these issues. These bodies may conduct a variety of activities, including developing recommendations, issuing reports, and holding hearings that have contributed to policy discussions in the past and will continue to influence long-term care discussions in the future.

It is for these reasons that I am returning this measure to the Assembly.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1916**

Governor's Office, Sacramento  
September 18, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1916 without my signature.

This bill would, until January 1, 2008, codify an existing Board of Equalization regulation that allows a sales and use tax exemption for lancets and blood glucose test strips that are furnished by a registered pharmacist. In addition, it would expand the regulation by allowing the exemption for these items, regardless of whether or not they are furnished by a registered pharmacist.

I am sympathetic to those who have a legitimate medical need for lancets and glucose test strips and whose medical treatment is under the supervision of a medical doctor. However, those persons may already purchase these products from a pharmacist without paying sales tax on these products.

I am therefore vetoing this bill because it would continue to erode the tax base and could result in annual General Fund revenue losses in excess of \$1 million.

Sincerely,

GRAY DAVIS



**Veto Message—Assembly Bill No. 1973**

Governor's Office, Sacramento  
September 18, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1973 without my signature.

This bill would exempt kindergarten classes maintained by the Castaic Union School District from the provision of law that reduces a district's apportionment for providing fewer instructional minutes than was provided in the 1982–83 school year. The District seeks a reduction in kindergarten classroom time from 232 to 210 minutes per day but wants to retain the financial incentives provided for longer classroom time.

I am very sympathetic to the overcrowding experienced by the District, and the resulting kindergarten overlap in the classroom. However I am concerned about the precedent and the pressure to exempt more districts that would be created by signing this bill. The cost to the state for this 10% reduction in classroom time would be \$150,000 per year.

Last year, I approved Senate Bill 178 (Chapter 573, Costa) that provided modifications to the instructional time penalties, in part, to also reduce requests for exemptions for districts that fail to maintain the base year instructional time. Considering the state's severe \$24 billion shortfall, I believe those modifications were a reasonable step to assist school districts such as Castaic Union.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2001**

Governor's Office, Sacramento  
September 18, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2001 without my signature.

This bill would require the Curriculum Development and Supplemental Materials Commission to (a) examine high school ethnic studies, (b) identify ways to train teachers to work effectively with diverse pupils and encourage respect for diversity in the classroom, and (c) submit a report with specified information (including recommendations for establishing a new ethnic studies course at the high school level) by January 1, 2004.

While I support encouraging respect for diversity and educating children about the impact of California's different ethnic groups, this bill is duplicative of existing efforts. Current law specifically requires instruction about various ethnic groups and existing teacher training programs already train teachers in how to work with pupils from diverse backgrounds. In addition, existing state academic content standards and curriculum frameworks include substantial discussion of the history and contributions of various ethnic groups, and how to implement programs teaching this information.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2128**

Governor's Office, Sacramento  
September 18, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2128 without my signature.

This bill would provide the Hot Springs Elementary School District (HSESD) with \$100,000 for the Hot Springs Elementary School in addition to the revenue limit funding generated by the school's average daily attendance (ADA), as long as the school's average daily attendance does not exceed 28.

This district receives a necessary small school (NSS) apportionment, which provides it with greater levels of funding per ADA than districts normally receive. Because the district's enrollment declined to 23 students, their NSS apportionment declined by \$95,000. The district's request to maintain the current revenue enhancement of \$197,150 is certainly understandable, but I cannot justify amending current NSS funding provisions for the benefit of the district. The NSS funding levels increase annually by the statewide average growth in district revenue limits per unit of ADA, and the funding levels have kept pace with revenue limit augmentations.

Further, the state is facing a \$24 billion revenue shortfall. Providing enhanced funding for HSESD will create pressure to fund augmentations for other districts in similar circumstances.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2175**

Governor's Office, Sacramento  
September 18, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2175 without my signature.

This bill would require the Office of Planning and Research (OPR) to develop and adopt guidelines for addressing human services matters within the context of a local government's general plan with the objective of improving the overall quality of life of both the targeted community members and the community. This certainly is a worthy objective.

However, most departments and agencies, including OPR, have experienced budget reductions for 2002–03. To accomplish the objective of this bill unfortunately would require an unbudgeted General Fund appropriation of \$100,000. In light of the State's current fiscal situation, we must restrain funding for new programs. Therefore I am returning this bill without my signature because it would result in increased General Fund costs at a time when existing programs are being reduced.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2305**

Governor's Office, Sacramento  
September 18, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2305 without my signature.

This bill would require the Department of Health Services (DHS) to provide to a beneficiary starting at age 55 an itemization of the cost of the medical services paid by Medi-Cal.

Under current law, the federal government will not reimburse the state for the cost of providing an itemized cost information statement to a beneficiary unless it is directly related to the administration of the Medi-Cal program such as suspected provider fraud. The federal Center for Medicaid Services has indicated to DHS that requests for claim detail information in anticipation of an Estate Recovery (ER) claim are not authorized as no ER claim exists until the beneficiary is deceased and therefore such requests are for estate planning and not related to administration of the Medi-Cal program. As a result, the bill states it cannot be implemented unless federal funding participation is available.

However, such fee-for-service information is currently available to Medi-Cal beneficiaries at their own cost through Electronic Data Systems, the Medi-Cal fiscal intermediary, for a fee of \$25 for the three most recent years (maximum of 6 years), but limited to requests for legitimate Medi-Cal related administration, such as cases of suspected fraudulent billing. The bill, however, does not allow the state to charge a fee for the itemization required by the bill. As a result, if the state could obtain a waiver from the federal government for release of such information for a broader range of purposes than is currently allowed, the state would have to pay for 50% of the cost, resulting in an estimated cost of \$1.8 million (\$900,000 General Fund) and six positions.

These funds were not budgeted in the 2002–03 budget and I am unable to support the expenditure of new, discretionary General Fund resources.

For this reason, I cannot sign this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2333**

Governor's Office, Sacramento  
September 18, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2333 without my signature.

This bill would require the Southern California Association of Governments to provide a fair share distribution of the burdens of commercial aviation when compiling the aviation component of its Regional Transportation Plan. The bill would also require the Association to adhere to the principles of environmental justice.

I concur with the author that the potential adverse impacts of airport expansion require the consideration of regional strategies to decentralize aviation demand. This demand will likely be met by the expansion of existing commercial airports and the development of former military air bases. However, the term "fair share distribution" of

commercial aviation burdens is not defined in this bill. As such, I am concerned the Association's interpretation may be vulnerable to challenge by other regional participants.

While this bill is intended to bring about a more balanced distribution of the expected increase in aviation traffic, it also ignores the will of many Orange County residents. On two occasions the voters have rejected a new international airport at the former El Toro Marine Base. In addition, this bill imposes additional requirements upon the Association, resulting in a state mandated local program at a time when we must avoid the costs of expanded initiatives.

For these reasons I am unable to sign this legislation.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2363**

Governor's Office, Sacramento  
September 18, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2363 without my signature.

This bill would require four members of the State Board of Education (SBE) to meet specified qualifications and require the SBE to comply with certain notice requirements regarding its public meetings.

This bill would reduce the flexibility of a Governor to appoint members that are highly qualified and have diverse experience and insight and are dedicated to improving student achievement, but do not meet the criteria specified in the bill.

Moreover, I am proud of the world class academic standards adopted by the current Board.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 19th day of September 2002 at 1 p.m., of Assembly Bills Nos. 421, 1638, 1916, 1973, 2001, 2128, 2175, 2305, 2333, and 2363, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

LAWRENCE A. MURMAN  
Assistant Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 2521**

Governor's Office, Sacramento  
September 18, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2521 without my signature.

This bill would require that any traffic signal that is installed or replaced be equipped with detectors that are capable of detecting bicycles and motorcycles as well as other motor vehicles.

While I recognize the merits of this measure, I am vetoing this bill because it would result in unknown reimbursable state-mandated costs on local government by requiring them to install these new detectors. I

would also note that local governments and the Department of Transportation are already free to use the detectors required in this bill.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2616**

Governor's Office, Sacramento  
September 18, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2616 without my signature.

This bill would state legislative intent that the Trustees of the California State University (CSU) fund programs to increase the number of teachers qualified to serve blind and visually impaired pupils, through means that include the delivery of off-campus instruction through interactive television and the internet.

This bill's goal of encouraging the California State University to increase the number of preparation programs for teachers who serve blind and visually impaired pupils is meritorious. However, enactment of this bill would create a General Fund cost pressure in excess of \$1.5 million for CSU that is not included in the 2002–03 State budget, and that CSU indicates is not absorbable.

In view of the State's current fiscal situation, I am unable to support this otherwise worthy legislation that would create a cost pressure of this magnitude.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2642**

Governor's Office, Sacramento  
September 18, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2642 without my signature.

While I agree with Assemblymember Maddox that the elimination of paper filings may be the next logical step with regard to the Online Disclosure Act, I must concur with the Fair Political Practices Commission's argument that they, not the Secretary of State, are the proper authority to determine when paper filings with local offices are no longer needed.

The FPPC's Enforcement Division relies on local filings to substantiate candidate contentions that campaign statement filings were made timely. Since the FPPC can recommend substantial fines, it is incumbent upon them to thoroughly investigate and determine that the filing was timely. The FPPC cites occasions when the Secretary of State's office could not produce an original filing, but one was found at the local filing office, establishing the date of the filing.

As it is better to err on the side of caution, local filings should continue until the FPPC determines that they are no longer necessary.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2676**

Governor's Office, Sacramento  
September 18, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2676 without my signature.

This bill would require the governing board of each school district to discuss, at a regularly scheduled meeting, the Academic Performance Index (API) ranking and scores on the STAR, English Language Development, and local assessments for every school in the district's jurisdiction. This bill also would require the agenda for that meeting to include a discussion of STAR test results for each school by grade level.

I am supportive of providing information to parents and the general public regarding a school's academic performance, which is why the State's assessment and accountability systems provide a great deal of information regarding performance at the school, district, and state levels. Additionally, the governing boards of school districts are currently required to discuss a school's API ranking. The structure and content of those discussions is left for local districts to decide so that they may focus on issues that are specific to them. As such, the need for this bill is unclear. I also am concerned that this bill constitutes a state mandate for activities the District already performs, with a cost estimated by the Department of Finance to be in excess of \$800,000 per year.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2894**

Governor's Office, Sacramento  
September 18, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2894 without my signature.

This bill would exempt the Manchester Union Elementary School District (MUESD) from the provision of law requiring a district to continue offering the number of instructional minutes it provided in 1982–83 and allow the MUESD to retain its incentive funding.

Last year, I signed legislation (SB 178, Costa, Chapter 573, Statutes of 2001) to address this type of issue related to the Longer Day and Year Incentive Program by allowing a district to only lose revenue limit funding in proportion to the percentage of unoffered time. Prior to SB 178, districts would have lost their incentive funding and all cost of living adjustments since the initial receipt of the incentive funding.

This bill would unfairly reward the MUESD for failing to meet its commitment to provide additional instructional time. While I am sympathetic to the MUESD's desire for flexibility, the state cannot continue to pay incentive funding, if the district does not meet the

criteria for longer instructional time. Additionally, it would be unfair to those districts that chose not to participate in the incentive funding in 1982–83, because they wanted to retain their flexibility.

Moreover, at a time when teachers are using every minute of instructional time to teach students to meet the state standards, I am unable to support decreasing instructional time.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2899**

Governor's Office, Sacramento  
September 18, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2899 without my signature.

This bill would establish a pilot project administered by the Judicial Council to evaluate the effectiveness of homeless courts. The participating courts, prosecutors, and defense attorneys would be required to conduct outreach at homeless shelters and service agencies for the homeless and sponsor special courts sessions to address the cases and problems related to homeless people accused of a crime.

Actions or cases related to homeless people are already within the responsibility of the established court system. It is not clear that further delineation of areas of responsibility within the court is necessary, and such delineation could result in inefficiencies and duplication of efforts.

In addition, establishing the program proposed by this bill would result in General Fund costs of more than \$1 million over 3 years and a reimbursable State-mandated local program. Given the State's \$24 billion deficit, I cannot reasonably justify the use of General Fund resources at this time. It is my hope that the State's Trial Courts attempt to fund a pilot project using existing resources.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 19th day of September 2002 at 1 p.m., of Assembly Bills Nos. 2521, 2616, 2642, 2676, 2894, and 2899, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

LAWRENCE A. MURMAN  
Assistant Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 2027**

Governor's Office, Sacramento  
September 19, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2027 without my signature.

Current law authorizes school districts to operate programs of multi-track year-round education (MTYRE) scheduling, including the Concept 6 MTYRE schedule, in which a district operates for as few as

163 days in each fiscal year. Effective July 1, 2008, this bill would eliminate only the option of Concept 6 MTYRE scheduling for school districts.

This bill would result in significant cost pressure at the state and local level to fund the costs associated with consequences of eliminating Concept 6 MTYRE, including the costs associated with providing additional school facilities and the need for additional teachers. The Department of Finance estimates those costs could result in hundreds of millions in additional General Obligation bond dollars and General Fund costs. Moreover, this bill would result in a significant loss of local flexibility for school districts operating a Concept 6 MTYRE schedule. The State Department of Education has indicated that there are approximately 344,000 students attending school districts that operate Concept 6 MTYRE schedules. Given the fiscal and resource implications associated with eliminating Concept 6 MTYRE, and the increase in resources required to provide the same level of classroom availability, I believe that school districts should continue to have discretion in choosing their own education program schedule.

For these reasons, I am unable to sign this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2069**

Governor's Office, Sacramento  
September 19, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2069 without my signature.

This bill would (a) require the Superintendent of Public Instruction to administer a pilot program for five schools to provide a course on leadership in grades 6 to 8 and (b) appropriate \$100,000 (Proposition 98 General Fund) for that purpose.

I share the author's belief in the value of teaching leadership skills to California's youth. However, school districts are already able to provide a leadership course at their discretion. I encourage them to do so.

The state faces a severe fiscal shortfall of \$24 billion and this bill seeks an unbudgeted General Fund appropriation. When our fiscal condition improves I would consider legislation establishing a pilot program on leadership skills.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2759**

Governor's Office, Sacramento  
September 19, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2759 without my signature.

This bill would require each school district serving grade 12 to (1) annually request county election officials to furnish schools with a voter registration card for every graduating senior; (2) distribute voter registration cards with each pupil's diploma; (3) establish procedures for handling the cards; and (4) provide a written notice informing students about eligibility and processing. In addition, the bill would



encourage schools requiring students to perform community service to allow participation in elections-related events to fulfill those service requirements.

While I support the author's efforts to encourage voter registration among graduating seniors, this bill would impose state-mandated costs on school districts of at least \$500,000. In addition, the Secretary of State currently provides a voting information curriculum to California high schools. Furthermore, I believe student groups or other civic groups should undertake voter registration activities instead of the State mandating this activity.

Because of the unbudgeted costs of this well-intentioned bill, and because of the current fiscal condition of the state, I am unable to sign AB 2759.

Sincerely,

GRAY DAVIS

#### RECEIPT

I acknowledge receipt this 20th day of September 2002 at 1:30 p.m., of Assembly Bills Nos. 2027, 2069, and 2759, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

#### **Veto Message—Assembly Bill No. 552**

Governor's Office, Sacramento

September 22, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 552 without my signature.

This bill would create an advisory committee, headed by the Director of the Office of California-Mexico Affairs and the Secretary of the Technology, Trade, and Commerce Agency, to study the establishment of a California-based international development program with Mexico to assist community-based groups perform economic development projects in Mexican migrant regions.

This bill would attempt to address factors that could eventually reduce immigration from Mexico by supporting technical assistance to stimulate economic development in Mexico. Migration is certainly an issue of real interest to California; however, the issue of development in foreign countries, even those that neighbor California, is a federal, not state, responsibility. In addition, the study envisioned by this bill could create an expectation for future State funding.

I am proud of the strong relationship that my Administration has forged with Mexico on a wide range of topics and I intend to build upon these successes in the future. However, for the reasons stated above, I cannot sign this legislation.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 748**

Governor's Office, Sacramento  
September 22, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 748 without my signature.

This bill would require the Bureau of State Audits to conduct an analysis of the effectiveness and fiscal status of the Cal-Vet program, including projections for future needs, revenues, and reserves to meet the financial obligations of the program. I am very proud of the progress we have made in assisting our brave veterans, and am particularly gratified that the Legislature has allowed me to sign legislation that will result in the construction of five new veterans homes throughout California.

I do not think, however, that it is appropriate for the Department of Veterans Affairs to pay for a study by the Bureau of State Audits. In keeping with the intent of this measure, I am instead directing the Inspector General, within existing resources, to undertake an analysis of the Cal-Vet program, using the same criteria described by this bill, and report his findings to me by January 1, 2004.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 843**

Governor's Office, Sacramento  
September 22, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 843 without my signature.

This bill would require the Department of Health Services (DHS) to develop and implement an electronic enrollment confirmation process for the purpose of confirming continuous 12-month Medi-Cal eligibility for newborn children born to a Medi-Cal recipient, and would establish the Newborn Children Electronic Confirmation Fund.

This bill does not expand Medi-Cal eligibility, as newborn children born to Medi-Cal recipients are currently deemed eligible to receive Medi-Cal benefits continuously for the first twelve months once the parent notifies the county. These infants are covered under the mother's Medi-Cal identification card for the first two months, and are qualified to receive health care treatment within the Medi-Cal program.

Many of these infants are currently receiving health care either through Healthy Families or the Child Health and Disability Prevention program (CHDP). The proposed 2002 budget includes funding to implement the CHDP gateway program. The purpose of the gateway program is for all eligible infants to be enrolled in Medi-Cal automatically; thus ensuring that all eligible infants have access to quality health care. I am concerned that this bill would result in increased expenditures and would not increase access to health care for California's children. The Department of Finance estimates one time additional costs of \$1 million and ongoing additional costs of \$2 million a year.

Furthermore, there are existing methods for enrolling newborn children in Medi-Cal. Hospitals, midwives, and facilities where newborns are served use the Newborn Referral Form to report the newborn's birth to the county welfare's department. In addition, the

mother or father could report the birth to the mother's eligibility worker, who in turn would include the baby in the mother's Medi-Cal case file. By using existing methods, the State would not incur any financial liability, including ongoing system costs once the electronic process is developed and implemented, and for the additional State staff resources that would be required.

Given the recent \$24 billion state revenue shortfall, I believe it is not in the best interests of Californians to increase State expenditures for both one-time and ongoing system changes when the CHDP gateway program will accomplish the same purpose.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2380**

Governor's Office, Sacramento

September 22, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2380 without my signature.

Group homes house children with diverse needs and their operators and staff are required to have appropriate training. Current regulations mandate that an Administrator for a group home of 6 or less beds without a Master's degree in a behavioral science will have a certain number of years of administrative and/or supervisory experience over staff that provide direct services to children in an agency with a licensed capacity of 7 or more.

Assembly Bill 2380 would allow experience obtained at a community care facility with a licensed capacity of six or more to satisfy the above-described work experience requirement.

I see no reason, at this time, to weaken California's standards.

The California Department of Social Services currently has authority to grant exceptions to regulatory requirements on a case by case basis. This provision allows the Department to carefully weigh each requested exception to make a determination based on the specific experience and education of staff. The Department also looks at the facility's compliance record and other factors before granting an exception. Exceptions to current standards should be considered on a case by case basis so that the most qualified persons administer group homes.

I cannot support this bill without additional data. I am therefore requesting that the Department track information on waivers and exceptions for the next year. Such information shall include the number of waivers and exceptions requested; the specific reason for the waiver or exception request; the number that were approved; the conditions of the approval; the number that are denied; and reasons for denial.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2514**

Governor's Office, Sacramento  
September 22, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2514 without my signature.

This bill would require the California Department of Social Services, in consultation with Department of Alcohol and Drug Programs to establish a joint committee to study issues relating to substance abuse in families in child welfare programs. This committee would develop and submit a plan to the Governor and Legislature no later than January 1, 2004.

While I support the concept of this bill, its purpose can be carried out through existing administrative structures within these Departments. In addition, the tasks outlined in this bill are being reviewed by the Child Welfare Stakeholders Group that I convened two years ago and that is currently working on system evaluation activities directly to those proposed in this bill.

Due to the \$24 billion dollar budget shortfall, it would not be prudent to incur the additional costs necessary to establish yet another committee to carry out tasks that can be accomplished by the existing Stakeholders Group.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2721**

Governor's Office, Sacramento  
September 22, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2721 without my signature.

This bill would require the Department of Health Services (DHS), in conjunction with the Department of Education (CDE), to conduct a study on expanding access to dental health services for children. The bill would require the study to be delivered to the Legislature within 24 months from the date that private funding to undertake the study is secured.

While the goals of this bill are laudable, it is very likely that the study would create General Fund pressure to provide additional funding for dental health care for children. Over the last 4 years the state has greatly expanded access to dental health care for children with the Healthy Families and Medi-Cal for Children programs which have together provided health insurance for 1 million additional children. Given our \$24 billion dollar deficit, we must concentrate on maintaining the services we are already providing.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2739**

Governor's Office, Sacramento  
September 22, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2739 without my signature.

This bill would create statutory requirements regarding culturally and linguistically appropriate services for health plans contracting with the State under the Healthy Families program or the Medi-Cal program to provide services to plan beneficiaries.

California is a vibrant multicultural and multilingual society. I support efforts to ensure that government services appropriately account for the many languages spoken in California. The Department of Health Services and the Managed Risk Medical Insurance Board already require contracting health plans to provide language services. Requiring cultural and linguistic competencies in the contracting process is less rigid than statute; especially if such requirements are likely to be amended or strengthened over time. While I am supportive of the goal of this bill, I prefer such standards to remain in the purview of the contracting process.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2795**

Governor's Office, Sacramento  
September 22, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2795 without my signature.

This bill would require the Department of Health Services (DHS), when denying a request for prior authorization for inpatient acute hospital services, to include specific detailed information in a written denial notice. This bill would result in a cost of \$2.8 million (\$698,000 General Fund) and 29 positions not included in the current budget.

This bill represents a reasonable goal. However, with 7,000 positions to cut and a \$24 billion budget deficit, all of our efforts and scarce dollars must go toward maintaining existing services at this time.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 3004**

Governor's Office, Sacramento  
September 22, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 3004 without my signature.

AB 3004, proposed as trailer bill legislation to the 2002–03 Budget Bill, would defer for one year a repayment of a Natural Disaster loan borrowed by the City of Millbrae from the Office of Emergency Services (OES). No interest would compound on the principal amount due during the time of deferment.

I am vetoing this bill because it would delay the receipt of revenues during a time of fiscal constraint, establish a precedent by which other local governments could request similar extensions from repayment of

disaster loans owed to the State, and is premature since payment is not due during the 2002–03 fiscal year.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 23rd day of September 2002 at 9:33 a.m., of Assembly Bills Nos. 552, 748, 843, 2380, 2514, 2721, 2739, 2795, and 3004, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 323**

Governor's Office, Sacramento

September 26, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 323 without my signature.

This bill would require the State Department of Education (SDE) in conjunction with the Department of Finance (DOF) and the Legislative Analyst Office (LAO) to conduct a study to examine and assess the special education and funding needs of students who are enrolled in juvenile court schools.

I believe that current law affords the same access to special education services to students enrolled in juvenile court schools as those students enrolled in any other setting. Thus, I am concerned that this bill could inadvertently create a situation where students in juvenile court schools would receive benefits or services not available to students in other settings. I would also note that the revenue limit funding for juvenile court schools is already substantially higher than the amount provided for local district schools.

Finally, I am concerned that this bill would result in the diversion of \$200,000 of budgeted special education federal funds from local assistance needs to state operations. I believe priority should be placed on maximizing the amount of funding available for serving all special education students at the local level.

For these reasons, I am unable to support this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 481**

Governor's Office, Sacramento

September 26, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 481 without my signature.

This bill would require a credentialed school nurse or other licensed nurse, or in the absence of a nurse, teachers who have volunteered and school administrators with appropriate DHS-approved training, to administer insulin or glucagon and perform testing and monitoring of a pupil's blood glucose level in accordance with instructions set forth by the pupil's physician. Designated school personnel would be prohibited

from being required to administer assistance to pupils with diabetes unless the parent or guardian has signed a waiver of liability. In addition, pupils can test their blood glucose level and provide diabetes self-care in any area of the school or during school-related activities at the request of a parent or guardian and with physician authorization.

Existing law already provides that any pupil who is required to take prescription medication during the regular school day *may* be assisted by school personnel if a written statement is obtained from a physician and a written request is made by the pupil's parent/guardian.

This bill, while well-intentioned, would create a costly new state reimbursable mandate estimated by the Department of Finance to be potentially tens of millions of dollars. Neither this bill, nor the 2002 Budget Act contains an appropriation for this purpose. In addition, I am advised by school district personnel that the immunity from liability language may protect neither the school district or school personnel from liability.

For these reasons, I cannot sign this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 634**

Governor's Office, Sacramento

September 26, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 634 without my signature.

This bill, commencing July 1, 2004, makes the compulsory education law apply to a child (and the parents or guardian of the child) between the ages of 5 and 6 years, if the child is enrolled in a public school kindergarten that accepts children under six years of age, and attends the kindergarten for at least 30 days during the school year.

I commend the author for his interest in early childhood education. However, I am concerned that this bill would unduly restrict a parent's or guardian's education choices for their children, I believe parents should retain the right to choose an education program for their 5-year old children.

Additionally, the state is already poised to study the effect of similar policy through AB 25, (Chapter 1022, Statutes of 2000). This bill creates the Kindergarten Readiness Pilot Program, a voluntary project, to test the effectiveness of providing kindergarten-readiness programs and increasing the age of entry to kindergarten. AB 25 also requires an independent evaluator to submit a final report by January 1, 2008. Therefore, it would be premature to sign AB 634 prior to receiving the results of the evaluation.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 687**

Governor's Office, Sacramento  
September 26, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 687 without my signature.

This bill requires any Local Emergency Medical Services Agency (LEMSA) that has established an Emergency Medical Services Program, but has not implemented a trauma care system by July 1, 2003, to develop and implement a trauma care system by January 1, 2005. The bill states that previous funds provided for the development of trauma plans are intended to offset the costs of the State-mandated local program established by this measure.

Local trauma system planning is inherently a local responsibility. Nonetheless, I have actively supported trauma care planning through a one-time \$2.5 million augmentation in the 2001–02 Budget Act and trauma center funding through \$20–\$25 million augmentations in the last two budgets. The funding for trauma care planning was optional for counties and I am pleased that all but two counties that were eligible submitted planning proposals. However, this bill makes such planning and implementation mandatory for counties and as such creates a state-mandated local program.

The planning funds in the 2001–02 budget were one-time in nature but the Department of Finance indicates this bill will incur ongoing state General Fund costs of up to \$9.7 million annually by 2005–06. I cannot support the imposition of a state-mandated local program at significantly increased General Fund cost during this time of fiscal uncertainty.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1652**

Governor's Office, Sacramento  
September 26, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1652 without my signature.

This bill would exempt private relocation assistance payments from eligibility determinations and aid payment calculations for recipients of CalWORKs, In-Home Supportive Services (IHSS), Medi-Cal, and other public assistance programs.

This bill would expand the CalWORKs, IHSS, and Medi-Cal programs by extending benefits to additional individuals and increasing the amount of the CalWORKs assistance payment that some families receive. Because the budget allocates the entire amount of available federal Temporary Assistance for Needy Families Block Grant and State maintenance-of-effort (MOE) funds for support of the CalWORKs program, this bill would result in General Fund costs above the federally-required MOE level. While this bill has merit, given the reduction in General Fund revenues, I cannot support an expansion of the CalWORKs, IHSS, and Medi-Cal programs.

Sincerely,

GRAY DAVIS



**Veto Message—Assembly Bill No. 1776**

Governor's Office, Sacramento  
September 26, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1776 without my signature.

This bill would permit a Board of Supervisors to fill a vacancy on that board if the Governor has failed to do so within 180 days. This bill would apply only to counties with a population of 50,000 or less. The Board of Supervisors could either fill the vacancy by appointment or by calling a special election.

The Governor is statutorily charged with appointing a supervisor if a vacancy occurs. I believe this authority should remain with the Governor unless he or she chooses to relinquish it, which I do not.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1794**

Governor's Office, Sacramento  
September 26, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1794 without my signature.

This bill would:

- Authorize an adult education program to offer supplemental instruction in preparation for the California high school exit examination (CAHSEE), notwithstanding any other provision of law, exclusively to a person who completed grade 11, and be reimbursed for instruction hours through the supplemental instruction program currently provided for pupils enrolled in grade 7 through 12.
- Authorize reimbursements from supplemental instruction entitlements for pupil hours attributable to any adult or high school student enrolled in supplemental instruction in preparation for the CAHSEE. It is unclear whether the reimbursement could be claimed by the adult education program or the regular K–12 district.
- Increase the percent of adult education funds that could be provided for alternative methods of delivery, such as distance education and independent study from 5 percent to 10 percent.
- Require that any pupil who successfully passes the CAHSEE after completing grade 12 be eligible for a regular high school diploma.

I am concerned that this bill would create Proposition 98 General Fund costs in the tens of millions of dollars annually by allowing Adult Education programs to receive funding provided to the Supplemental Instruction Program. Furthermore, it appears that adult education programs would be authorized to receive both adult education funds and supplemental instruction funds for any adult, as well as grade 12 students enrolled in adult education courses designated as CAHSEE preparation. Such an incentive of double funding for the same student

could lead to districts redefining related existing courses as CAHSEE preparation to gain additional funding for course that they already provide.

Furthermore, by authorizing grade 11 completers to enroll in adult education programs for CAHSEE preparation *notwithstanding any other provision of law*, this bill appears to waive existing laws that cap the level of concurrently enrolled and funded high school students in adult education programs. This change would erode adult education reforms of the early 1990s, further increasing state costs per student.

I would also note that by increasing the percentage of adult education funds that could be delivered through alternative instructional methods, this bill is inconsistent with recent policies governing independent study to reduce funding and discourage its expansion. I am not aware of any evidence demonstrating that alternative methods of delivering instruction are more effective than classroom instruction and therefore believe that the existing five percent cap is warranted.

For these reasons, I am unable to support this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1905**

Governor's Office, Sacramento

September 26, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1905 without my signature.

This bill would establish a three year pilot program whereby the State Department of Education would select one school district each from the counties of Contra Costa, Merced and San Bernardino to provide for the screening of 7th grade female and 8th grade male pupils for the risk of developing type 2 diabetes mellitus (DM II).

A statewide program of this nature could result in Proposition 98 General Fund costs in the millions of dollars annually. Given the state's current fiscal situation, I believe that expansion of state-reimbursable local mandates should be held to a minimum.

Further, as I have stated previously, governing boards of local educational agencies have a clear statutory responsibility to give diligent care to the health and physical development of pupils as well as the authority to determine their staffing needs consistent with fulfilling this obligation. I continue to believe that school health staffing needs are determined at the local level based on local priorities and should remain so. For these reasons, I cannot sign AB 1905.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1959**

Governor's Office, Sacramento  
September 26, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1959 without my signature.

AB 1959 significantly alters the CalWORKs 18- or 24-month welfare-to-work participation period by allowing Alameda, San Diego, Santa Clara and Ventura counties, at their option, to implement a pilot project in which CalWORKs recipients in an approved registered nurse training program would be allowed to remain in that program for a cumulative period of up to 48 months, after they sign their initial welfare-to-work plans. Under current law, educational or training hours only count towards the first 18–24 months of CalWORKs, after which time the recipient must meet their work participation requirement solely through employment and/or community service. These recipients would be able to receive more time for education and training than recipients that are preparing for careers in other occupational fields.

This bill would also change the 18- or 24-month time limit by requiring that it be extended for a period of up to 12 months for participants diagnosed as having a physical, mental, or emotional condition or learning disability that prevents full-time employment. Additionally, CalWORKs recipients with learning disabilities already receive credit towards the 18- or 24-month time limit if the disability is determined after the person became a CalWORKs recipient.

This bill may also impact the state's ability to meet federal work participation requirements, by allowing extended participation in educational and training activities. Program costs will increase because of the lengthier participation in activities and the delay of participants' entry into the labor force.

Because the budget allocates the entire amount of available federal Temporary Assistance for Needy Families Block Grant and State maintenance-of-effort (MOE) funds for support of the CalWORKs program, this bill would result in General Fund costs above the federally-required MOE level. Given the significant reduction in General Fund revenues, I cannot support an expansion of the CalWORKs program. Further, I have committed \$60 million for a Nurse Workforce Initiative. This initiative is intended to address the shortage of nurses in California through training, recruiting, and retention programs.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2136**

Governor's Office, Sacramento  
September 26, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2136 without my signature.

This bill requires the Superintendent of Public Instruction (SPI) to appoint a State School Health Advisory Council (SSHAC) to identify model school health services programs and practices that directly serve students by January 1, 2004. The bill appropriates \$144,000 General Fund for this purpose.

I signed SB 19 in 2001 which established the "Pupil Nutrition, Health, and Achievement Act of 2001," to improve the nutrition and eating habits of California's school children. Furthermore, the state already provides school health services through a variety of programs including, Healthy Start, the Comprehensive School Health Program, the Child Health Disability Prevention Program, and the Offices of School Health Connections.

The cost pressure associated with the council's required recommendations could easily reach into the hundreds of millions of dollars annually. Further, neither the bill's \$144,000 non-Proposition 98 General Fund appropriation nor the cost of the additional workload at the SDE is included in the Budget totals. Given the State's difficult fiscal condition, I cannot support legislation that creates expectations for significant future increases in funding.

Sincerely,

GRAY DAVIS

**RECEIPT**

I acknowledge receipt this 27th day of September 2002 at 10:36 a.m., of Assembly Bills Nos. 323, 481, 634, 687, 1652, 1776, 1794, 1905, 1959, and 2136, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 2212**

Governor's Office, Sacramento  
September 26, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2212 without my signature.

This bill would authorize the Santa Cruz County Office of Education, in collaboration with the California Center for Baldrige in Education, to establish a pilot program for twelve schools to train educators in the development and use of individualized pupil data portfolios. This bill would appropriate \$165,000 in federal Title II funds to conduct the pilot.

I am in agreement with the author on the need to train educators in the use of assessment data to assist students in meeting academic achievement goals. To that end, I am supportive of the State Board of Education's initiative to use \$1.3 million in funding to provide statewide staff training on the use of student performance data through the Standardized Testing and Reporting program. I believe that it is more prudent to provide an opportunity to establish that program which

would benefit all local education agencies, rather than to redirect federal funds away from other staff development priorities for a pilot that appears to be duplicative of existing efforts.

In addition, while this pilot program would be funded by redirecting federal funds from existing programs, the bill creates future General Fund (Prop 98) pressures of nearly \$100 million to provide this training statewide.

Given the State's severe financial shortfall, I cannot sign this bill.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2240**

Governor's Office, Sacramento  
September 26, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2240 without my signature.

This bill would require additional activities for the local child support agencies by making changes to the current paternity establishment process, including a requirement that the summons and complaint be personally served on the alleged father in any action to establish paternity. In addition, the bill would expand the court's ability to set aside default paternity judgments based on genetic testing and upon determination of the best interest of the child.

The intent of AB 2240 is to provide relief to individuals who are victims of paternity fraud. I recognize that paternity fraud is a serious issue and has the potential of damaging an individual's livelihood. However, AB 2240 is flawed in its attempt to address this issue.

Personal service, as required in the bill, would establish a higher standard of service for paternity actions than all other civil actions. This higher standard does not directly address paternity fraud or prevent fraud in the future but instead would adversely impact the establishment of paternities. Thousands of paternity judgments are established timely each year by serving individuals by substitute service or by mail. The bill's requirement of personal delivery service would severely delay this process, but more important, would provide biological fathers the ability to evade service of process, preventing the establishment of paternity in the majority of these cases and allowing the avoidance of parental responsibilities. This would directly impact child support collections and would jeopardize California's ability to meet federally required performance measures putting California at risk of losing up to \$40 million in federal funds.

In addition, AB 2240 has substantial federal compliance problems that would adversely affect California. The bill's requirement of a paternity questionnaire, signed by the mother, would prevent the filing of a paternity action in cases against the father if the mother is deceased or unavailable, or if she simply refuses to cooperate. This would prevent moving ahead on cases even if other evidence establishes paternity. This would also apply to foster care cases where federal law requires the establishment of paternity and child support. AB 2240 would prevent

California from proceeding on a large number, if not most, of foster care cases, putting California out of compliance with federal law.

Therefore, I direct the Department of Child Support Services to work with the Legislature and advocates on both sides of this issue to develop recommendations that will address paternity fraud.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2386**

Governor's Office, Sacramento  
September 26, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2386 without my signature.

This bill would create an exemption from the CalWORKs work participation requirement for recipients who are enrolled in an educational, vocational, or job training program and have been diagnosed with a physical, mental, or emotional condition or learning disability that prevents full-time participation in or completion of the program.

This bill would expand the CalWORKs program by allowing certain CalWORKs recipients to remain on aid for longer periods of time than they would under current law. It could also hinder the ability of the State to meet the federally-required work participation rate. Because the budget allocates the entire amount of available federal Temporary Assistance for Needy Families Block Grant and State maintenance-of-effort (MOE) funds for support of the CalWORKs program, this bill would result in General Fund costs above the federally-required MOE level. Given the significant reduction in General Fund revenues, I cannot support an expansion of the CalWORKs program.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2395**

Governor's Office, Sacramento  
September 26, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2395 without my signature.

This bill would require a school district that (1) hasn't met its Academic Performance Index (API) growth target, (2) has an API rating at or below 700, (3) has 20% or more low income students and (4) doesn't offer breakfast through the federal school breakfast program, to hold a public hearing at a regularly scheduled meeting to discuss student nutritional needs, the impact of poor nutrition on scholastic achievement and the cost of starting a federal School Breakfast Program, potentially within existing resources. The bill also requires the Department of Education to give priority in any start-up grants for a school breakfast program to these same schools. I strongly support the school breakfast program which is currently targeted towards

low-income students. Start-up funds for good nutritional breakfast should be made available to schools based on the need of their students, not academic performance measures. I'd be pleased to revisit a way to maximize participation by low-income students in the federal school breakfast program unrelated to API scores.

For this reason I cannot sign AB 2395.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2466**

Governor's Office, Sacramento  
September 26, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2466 without my signature.

This bill would allow school districts to use general obligation bond monies provided by the State for school facility construction to fund deferred maintenance programs.

School districts have an obligation to ensure that local resources are directed to maintaining school facilities, and, in fact, are required to provide a dollar-for-dollar local match to access State monies. Allowing districts to use bonds approved by the voters for this purpose undermines that obligation. In addition, given the State's limited capital outlay resources, allowing these funds to be diverted for other purposes is not appropriate.

By allowing school districts to utilize bond fund savings for deferred maintenance purposes, this bill would represent a significant departure from the original intent of the School Facilities Program. As such, it would likely be found unconstitutional and threaten the tax-exempt status of the bonds. Moreover, I believe that these bond fund savings should continue to be used only for high priority capital outlay purposes. This bill would result in the State subsidy of what is intended to be a local commitment to facilities maintenance required as a condition of program participation.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2561**

Governor's Office, Sacramento  
September 26, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2561 without my signature.

This bill would allow a city council to form a business improvement district (BID) in an area containing a mass transit station that will spend at least 25% of its budget promoting or encouraging mass transit.

The advocates for this legislation believe that the laws governing BIDs are too restrictive and do not allow for the expansion of such districts into the vicinity of mass transit stations. Currently, all new BIDs have a maximum assessment period of 5 years, while this bill would allow mass-transit oriented BIDs to have a 10 year period before they must be reviewed. However, this bill offers no compelling reason

why the assessment period should be extended so significantly, or for why the percentage of property owners signing a petition in support of such a BID is reduced from 50% to 30%.

I am committed to the principles of smart growth and urban revitalization, but I do not believe that this bill provides the proper balance between these principles and those of fair and just taxation. Allowing BIDs to continue without review for a period of 10 years is unsuitable for an otherwise worthwhile program sponsored and supported by the State. For these reasons, I cannot sign this legislation.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2600**

Governor's Office, Sacramento  
September 26, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2600 without my signature.

This bill would require the Superintendent of Public Instruction and an associated advisory committee to develop guidelines regarding the method and content of an assessment alternative to the high school exit examination (HSEE) for individuals with exceptional needs who cannot participate in the examination regardless of accommodations or modifications. The State Board of Education (SBE) would be required to adopt the standards effective for the 2003–04 school year.

These assessments are now required to come into compliance with the federal No Child Left Behind Act. Detailed federal guidelines for this purpose are expected to be provided to states soon, and the 2002 Budget Act provides \$3.5 million for the State Department of Education to develop alternate assessments aligned with those guidelines for pupils who cannot participate in the HSEE with accommodations or modifications.

In addition, the SBE is already required to study the appropriateness of other criteria by which high school pupils, who are regarded as highly proficient but unable to pass the HSEE, can demonstrate their competency and receive a high school diploma. The SBE is required, if it determines that other criteria are appropriate and do not undermine the intent of the HSEE, to forward its recommendations to the Legislature for enactment.

Finally, this bill would cost \$150,000 in state and \$1 million in federal funds.

For these reasons, I am unable to sign this bill.

Sincerely,

GRAY DAVIS



**Veto Message—Assembly Bill No. 2874**

Governor's Office, Sacramento  
September 26, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2874 without my signature.

This bill would prohibit a license-exempt family day care provider from caring for more than six, state or federally subsidized, children at a time.

While low provider-to-child ratios are clearly desirable, this bill could lead to situations where a large family would have to receive childcare from more than one provider.

For these reasons, I am returning AB 2874 without my signature.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2930**

Governor's Office, Sacramento  
September 26, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2930 without my signature.

AB 2930 would change the current requirement that a pregnant woman be offered a voluntary HIV test to a requirement that physicians inform the pregnant woman of their intention to perform an HIV test at any time during pregnancy up until the time of delivery unless the patient refuses. The bill requires the laboratory result to be reported to the woman and her provider and could result in a provider informing a patient of her HIV status prior to confirmatory testing.

The State's existing HIV reporting requirements currently prohibit informing a patient of her HIV status prior to a confirmatory test. This is good policy; it ensures the test results are accurate before informing the patient. It can take up to two weeks for preliminary positive results to be confirmed.

I support the goal of more testing, but I believe this bill represents a fundamental shift from voluntary testing toward a mandatory system, which may reduce an at-risk woman's willingness to receive prenatal care. The current universal voluntary system seems to be working well. According to recent information received by the state Department of Health Services (DHS), as many as 90% of pregnant women will accept an HIV test when it is offered. The Centers for Disease Control and Prevention (CDC) estimate the number of infants born with HIV since 1991 has decreased from 1,760 to as few as 280 infants nationwide in 2000. The CDC has also reported that the prevalence of HIV infection among childbearing women is lower in California than in other large, urban states. There is no reason to assume that health care professionals cannot carry out the best professional practice and informed consent procedures under current law to continue to reduce the prevalence of HIV transmission from mother to infant.

Sincerely,

GRAY DAVIS

## RECEIPT

I acknowledge receipt this 27th day of September 2002 at 10:37 a.m., of Assembly Bills Nos. 2212, 2240, 2386, 2395, 2466, 2561, 2600, 2874, and 2930, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 1972**

Governor's Office, Sacramento  
September 27, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1972 without my signature.

This bill requires the Office of Environmental Health Hazard Assessment to prepare a statement of health concerns associated with the ingestion in drinking water of any contaminant for which there is a public health goal and include this information in the consumer confidence reports.

This bill imposes new requirements that have the unintended effect of confusing, rather than informing, the public by potentially overstating the health risk effect. Moreover, the bill will result in a cost of \$75,000 to the Office of Environmental Health Hazard Assessment at a time when the state is dealing with a \$24 billion shortfall.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2774**

Governor's Office, Sacramento  
September 27, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2774 without my signature. This bill would require CalEPA to appoint a voluntary stakeholder-based task force to develop a public education campaign encouraging the use of low-emission advanced technology vehicles.

This bill is unnecessary. While I support this new technology that improves our air quality, I believe the bill inappropriately assigns promotion responsibilities to state government. These efforts are best left to the vehicle manufacturers who already have advertising programs to promote their own products. Moreover, the bill creates new costs of \$50,000 to \$100,000 a year at a time when the state is dealing with a \$24 billion shortfall.

Sincerely,

GRAY DAVIS

## RECEIPT

I acknowledge receipt this 27th day of September 2002 at 4:55 p.m., of Assembly Bills Nos. 1972 and 2774, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 627**

Governor's Office, Sacramento  
September 27, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 627 without my signature.

This bill would require the California State University to conduct a two year study on existing delivery systems for export services for businesses in California and recommend the most appropriate and efficient division of work and resources among both public and private sector agencies and organizations, including the Technology, Trade, and Commerce Agency.

While such a study may provide useful information, this activity would require the expenditure of additional General Fund dollars. Given the state's \$24 billion deficit, I cannot support such expenditures at this time. In addition, it is important to note that the TTCA could arrange for an evaluation of the export services available to California businesses such as would be required by this bill without any additional legislative authority.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 787**

Governor's Office, Sacramento  
September 27, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 787 without my signature.

This bill would require the Office of Planning and Research to evaluate the function of each State department and make recommendations to the Legislature by January 1, 2004 regarding how to improve the delivery of State services.

I agree with the author that there could be value in evaluating the functions of statewide agencies and departments. The authority to undertake this tremendous task already exists under the Statewide Government Strategic Planning and Performance Review Act. This existing law requires the Controller, Bureau of State Audits, and the Department of Finance, to develop a plan for performance reviews of state operations, in consultation with the Legislative Analyst.

I commend the author for his interest in achieving better coordination between government agencies. The estimated cost for OPR to conduct this evaluation is \$318,000, although a thorough top to bottom review could be much higher. Because the authority presently exists to accomplish the objectives of this bill, and because most departments and agencies, including OPR, have experienced significant budget reductions for 2002–03, I am returning this bill without my signature.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 818**

Governor's Office, Sacramento  
September 27, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 818 without my signature.

This bill deems that the Fremont Unified School District (FUSD) had met the specified minimum time incentives for the 2000–01 fiscal year, thereby avoiding any funding repayments on the condition that any instructional time deficit will be made up twofold before the completion of the 2002–03 school year.

Last year, I signed legislation (SB 178, Costa) that significantly modified the minimum time incentive repayment provisions and waiver procedures statewide. I am unwilling to sign legislation that waives instructional time infractions on a district-by-district basis. This year's AB 1227 (Canciamilla) permits the waiver of any fiscal repayment for minimum instructional time infractions in the 2000–01 fiscal year and thereafter, in exchange for making up twice the instructional time lost. That bill would apply to all school districts. AB 1227 is a reasonable alternative to AB 818 and other bills that would only benefit individual districts.

My signature on AB 1227 will achieve the intended objective of AB 818 on behalf of the Fremont Unified School District

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1403**

Governor's Office, Sacramento  
September 27, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1403 without my signature.

This bill would express legislative intent to divide the \$75 million available from Proposition 40, the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, to fund grants for the purposes of agricultural and grazing land protection.

In stating legislative intent, this bill is not binding on future legislative actions and is unnecessary. Further, this bill, while well-intended, would state the intent to appropriate Proposition 40 grant funds for an ineligible loan program at the Department of Conservation. For these reasons, I am vetoing this bill.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1713**

Governor's Office, Sacramento  
September 27, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1713 without my signature.

This bill was gutted and amended during the last days of the legislative session and received only one policy hearing two days before adjournment. While I recognize the need for legitimate access to voter information files, there is a more important need, which is to adhere to the rules of the democratic process and ensure that the public has an

adequate opportunity to participate. The confidentiality of voter registration information is very important and changing the laws that protect this information deserves more public scrutiny than AB 1713 received.

To that end, I have signed AB 2832 (Shelley), which would create a task force to study this matter, make recommendations and adopt uniform guidelines governing the protection of voter registration information. The issue of “certified election data vendors” is one that could easily and more appropriately be addressed by this task force.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1939**

Governor’s Office, Sacramento  
September 27, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1939 without my signature.

This bill would require the Legislative Analysts’ Office (LAO) to study a property tax shift mechanism, intended to provide relief to local governments and to incentivize the construction of affordable housing. While I share Assemblymember Daucher’s concern with respect to both issues, AB 1939’s proposal does not appear to be the answer.

On its own, this proposal failed as a bill in the previous half of the session. Nothing the LAO could reveal would enhance its mechanisms. The LAO has a number of other local government financing proposals that it has developed for the Legislature to consider. Another study at this time would not be helpful as neither the LAO nor the State has the budgetary flexibility to undertake yet another study nor finance the kind of relief local government is seeking.

Nevertheless, I commend Assemblymember Daucher on her creative work on behalf of local governments and look forward to working with her.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2124**

Governor’s Office, Sacramento  
September 27, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2124 without my signature.

This bill would allow entities previously licensed as skilled nursing facilities that meet specified criteria to remain continuously licensed under certain conditions after their licenses had been suspended. Entities that have been continuously licensed since before new seismic safety standards were imposed are not required to comply with those safety standards.

The goal of this bill is to allow the North Valley Nursing and Rehabilitation Center in Chico to re-open without meeting current seismic safety building standards. This would set a precedent that safety standards that a facility would otherwise be required to meet can be avoided through changes in state statute. In addition, this bill would likely benefit only a single entity, setting another undesirable precedent

of preferential treatment through law change. It is more preferable that elderly or infirmed patients live in the safest possible environment.

Moreover, according to a private sector building evaluation completed in 2000, the evaluation cited numerous building elements of the skilled nursing facility that are substandard and that the building appeared to have had significant code deficiencies at the time it was originally constructed 40 years ago. Finally, this bill would result in additional General Fund costs not included in the current budget. Increasing General Fund expenditures during the current \$24 billion dollar budget shortfall would not be fiscally prudent. Therefore, I cannot support this legislation.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2403**

Governor's Office, Sacramento  
September 27, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2403 without my signature.

This bill would require county offices of education and school districts to report the number of foster children enrolled in education programs as part of the reporting requirements for the California Basic Educational Data System (CBEDS) and the California School Information Services (CSIS).

California already accounts for the number of foster children through existing programs in the Department of Social Services and the Department of Education. Mandating this data collection would create a reimbursable state mandated local program, putting additional pressure on an already severely strained state budget. Now is not the time to fund new programs that may be worthwhile but compete with existing programs for scarce financial resources.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2507**

Governor's Office, Sacramento  
September 27, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2507 without my signature.

This bill would require the Superintendent of Public Instruction to implement a School Accountability Report Card for the State Special Schools for the Deaf and the School for the Blind. Among other provisions, the bill would also require all certificated employees to satisfactorily complete the American Sign Language Proficiency Index test every three years, with exceptions.

I am greatly concerned with the proficiency levels of the staff and pupils attending the state's schools for the blind and deaf. However, given the current shortage of teachers serving the deaf and blind in these schools, this bill would exacerbate the shortage of qualified teachers.

This bill would also result in General Fund costs of \$500,000 for additional testing of pupils, training of employees, the establishment of a School Accountability Report Card, and state operations costs for the State Department of Education when the State has just faced a

\$24 billion shortfall. This bill contains many good things for both the State Special Schools for the Deaf and the School for the Blind. However, in this time of extreme financial austerity, AB 2507 would siphon off existing resources and therefore have a detrimental effect on the schools' budgets and the education of the students attending these schools.

For these reasons, I am unable to support this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2741**

Governor's Office, Sacramento  
September 27, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2741 without my signature.

This bill establishes the Children's School Readiness and Health Council (CSRHC) within the California Health and Human Services Agency (HHS) to promote policy and coordinate programs that address children's school readiness and health.

I am supportive of coordinating school readiness and health services and state departments participate in a variety of these efforts including the California Children and Families Commission, the Office of School Health Connections, the Interagency Coordinating Council on Early Intervention and the Head Start-State Collaboration Office.

However, this bill would result in a cost of at least three positions and \$270,000 (\$140,000 General Fund) for affected departments to support the Council and related Advisory Committee activities, not including the cost of the required coordination study. State budget reductions of 7,000 positions will severely limit the affected state departments' abilities to take on new activities at this time and these positions cannot be funded by private dollars. The California Health and Human Services Agency will be reviewing its options to better coordinate school readiness and health programs within existing resources and structures.

Therefore, I am unable to support this bill.

Sincerely,

GRAY DAVIS

**RECEIPT**

I acknowledge receipt this 28th day of September 2002 at 4:46 p.m., of Assembly Bills Nos. 627, 787, 818, 1403, 1713, 1939, 2124, 2403, 2507 and 2741 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pam Oto.

HUGH R. SLAYDEN  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 2954**

Governor's Office, Sacramento  
September 27, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2954 without my signature.

This bill would require that any general plan land use element adopted or amended after January 1, 2004, address the distribution of childcare facilities in the land use element.

I certainly recognize the importance of childcare facilities and I commend the author for his leadership on this issue. Indeed, I encourage local communities to address the distribution of childcare facilities in their general plan land use element. However, I am obligated to evaluate this bill within the overall context of its effect on the General Fund during these uncertain fiscal times. As written, AB 2954 is a reimbursable mandate. As all 535 general plans are amended over time, the cost to the state would reach \$100 million at a time when the state is facing very difficult financial pressures.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2998**

Governor's Office, Sacramento  
September 27, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 2998 without my signature.

This bill would allow charter schools to receive funding from the Instructional Materials Funding Realignment Program directly through the charter school categorical block grant, thereby exempting them from the requirement that the funds be used to purchase standards-aligned instructional materials.

I believe that student access to quality instructional materials that are aligned with state standards is critical to their educational success. That is why I proposed the Instructional Materials Funding Realignment Program to provide funding for standards-aligned quality instructional materials. I cannot support a measure that would fail to hold all schools accountable for using these resources to purchase standards-aligned instructional materials.

I would encourage charter schools to participate in the Instructional Materials Funding Realignment Program so that all of California's school children can benefit from quality instructional materials in their education.

Sincerely,

GRAY DAVIS



**Veto Message—Assembly Bill No. 3057**Governor's Office, Sacramento  
September 27, 2002*To Members of the California State Assembly:*

I am returning Assembly Bill 3057 without my signature.

This bill would impose a new state requirement on cities and counties to amend their General Plans to add Agriculture to their Open Space elements. Forty-five governments have already implemented a local plan to encourage the conservation of agricultural land and I encourage others to take similar steps.

I believe that local governments should consider the importance of agricultural pursuits when amending their General Plans, particularly where the ag-urban interface has generated planning conflicts. However, this bill would impose a state-mandated cost on all cities and counties to comply with its requirements. In light of our state's \$24 billion deficit, I cannot support a bill that creates a significant new reimbursable mandate on state government.

Sincerely,

GRAY DAVIS

## RECEIPT

I acknowledge receipt this 28th day of September 2002 at 4:48 p.m., of Assembly Bills Nos. 2954, 2998 and 3057 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 2671**Governor's Office, Sacramento  
September 28, 2002*To Members of the California State Assembly:*

I am returning Assembly Bill 2671 without my signature.

This bill will mandate increased costs on inactive CalPERS agencies. These agencies will not have agreed to these increases, and in some cases will have no funding sources available to pay for them. This could lead to agencies being forced into contract terminations and reduced benefits for members and retirees in the inactive agencies. At a time when public agencies are facing reduced revenues and rising costs, it would be inappropriate to increase expenditures.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2792**

Governor's Office, Sacramento  
September 28, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2792 without my signature.

This bill would, effective January 1, 2003, prohibit local CalPERS-covered agencies from amending their contracts to provide a different level of benefits for new employees. Local agencies that had previously contracted for this provision of the Government Code would be able to continue extending a different level of benefits to new employees but would not be able to subsequently amend their CalPERS contracts to establish an additional level of benefits for new employees.

During these difficult financial times, I do not believe it is appropriate to deny local agencies the flexibility to negotiate, through the collective bargaining process, whether or not a different level of benefits can be applicable to new hires.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2833**

Governor's Office, Sacramento  
September 28, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 2833 without my signature.

This bill would create a mandatory increase in industrial disability retirement benefits for local safety members and cause a corresponding increase in costs to local employers. This increase is not actuarially sound.

Moreover, I have signed several bills and taken other actions over the past four years that have increased salaries and retirement benefits for local safety employees:

- The 3 percent at age 50 formula has been extended so that most of California's safety employees have an excellent pension, which guarantees that young, agile and able people will be motivated to follow behind them (SB 400, Ortiz and AB 1937, Correa in the 1999–2000 session).
- SB 402 (Burton) strengthened the ban on public safety strikes and instituted binding arbitration for economic issues (1999–2000 session).
- AB 1746 (Liu) which expanded existing law to provide eligible survivors of fallen firefighters, among other public safety employees, free access to California community colleges — a benefit currently afforded to these survivors within the UC and CSU systems (2001–2002 session).
- SB 575 (O'Connell) which requires automatic fire detection alarm and sprinkler systems in public schools (2001–2002 session).

- In negotiations, I have moved toward reducing hours of work for State firefighters, bringing them in line with locals. We have also negotiated improved pensions and pay of State safety employees.
- I have increased funding for the California Firefighter joint apprentice committees.

As much as I believe in supporting our public safety employees, the current fiscal difficulties do not allow me to sign this bill which will create General Fund pressures of \$75 million to provide State safety employees with the same retirement benefit.

Sincerely,

GRAY DAVIS

#### RECEIPT

I acknowledge receipt this 28th day of September 2002 at 10:04 p.m., of Assembly Bills No. 2671, 2792 and 2833 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pam Oto.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

#### **Veto Message—Assembly Bill No. 523**

Governor's Office, Sacramento

September 28, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 523 without my signature.

This bill would restore the pharmacy-dispensing reimbursement to the level prior to the implementation of the 2002 Budget Act. In an effort to save General Fund and reduce the cost of Medi-Cal, the Administration proposed and the Legislature agreed to reduce the pharmacy-dispensing reimbursement. This bill would reverse this agreement and would increase the pharmacy dispensing reimbursement to the amount set prior to the 2002 Budget Act.

This bill would result in additional expenditures of \$21.4 million (\$10.7 million GF) not included in the 2002 Budget Act and would negate an agreement between the Administration and the Legislature in the development of the 2002 Budget Act that reduced the pharmacy-dispensing fee and assumed savings of \$21.4 million (\$10.7 million GF).

I am unable to support legislation that would increase expenditures above those in the 2002 Budget Act. During the budget development process, my Administration has worked with the Legislature in crafting a budget that will continue to service Californians but address our projected revenue shortfall. Difficult decisions were made for the reduction of State expenditures during this time of revenue decline and this legislation would increase State expenditures above the 2002 Budget Act approved by the Legislature and signed into law.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 741**

Governor's Office, Sacramento  
September 28, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 741 without my signature.

This bill would add new requirements on local education agencies and the State related to pupils of limited English language proficiency. The bill would change the criteria for reclassifying English learner pupils as English proficient. I believe that English literacy reclassification should continue to be based solely on students' English proficiency. With respect to instructional materials, the State Board of Education is already adopting instructional materials for English language arts and English language development that respond to the needs of English learners. Furthermore, development and purchase of separate materials would entail substantial costs beyond the State's current resources.

Finally, I have concerns that the bill would threaten the credibility of the state's accountability system for schools. While I agree with the bill's intent to promote improved academic performance among English learners, the bill's proposal to compare year-to-year growth in the Academic Performance Index scores for English learners does not consider changes in the English learner population due to literacy reclassification, and thus would not measure and reward schools for actual improvement in pupil performance. Also and very importantly this measure according to the Department of Finance, would result in hundreds of millions of additional dollars for new instructional materials. For those reasons, I cannot support this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1802**

Governor's Office, Sacramento  
September 28, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1802 without my signature.

I have great respect for classified school employees. Without their outstanding efforts, we would not have clean, well-lit, well-run schools and community colleges. California citizens are all in their debt for their dedicated efforts.

However, I am concerned that this bill may cause a significant increase in costs for local school and community college districts at a time of great financial stress. Therefore, I believe that this extended sick leave benefit is better dealt with through collective bargaining. In the bargaining process experienced negotiators can find savings to offset and balance out the cost.

For these reasons, I cannot sign this bill.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1907**

Governor's Office, Sacramento  
September 28, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1907 without my signature.

This bill would limit the amount of federal funds that may be applied towards funding requirements when determining the amount from the General Fund to be used for special education in California.

The Department of Finance estimates that this measure could result in an ongoing General Fund cost of \$132 million beginning in 2003–04.

Over the last four years, I have signed budgets providing special education General Fund increases totaling \$748.4 million, plus an additional pass through of more than \$271 million in federal funds for California special education programs.

Given the severe revenue shortfall California has faced, I am unable to support this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1986**

Governor's Office, Sacramento  
September 28, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1986 without my signature.

This bill would eliminate the prohibition of local agency elective or appointive officials from obtaining retirement coverage under the California Public Employees' Retirement System. I believe that this should be at the discretion of each local agency and not mandated.

I would be willing to sign a bill once there has been either a vote of the people or the adoption of an appropriate resolution at a duly noticed public meeting by the governing body.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2063**

Governor's Office, Sacramento  
September 28, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 2063 without my signature.

This bill authorizes the Fresno County Board of Supervisors to adopt retirement formulas for its county employees of 3.275 percent at age 55 for safety members, and 3.275 percent at age 60 for non-safety members. This would be a higher retirement formula than any other safety or miscellaneous employees currently receive.

This creates a bad policy precedent and is unfair to employees of other public agencies. I have signed a number of bills in the last three years that have significantly improved the retirement prospects of

public employees state-wide. I am concerned that this bill will contribute to a benefit spiral affecting public agencies throughout the State.

This bill would also create additional cost pressures on government pension funds at a time when their assets are strained by the decline of the stock market.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2130**

Governor's Office, Sacramento  
September 28, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2130 without my signature.

This bill, together with Senate Bill No. 1671, would extend indefinitely the waiver of a cap on state reimbursement to local education agencies for supplemental instruction provided to students in grades 2–6 who are at-risk of retention which would otherwise be reinstated January 1, 2003. Extension of this uncapped reimbursement could result in a Proposition 98 General Fund cost in the millions of dollars, at a time when the State is dealing with a \$24 billion shortfall.

In addition, the proposed provisions allowing the Superintendent of Public Instruction to transfer funds between supplemental instruction programs does not contain proper advance notice to maintain adequate fiscal oversight. For these reason, I cannot support this bill.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2188**

Governor's Office, Sacramento  
September 28, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2188 without my signature.

This bill would create a pilot program that would authorize the State Department of Education (SDE) to establish up to five regional career technical high schools (RCTs), by combining existing Regional Occupational Center/Programs (ROC/P) with an academically comprehensive high school.

The bill envisions a new program, which may well be meritorious, but the State is not in a position to expand services and programs given our efforts to address a \$24 billion deficit. This bill would require the State Department of Education to redirect available Federal funding to administer and provide technical assistance for a new program at a time when the Administration is required to eliminate 7,000 positions and prepare for additional budget reductions.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2604**

Governor's Office, Sacramento  
September 28, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 2604 without my signature.

This bill would require the California Research Bureau (CRB), in consultation with the State Department of Education (SDE) and the Commission on Teacher Credentialing (CTC), to contract with an independent evaluator to conduct a study of the availability and effectiveness of the cross-cultural professional development programs for teachers and administrators in culturally diverse schools. The results of the study would be submitted to the Legislature and Governor by July 1, 2004.

I continue to support the need to provide high quality instruction and professional development to California's teachers. However, in light of the State's current fiscal condition, I do not believe it is prudent to invest in a study focused on the past cross cultural training that teachers have received and in a manner which may not produce valid and reliable recommendations. The CTC has already studied past Cross-cultural, Language and Academic Development (CLAD) requirements, made any necessary revisions and has developed a new protocol for such training which embeds cultural sensitivity within all courses in teacher preparation programs. Furthermore, this study could be used as the basis for supporting new cross-cultural training programs, which could cost \$100 million Proposition 98 General Fund to establish, at a time when the new requirements have not had the opportunity to demonstrate their efficacy. I believe it is important to first focus available funds on teacher training programs that have already been determined to be beneficial to our students in meeting their core academic needs. Therefore, I am unable to support this bill, which could direct funds away from these programs.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2607**

Governor's Office, Sacramento  
September 28, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2607 without my signature.

This bill would allow highly gifted pupils to have their proficiency in basic skills verified according to criteria established by the State Department of Education (SDE) and to receive a certificate of proficiency equivalent to a high school diploma. The basic skills included in the old State proficiency test are not aligned to California standards, therefore these students would not be required to meet the rigorous standards California is requiring for all other students.

Current law already allows the governing board of any school district to authorize pupils to attend a community college as special part-time

students and provides for the authorization of a student's attendance at a community college as a special full-time student.

For these reasons, I am unable to support this bill.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 28th day of September 2002 at 10:06 p.m., of Assembly Bills Nos. 523, 741, 1802, 1907, 1986, 2063, 2130, 2188, 2604 and 2607 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pam Oto.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 1890**

Governor's Office, Sacramento

September 28, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1890 without my signature.

This bill would authorize the legislative body of a city to appoint a personnel or civil service board or commission. If approved, this act would require that one-half of the members be appointed from persons nominated by the local employee organization(s), if one exists, and require this board to select an independent, neutral chairperson.

This bill is not necessary, as current law does not prohibit a local legislative body from including other organizations, including employee organizations, in the nominations and selection process. Requiring each city to utilize this process would force many cities to completely restructure their city commissions and would remove a considerable amount of local control. Furthermore, this bill would create a serious conflict of interest by allowing members of employee organizations to essentially govern their own employment structure, deleting the ability of cities to manage their own employees.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1975**

Governor's Office, Sacramento

September 28, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 1975 without my signature.

This bill would require governing boards of community college districts to grant leaves of absence to their employees to allow them to work as employees of any public employee organization for up to eight years. Additionally, this bill would limit the total allowable leave time for each campus to the annual time base of one full-time equivalent employee and permit governing boards to deny requested leaves if they would reasonably result in an employee shortage or hardship to the district.

Community college district employees are covered by the Higher Education Employer-Employee Relations Act (HEERA) which allows



them to bargain over matters including wages, benefits, and terms and conditions of employment. Therefore, the changes in leave of absence provisions sought by this bill are unnecessary and should be bargained rather than legislated.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2189**

Governor's Office, Sacramento  
September 28, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2189 without my signature.

This bill would require a contractor or subcontractor that is awarded a contract for public transit services to retain for a period of 60 days the employees of the contractor or subcontractor that previously held a contract to service the same sites.

Although I signed a nearly identical bill presented to me last year that provided transitional employment for janitorial workers, I am unable to do so on this occasion. Unlike the problems that plague workers in the janitorial industry, workers that labor under public contracts are not subject to the exploitation that motivated me to sign the legislation for janitorial workers. In addition, local governments have the authority and option of setting higher wage and benefit requirements for contract bids for public transportation when necessary to meet the needs and the best interests of their communities.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2752**

Governor's Office, Sacramento  
September 28, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2752 without my signature.

This bill would expand the protection of workers who experience employment discrimination because they have exercised their rights to report hazardous working conditions or have refused to perform unsafe work.

I greatly appreciate the importance of protecting workers from retaliation when they refuse to perform unsafe work or report dangerous working conditions to their employers or to government agencies and others who share the charge of keeping our workplaces safe and injury-free. There are currently in law significant protections for these workers. Moreover, the measure could reduce the Department of Industrial Relations' ability to properly enforce those protections.

For these reasons, I am returning this bill without my signature.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2771**

Governor's Office, Sacramento  
September 28, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 2771 without my signature.

This bill would preclude the Employment Development Department (EDD) from subjecting former temporary services employees to any additional eligibility, suitable work, or seek work requirements for the purposes of receiving Unemployment Insurance (UI) benefits.

Requiring an employee to report back to the temporary agency before applying for unemployment benefits is not a barrier to obtaining benefits, and is designed to ensure that all opportunities for employment are exhausted before applying for aid. This bill precludes EDD from requiring the claimant use due diligence before applying for unemployment benefits. Therefore, I must return this bill without my signature.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2827**

Governor's Office, Sacramento  
September 28, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 2827 without my signature.

This bill would require the Department of Industrial Relations (DIR) to conduct a study of the graduation rates of various kinds of apprenticeship programs administered by the Department.

It is my understanding that DIR already has this data. Under the current budgetary constraints facing the State, undertaking a study of existing data can take resources away from other priority programs within DIR. Therefore, in place of signing this bill, I am directing DIR to release this data in a timely manner.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2892**

Governor's Office, Sacramento  
September 28, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2892 without my signature.

This bill would nullify a California Supreme Court decision that requires public employees to exhaust judicial remedies from an adverse administrative finding on a discrimination claim before filing a civil lawsuit arising out of the same claim. It would also nullify an appellate court decision that requires exhaustion of any internal public employer administrative process, as well as the Department of Fair Employment and Housing's administrative process before public employees could file a civil lawsuit against the same claim.

While I fully support the right of employees to a full and fair review of discrimination claims, I do not want to sign a bill that would foster duplicative and conflicting litigation. Such a result runs counter to the

State's strong public policy in favor of judicial economy, and serves neither the interests of employees nor their employers.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2903**

Governor's Office, Sacramento  
September 28, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2903 without my signature.

I have no problem with employee organizations disseminating their own political recommendations through all appropriate private vehicles, such as employee lockers, mail boxes, and electronic mail. However, I object to postings on billboards or other places that may be seen by members of the public as opposed to just members of the employee organization.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2990**

Governor's Office, Sacramento  
September 28, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2990 without my signature.

This bill would only aggravate a practice by some employees, who, upon learning they are being investigated for misconduct, report groundless allegations of misconduct by their supervisors or co-workers. The purpose of fabricating a prophylactic retaliation claim is to forestall the employer from bringing an adverse action. This practice by disgruntled employees will have a chilling effect on a supervisors' willingness to legitimately discipline problem employees.

AB 2990 creates a significant, irreconcilable conflict with the burden of proof and presumption of innocence in criminal proceedings. This bill provides that those violations of Labor Code §98.6(b) may be punished as a misdemeanor. The presumption of retaliation created by this bill conflicts with the constitutional presumption of innocence to which every criminal defendant is entitled.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 28th day of September 2002 at 10:08 p.m., of Assembly Bills Nos. 1890, 1975, 2189, 2752, 2771, 2827, 2892, 2903 and 2990 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 2263**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2263 without my signature.

This bill would require a study of projects or programs that serve children and their families while the parents are in the process of obtaining a divorce or legal separation.

Under this study, the Judicial Council would be required to assess the results of, among other things, changes in the mental health of children and any change in the attitude of parents. The Judicial Council, however, may not be well suited to conduct this type of study.

For this reason, I must return this bill without my signature.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2269**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2269 without my signature.

This bill would require the Los Angeles Unified School District to provide two days of training for up to 1,000 of its substitute teachers. This bill would require the State to provide qualifying districts with \$150 per day for the training and additional funding for the costs of modifying training curriculum that has been designed by the Los Angeles County Office of Education.

Additionally, by requiring the Los Angeles Unified School District to administer this program and by stating that the State will provide reimbursement for the curriculum modification costs, this bill creates a reimbursable State mandate, that would result in significant General Fund costs.

I believe the role of substitute teachers is important, and I would be willing to consider a bill in which the Commission on Teacher Credentialing develops an appropriate curricula for training substitutes.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2424**

Governor's Office, Sacramento  
September 29, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 2424 without my signature.

This bill would authorize a school district to establish a local school construction authority (LSCA) and delegate to the authority all of the school facilities construction duties relating to that school district. This bill would also require the State Allocation Board (SAB) to adopt regulations to expedite the release of state bond funds for projects administered by a LSCA, even if the district has not entered into a binding contract for completion of the approved project.

This bill would dilute accountability for providing adequate school facilities. Local school boards are the appropriate entity to be fully

responsible and accountable for providing school facilities for their students, and they should not be able to pass this responsibility on to another public entity. Additionally, this bill is not necessary since local boards can already establish informal working groups to advise them on site acquisition and other school construction matters.

Finally, by requiring the SAB to expedite the release of funds for LSCA projects, this bill would give these projects favorable treatment over all other projects participating in the School Facilities Program, effectively allowing LSCA projects to receive their funding ahead of other equally qualified projects. This alternate and inequitable funding mechanism is a departure from what was agreed to during the development of the Kindergarten–University Public Education Facilities Bond Acts of 2002 and 2004 (AB 16 (Hertzberg), Chapter 33, Statutes of 2002).

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2540**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2540 without my signature.

This bill would establish the Superintendent Training Program to provide specific training and instruction to school superintendents.

This Administration-sponsored bill was substantially amended by the Legislature in a manner that drastically deviates from the negotiated agreement reached by the Administration and relevant stakeholders. The Administration pursued and received funding from the Gates Foundation for the Principal Training Program and the Superintendent Training Program. The amendments taken by the Legislature remove the role of the Administration in implementing the Superintendent Training Program. I would welcome urgency legislation next year that carries out the negotiated agreement for the Superintendent Training Program.

For this reason, I am returning this bill without my signature.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2575**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2575 without my signature.

This bill is inconsistent with federal law, which requires that new elementary teachers pass a "rigorous State test" on subject knowledge and teaching skills.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2588**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2588 without my signature.

This bill would establish the School Facilities Collaborative Implementation Advisory Commission (Commission) to review and consider best practices on strategic planning for school facilities, facility planning and architectural design, and joint-use facility planning. This bill would also amend the Joint-Use Facilities Program to authorize the use of available funds as provided by Chapter 33, Statutes of 2002 (AB 16) to fund the local planning costs associated with collaboration between school districts and their joint-use partners engaged in the development of joint-use facilities.

While I am supportive of cooperation between the local governmental jurisdictions, I am opposed to this bill for several reasons. First, requiring that at least twenty percent (\$10 million) of the funds available for joint-use projects be used to pay for the planning costs associated with the development of K–12 joint-use projects would result in fewer resources for joint-use construction and more funding for program administration. Second, many of the duties proposed for the new Commission are either already performed by existing state and private agencies, or could easily be incorporated into the duties of existing agencies.

For example, as staff to the SAB, the Office of Public School Construction (OPSC) implements and administers the State School Facilities Program (SFP), which includes the New Construction and Modernization grant programs. OPSC possesses extensive programmatic knowledge on school facilities and school site experience. To the extent that additional review and recommendations of best practices for school facilities are needed, it would seem reasonable to maximize the provision of services through existing agencies and departments, such as OPSC, prior to establishing new service providers.

For these reasons, I am unable to sign this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2626**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2626 without my signature.

This bill would authorize K–12 school districts to meet the educational needs of “exceptionally gifted pupils” by allowing independent study programs to include enrollment in community college courses. This bill authorizes K–12 governing boards to pay for these students’ fees, tuition, instructional materials and other supplies. Finally, it provides that the average daily attendance apportionments for

this population of students, goes to school districts, but not to community college districts.

This bill creates additional General Fund pressures of more than \$1 million a year. Moreover, it requires the State for the first time to pay more than is required by current law to educate a student at the California Community Colleges. Given the State's current fiscal situation, I cannot sign this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2886**

Governor's Office, Sacramento  
September 29, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill No. 2886 without my signature.

This bill would increase from three percent to ten percent the maximum percentage of students under the age of 16 that Regional Occupational Centers and Programs (ROC/Ps) may claim for State funding.

Although I recognize the potential benefit of offering ROC/P instruction to younger students, I have concerns with this measure. This bill could result in the displacement of thousands of adult CalWORKs recipients who attend ROC/Ps to learn occupational skills necessary to compete for new and emerging careers that lead to high wage, high skill employment opportunities. This could result in a substantial cost pressure to provide equivalent services to displaced CalWORKs recipients. Given the state's current fiscal constraints, I believe current law, which allows the State Board of Education to increase the cap above three percent when beneficial, provides ample opportunity for younger students to be served in ROC/P's, without excessively reducing services to CalWORKs recipients.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 29th day of September 2002 at 10:09 p.m., of Assembly Bills Nos. 2263, 2269, 2424, 2540, 2575, 2588, 2626 and 2886 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 164**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 164 without my signature.

This bill would require the State Department of Education (SDE) to establish and administer a statewide program of grant funding to establish alternative dispute resolution (ADR) programs for special education.

Although I support establishing ways to resolve disputes, current law already allows for the non-adversarial resolution of special education issues through mediation prior to filing for due process. This bill appropriates \$300,000 to the SDE for administration of the ADR program and could result in local assistance costs between \$17.8 and \$13.1 million for three years and ongoing costs of between \$3.3 million and \$4.4 million annually. Since the proposed 2002–03 budget appropriates \$8.9 million for dispute resolution services including mediation and fair hearing services, and this bill would redirect federal funds, which are necessary to provide essential services to students with disabilities, I am unable to support this measure.

**Veto Message—Assembly Bill No. 248**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 248 without my signature.

This bill would require all proprietary security guards to register with the Bureau of Security and Investigative Services.

Recognizing that private security guards serve in a public safety role, I recently signed several bills this year that will greatly improve the quality of private security services, including SB 1241 (Figueroa, 2002) that will ensure that regulated security guards pass criminal background checks and AB 2880 (Chavez, 2002) which increases training standards for these security guards from three to forty hours. Notwithstanding the potential merits of this bill, I am returning it because it would result in substantial growth in government operations and new positions resulting in costs of over \$2.5 million annually at a time when the state is experiencing a severe fiscal strain. Moreover, the Department of Finance has estimated the need for 40 new positions to implement this bill at a time when the Legislature has required we remove 7,000 positions. Furthermore, most employers conduct background checks on perspective employees which can indicate if an individual applying for a security guard position has been convicted of a crime. For these reasons, I am returning this bill without my signature.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 259**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 259 without my signature.

Unfortunately, the recently created Education Audit Appeals Panel is not staffed nor budgeted to address adult education audits. I am directing the Secretary of Education to work with the new Superintendent of Public Instruction to suggest a plan of action to address this issue.

Sincerely,

GRAY DAVIS



**Veto Message—Assembly Bill No. 878**

Governor's Office, Sacramento  
September 29, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 878, which addresses various aspects of the Cal Grant program, without my signature. Specifically, the bill would codify current administrative practice allowing Cal Grant B awards to be reserved for later use, authorize the California Community Colleges (CCC) Chancellor's Office to develop a database to assist in the transfer of students from community colleges to four-year institutions, and require the California Student Aid Commission (CSAC) to send information to all Cal Grant recipients about maximizing their financial aid benefits.

While the bill is well intentioned, CSAC is currently providing information on the Cal Grant program. In addition, this bill creates cost pressures on CSAC and the CCC Chancellor's Office that cannot be supported given the State's fiscal situation.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1100**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1100 without my signature.

This bill would allow a basic aid district to retain a significant portion of funding for a pupil that is no longer served by that district. Specifically, it would reduce the transfer of funds required for each resident pupil that moves to a charter school approved by non-basic aid districts or county offices of education. This bill also makes various technical changes in an attempt to further clarify current law mechanisms for transfers of property taxes between applicable districts and charters.

By limiting in-lieu property tax transfers by basic aid districts, this bill exposes the State to excessive General Fund costs for instruction of pupils residing in those districts. This is inconsistent with Chapter 586 of the Statutes of 2001 (SB 955, Alpert) which I signed last year and is inappropriate because the operation of charter schools is intended to be cost neutral to the State. By allowing basic aid districts to shift costs to the General Fund, this bill reduces the State's capacity to fund other education priorities.

I believe that current law is reasonable and adequate, and can be implemented without further legislation. Therefore, I cannot sign this bill. Rather, I direct the State Department of Education to promptly implement existing law. This action will save the State an additional \$700,000 in Proposition 98 General Fund in fiscal year 2002–03, \$500,000 in fiscal year 2003–04, and \$300,000 in 2004–05.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1462**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1462 without my signature.

This bill would require the Superintendent of Public Instruction (SPI) to convene a 15-member committee of experts to develop guidelines and topics needed for conducting an independent study to determine programs and processes that will increase the number of, and improve the quality of, career technical education teachers.

While the study deserves merit, this bill fails to provide the State Board of Education with the opportunity to modify the parameters of questions that would be developed by the advisory committee created by this bill. I believe this bill misses an important step by not allowing the State Board to balance the desires of the committee with current policy direction and the needs of all students.

I continue to support the need to provide high quality instruction and professional development to California's teachers. However, as the federal regulations for No Child Left Behind are not finalized, this bill is premature. In light of the State's current fiscal condition, I believe it is important to focus available funds on programs that have already been determined to be beneficial to our students in meeting their core academic needs. Therefore, I am unable to support this bill, which could direct funds away from these programs.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1511**

Governor's Office, Sacramento  
September 29, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 1511 without my signature.

This bill would allow school districts to purchase or lease commercial buildings for use as school buildings that meet the structural requirements of the 1976 Uniform Building Code, or subsequent additions to that code, if the school finds that specified criteria had been met. The bill would also delete the current January 1, 2003 sunset on the use of commercial buildings as school buildings as described in EC §17285.

The author has worked tirelessly on this issue and I commend him for his dedication. I share his belief that we must be creative in applying adaptive reuse to existing commercial buildings if we are to meet the need for additional classrooms.

However, I am concerned that the use of the 1976 Uniform Building Code, and subsequent additions to that code, as an alternative or replacement for the Field Act standards may not result in equally safe school buildings for students in California public schools. I do not believe that it would be appropriate to jeopardize the student safety by allowing the permanent use of non-Field Act compliant buildings as school buildings without a thorough study and recommendations from the Seismic Safety Commission.

Earlier this year I signed AB 16, a bipartisan agreement that places \$25.8 billion in school bonds on statewide ballots and makes major

substantive and specific improvements in the state's school facility program. These improvements include instituting a review of Field Act equivalency options by the Seismic Safety Commission. I look forward to working closely with this author on Field Act equivalency legislation once the seismic safety review has taken place and recommendations have been submitted for our consideration.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1879**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1879 without my signature.

This bill would provide the Inglewood Unified School District's (IUSD) Inspector General with enhanced investigative and subpoena powers. This authority would sunset in 2007. The bill would also require the submission of annual interim reports from 2003 to 2006.

Authorizing investigative and subpoena powers by legislation is not a step that should be taken lightly. The Inspector General for Los Angeles Unified School District was created by legislation and initially did not include investigative and subpoena powers. Based on the progress of that Inspector General's investigation the Legislature subsequently granted such powers.

If the investigation of the Inspector General at IUSD warrants the provision of subpoena powers, I would be pleased to consider appropriate legislation at a later time.

For these reasons, I cannot sign this bill.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1904**

Governor's Office, Sacramento  
September 29, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 1904 without my signature.

This bill directs the Superintendent of Public Instruction (SPI) to assume all legal rights, duties, and powers of the governing board of the West Fresno Elementary School District (WFESD) until such time that certain conditions are met, including the elapse of two complete fiscal years. The bill further empowers the SPI with authority to appoint an administrator and any other necessary staff. The bill also authorizes the SPI to request an emergency loan of an unspecified amount, and specifies certain requirements and repayment provisions, including the requirement that WFESD bear 100 percent of all costs associated with implementing the bill.

While I recognize that the West Fresno Elementary School District faces significant management and fiscal problems, I am concerned that this bill would establish a precedent by requiring the State to takeover a school district prior to a district becoming insolvent. I believe the County Superintendent of Schools should either select a neutral

administrator or concur with the SPI in the selection of the administrator and exercise day-to-day supervision of his or her decisions.

Additionally, I am advised that the County Office Fiscal Crisis and Management Assistance Team (FCMAT) is best qualified to initiate and complete comprehensive assessments and improvement plans to guide the district's recovery because it is already familiar with the detailed problems of the district. Further, I am concerned that this bill does not require appropriate authorities to take action and, where fraud is found, recover available assets that could be dedicated to repayment of any loan.

For these reasons, I cannot sign this bill. However, I will consider an urgency measure to aid this district that: a) includes a primary role for the County Superintendent in the selection and oversight of a neutral administrator; (b) assigns FCMAT with the responsibility of developing the recovery plans while specifying the content of those plans; (c) requires the County Superintendent to select a new certified public accountant to perform annual independent audits of the district; and (d) identifies a funding source for FCMAT to develop the recovery plans. In the meantime, I encourage the County Superintendent of Schools to exercise all existing legal authority to restore operational integrity to the district and to preempt potential fiscal insolvency. Further, the County Superintendent should consider FCMAT's continued assistance in this endeavor.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2138**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2138 without my signature.

This bill would amend current law as it pertains to school districts audit and county office of education budget procedures.

The provisions of this bill would weaken the state's fiscal accountability measures for schools by making it more difficult for the state to enforce current budget reporting requirements for county offices of education. Moreover, sections of this bill conflict with Assembly Bill 2834, which I have already signed.

Given the state's current fiscal challenges, it is critical to ensure the fiscal accountability of our schools.

Sincerely,

GRAY DAVIS

**RECEIPT**

I acknowledge receipt this 29th day of September 2002 at 10:10 p.m., of Assembly Bills Nos. 164, 248, 259, 878, 1100, 1462, 1511, 1879, 1904 and 2138 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 1820**

Governor's Office, Sacramento  
September 29, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 1820 without my signature.

I greatly appreciate the enormous contribution made by volunteer and partially paid firefighters. In the best of all worlds, I would sign this measure, but given the difficult economic times we are experiencing, I unfortunately cannot do so.

I recently signed legislation greatly enhancing workers' compensation and unemployment insurance benefits for all injured and disabled workers. In a better economy, I would be open to an appropriately drafted bill.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2004**

Governor's Office, Sacramento  
September 29, 2002

*To the Members of the California State Assembly:*

I am returning AB 2004 without my signature.

This bill confers a special benefit on legislative employees not available generally to all State employees.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2438**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2438 without my signature.

Salaries for State collective bargaining units are established through good faith negotiations between the State and the employees' exclusive representatives. Mandating "prevailing wage parity" usurps the collective bargaining process and removes the State employer's ability to negotiate future salaries. By mandating parity with the prevailing wages of employees in jurisdictions over which the State does not exercise control, this bill would effectively remove the fiscal control that is exercised by the Governor and the Legislature over State salaries. It is estimated that it will cost the State between \$40 million and \$124 million to achieve the parity mandated by this bill during a period when the State is striving to reduce expenditures.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2451**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2451 without my signature.

This bill would provide retirement service credit for unused sick leave to adjunct temporary faculty members of community college districts who retire on or after January 1, 2004. The benefit would be limited to those community college districts that participate in the California State Teachers' Retirement System's Cash Balance Benefit Program or an alternative retirement plan. Unfortunately, due to the current fiscal limitations facing the State, I cannot sign this bill.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2825**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2825 without my signature.

This bill would authorize any city, county or city and county to form a fire protection finance agency for the purposes of supplementing fire protection services and necessary capital improvements.

This bill is intended to augment and continue existing fire protection services in California. Fire protection is a vital resource and many believe that a special fund for these services will ensure that fire protection services continue. However, this bill may have many unintended fiscal and programmatic consequences that would inherently damage the purpose it is meant to serve.

This bill would unfairly shelter fire protection services from normal budgetary processes in local government by not making them accountable to the same budgetary procedures as other important and necessary services, such as police protection.

Further, many concerns and issues remain unanswered in this measure, for instance, this bill does not specify the formation and operation procedures of a fire protection finance agency, offers no standard process to form an agency, nor does it specify the powers and authority of the fire protection finance agency.

Further, this measure does not specify whether or not these financing authorities are completely separate from other financing entities, similar to special districts, that would have the authority to levy taxes, fees or benefit assessments. If such authority is not granted, there are questions as to where the agency will receive its funding. There is no guarantee that funds will be provided by the state or federal government, so the actual financial protection provided for fire services is questionable.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2839**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2839 without my signature.

Currently, the Department of Personnel Administration (DPA) meets and confers with supervisory organizations and considers their presentations prior to reaching a decision on any matter relating to wages, hours or conditions of employment. Additionally, excluded employees have the right to file grievances up to and including DPA for review and determination.

This bill would dilute the management structure of the State by including managers and confidential employees with supervisors in determining wages, hours, and other terms and conditions of employment. It would also extend arbitration to excluded employees who are responsible for implementing State policy. This could lead to independent arbitrators determining State policy and usurping the Executive and Legislative intent with respect to various regulations and government codes.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2841**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2841 without my signature.

This bill would allow contracts to be negotiated for public works projects for the Los Angeles Unified School District without regard to the competitive bid process. The competitive process ensures that public agencies realize the best pricing for the dollars expended. In addition, this would disenfranchise all contractors wishing to take part in the process be they large, small, or a disabled veteran business enterprise. It is not in the best interest of the Los Angeles Unified School District or a prudent use of taxpayer dollars to eliminate the free and open process.

Furthermore, this bill creates one policy for the Los Angeles Unified School District that is different from all other school districts in the State of California.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2987**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2987 without my signature.

This bill would increase the misdemeanor fines and civil penalties that apply to the violation of specified labor laws.

I fully appreciate the work that has been done by the Committee on Labor and Employment in examining the persistence of labor law violations. However, in these sensitive economic times, we must take

care that the steps we take to correct the problem of labor law violations, committed by a small minority of unscrupulous employers, do not adversely affect the majority of honest employers and their employees. I strongly believe that increased penalties must be accompanied by expanded efforts to reach and educate all employers. I will be happy to consider future legislation that strives to achieve this balance.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2988**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2988 without my signature.

This bill would add a new subsection (g) to Labor Code 62.9 to provide specific statutory authority and a mandate for an agreement to be entered into by the Department of Industrial Relations and the Franchise Tax Board for the collection of delinquent assessments for the Cal/OSHA Targeted Inspection and Consultation Fund.

This legislation is not necessary in that even after the repeal of the authority formerly conferred by Revenue and Taxation Code 19290.1, the Department has maintained in effect the agreement with FTB for the collection of delinquent assessments. Section 2 of the bill confirmed that this legislation was merely declaratory of existing law and that general authority exists even in the absence of a specific statute to formulate an agreement by DIR and FTB for collection of delinquent assessments.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2989**

Governor's Office, Sacramento  
September 29, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 2989 without my signature.

This bill would entitle employees to severance pay under specified conditions in layoff situations at an industrial or commercial facility that has employed 100 or more persons at any time during the preceding 12-month period. The bill would require the employer to pay severance to laid off employees if severance pay was provided in the past three years to exempt employees.

While I fully understand the plight of workers faced with the loss of employment, I believe that the enactment of this bill at this juncture would prove to be counterproductive to achieving the broader goal of a full recovery of California's economic health. Businesses usually resort to layoffs when they have fallen upon hard economic times. Forcing already troubled businesses to fund severance payouts may accelerate overall job loss by increasing layoffs and business closures.

Sincerely,

GRAY DAVIS



## RECEIPT

I acknowledge receipt this 29th day of September 2002 at 10:12 p.m., of Assembly Bills Nos. 1820, 2004, 2438, 2451, 2825, 2839, 2841, 2987, 2988 and 2989 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 1942**

Governor's Office, Sacramento

September 29, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 1942 without my signature.

This bill would require the Board of Corrections to establish and administer a Youth Anti-Bias Pilot Program that would administer a \$142,500 General Fund grant to reduce the incidence of hate crimes by youthful offenders.

While I support the goal of this bill, there are existing revenues available to establish juvenile prevention programs through the Juvenile Justice Crime Prevention Act. This bill would result in a General Fund pressure to fund a new program similar to juvenile crime prevention programs that currently exist. Two examples are the Crime and Violence Prevention Center which creates and promotes policies and strategies for law enforcement and communities to stop hate crimes, and the Safe from the Start program, which works to educate local policymakers and community leaders to build or strengthen existing local violence prevention efforts.

For these reasons, I am unable to sign this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1947**

Governor's Office, Sacramento

September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1947 without my signature.

This bill would allow an individual convicted of a felony for the possession, use, or distribution of a controlled substance to be eligible for aid under the California Food Assistance Program and the federal Food Stamp program, provided the individual is enrolled in a drug treatment program in accordance with Proposition 36, or is appealing their conviction.

I am returning this bill without my signature because it would result in General Fund costs beginning in 2002–03. Due to the current General Fund shortfall, I am unable to support the expenditure of additional General Fund resources to expand eligibility for the Food Stamp program and the California Food Assistance Program at this time.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2529**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2529 without my signature.

Currently the California Department of Corrections (CDC) has existing programs aimed at providing information to inmates about hepatitis C. For example, when an inmate enters the CDC's Reception Centers they are provided with an orientation program aimed at providing an overview of prison life. The intake process includes videotaped materials, classroom lectures, and printed materials. The subject of communicable diseases including hepatitis C is covered in the orientation program. The CDC also has an Inmate Peer Education Program at most prisons which provides a presentation focused specifically on high-risk behaviors, communicable disease, and blood borne pathogens. In addition, any inmate who wishes to be tested for hepatitis C may do so at any time.

The CDC has existing programs that achieve the objectives of AB 2529, although perhaps not as comprehensively as envisioned by the bill. The goals of this bill are laudable, but would lead to significant General Fund Budget pressures to achieve them. I must return AB 2529 at this time since the State cannot now provide the additional resources to expand these existing programs.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2673**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2673 without my signature.

This bill would require a fire fighting/camp program of up to 120 female inmates be established at the Central California Women's Facility or the Valley State Prison for Women.

I support the efforts of the Legislature to provide additional fire fighting services for Madera County. The conservation program under the joint jurisdiction of the California Department of Corrections and the California Department of Forestry has provided many valuable services for our State. CDF's "Assessment of the Need for Additional Conservation Camps" report (required by AB 1999 Chapter 709, 2000 and the 1999–2000 State Budget), determined that the current number of camps are sufficient to meet the states needs at this time. It also established a method for setting priorities for locating any new camps that might be built. Madera County, one of five locations in the group, ranked as third priority for the location of a new camp.

Sincerely,

GRAY DAVIS

## RECEIPT

I acknowledge receipt this 29th day of September 2002 at 10:13 p.m., of Assembly Bills Nos. 1942, 1947, 2529 and 2673 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 1877**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1877 without my signature.

This bill grants the Grizzly Challenge Youth Academy the right to use National Guard facilities that were built or purchased for Turning Point Academy, closed in August 2002. The Adjutant General currently has the authority and flexibility to make decisions regarding the use of National Guard facilities and resources. The Military Department's current plan designates these facilities for use by the California National Guard Youth Programs to serve both the Grizzly Challenge Program and the Angel Gate Academy Program. These two very successful programs currently serve over 200 at-risk youth.

Prioritizing the use of these seventeen buildings for one specific program may impair the administrative and operational capabilities of the Adjutant General and the Military Department and could weaken the capability of the Military Department to meet the needs of all the youth they serve.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2258**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2258 without my signature.

This bill would require the Department of the Youth Authority (CYA) to conduct an evaluation of the number of persons who have been released to parole or discharged by CYA within a 10-year period, and who have been recommitted to the jurisdiction of CYA or sentenced to a county jail or the Department of Corrections (CDC). The evaluation must be submitted to the Legislature by January 2, 2004.

While I recognize the importance of attempting to understand the impact of our criminal justice system, particularly on juvenile offenders, this bill would incur substantial costs of potentially \$407,000 that are not included in the 2002/03 Budget Act.

It would be unfair to ask CYA to bear these costs at a time when they are being asked to face the task of adjusting their budgets to meet the current fiscal challenges, while at the same time continuing to provide

services for offenders under their jurisdiction. I encourage the author to work with CYA to fashion a bill that can be implemented within CYA's current budget.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2496**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2496 without my signature.

This bill would require the Board of Corrections (BOC) to collect and report data from every county probation department maintaining a juvenile hall regarding detained minors who are awaiting placement in a non-secure, out-of-home placement, and require specified procedures for minors awaiting non-secure placement who are detained in juvenile hall 15 days or more. The requirements of this bill would apply only to minors who are being detained while they are awaiting placement in a non-secure, out-of-home placement, such as a foster home or community care facility.

While this bill has some merit, I am vetoing it because it would impose additional state operations costs on BOC and the Judicial Council for which they are not budgeted. In addition, this bill would create a state reimbursable mandate on county probation departments. Because of the difficult fiscal situation confronting both the state and local governments, I cannot support this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2905**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2905 without my signature.

This bill would require the Department of Corrections (CDC) to offer human immunodeficiency virus (HIV) testing and HIV prevention education to every inmate without charge upon commitment to the state prison system. The measure also requires CDC to report annually to the Department of Health Services and the Legislature on the prevalence of HIV in prison. Currently, inmates are tested for HIV upon their request, when determined to be medically appropriate, or pursuant to Title 8 of the Penal Code (commencing with Section 7500) following a gassing incident. Additionally, CDC's Inmate Peer Education Program, currently implemented at 24 institutions, provides inmates with current health information and education regarding HIV, as well as other health issues regarding infectious diseases and high-risk behaviors.

I am vetoing this bill since it would result in a new General Fund cost to fund additional health information and education programs at all 33 CDC institutions at a time when the state is facing a difficult financial situation.

Sincerely,

GRAY DAVIS

## RECEIPT

I acknowledge receipt this 29th day of September 2002 at 10:14 p.m., of Assembly Bills Nos. 1877, 2258, 2496 and 2905 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 468**

Governor's Office, Sacramento

September 30, 2002

*To the Members of the California State Assembly:*

I am returning AB 468 without my signature.

This bill requires, with the approval of the applicable state agency, the director of the Department of Transportation or the director of the Department of General Services to negotiate a lease with any wireless telecommunications provider for their facilities on state property. This bill would also establish the Digital Divide Account and deposit 15% of the revenues collected from wireless telecommunication providers to this account.

I am returning this bill for two reasons. By *requiring* approval of the applicable state department, the location of telecommunication facilities is then exempt from local land use review. In some communities the location of cell towers is a matter of great community interest. I am unwilling to thwart the discretionary review of local governments. I certainly am supportive of bridging the digital divide as evidenced by my recent signatures of SB 1863 (Bowen) which increases funding to community technology centers and SB 1563 (Polanco) which requires the Public Utilities Commission to develop a meaningful plan to improve access to the Internet. However, the deposit of revenues into a new Digital Divide Account is nothing more than a transfer of the same revenues from the General Fund. Because of the \$24 billion revenue shortfall the state has faced and continuing fiscal pressures, I am unwilling to create this new account at the expense of the General Fund.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1309**

Governor's Office, Sacramento

September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1309 without my signature.

This bill would require certain employers, labor unions and apprenticeship programs to file annual workforce composition reports with the Department of Fair Employment and Housing (DFEH).

Although the bill has merit, it requires an employer to submit specific information on the race, sex, and job classifications of its workforce but does not provide for the confidentiality of these records. Similar information reported under federal requirements is kept confidential. Unfortunately, this bill does not contain that same protection.

In addition, given the fiscal problems facing our state and the budget reductions imposed by the Legislature, I cannot sign a measure that will

increase the workload for the DFEH when they are making every effort to focus their limited resources on investigating allegations of discrimination and civil rights violations.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1814**

Governor's Office, Sacramento  
September 30, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 1814 without my signature.

While well intended, AB 1814 does not define key terms and unfairly burdens Internet Service Providers (ISPs) by requiring them to give a 30-day notice before any termination or transfer of service.

I have already signed Senate Bill 772 (Bowen) which requires electronic mail service providers to give at least 30 days notice before permanently terminating a customer's e-mail address. SB 772 is narrower in scope and addresses the main problem that consumers and businesses face—permanent disruption of e-mail service without a legitimate reason. AB 1814, on the other hand, does not allow for circumstances where ISP service may be temporarily disrupted due to circumstances not within an ISP's control nor does it contain a definition of the term "without cause." Without a clear definition of this term, ISPs may not have the option of appropriately terminating service when a customer abuses the service by conducting illegal activities or fails to pay for the service.

Disruption of Internet service can be especially harmful to individual consumers and small businesses. I would be willing to consider a measure next year that ensures that they receive prior notice of termination provided that the bill also gives ISPs, in the same manner that SB 772 does, the option of terminating service if a customer abuses the service by conducting illegal activities or fails to pay for the service.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2297**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2297 without my signature.

This bill would enact the Online Privacy and Disclosure Act of 2002, which would require online businesses to clearly post and comply with their online privacy policies. While this bill is well intended, it is too vague and does not clearly define what entities are covered. Additionally, the bill requires an entity posting a privacy policy to post the past three privacy policies it used which will most certainly lead to confusion to consumers attempting to view the privacy policy.

I am proud to have signed 13 bills which strengthened privacy rights and identity theft law, including AB 700 (Simitian) which gives consumers notice of a breach of security and AB 1219 (Simitian) which provides for expedited hearings to rectify issues regarding identity theft. I also signed SB 1239 (Figueroa) which requires a credit reporting agency to provide a free copy of a consumer credit report every month

for up to 12 months. I was pleased to sponsor SB 1614 (Speier) which exempts birth and death records from disclosure under the Public Records Act.

I would be willing to work with Assembly Member Simitian next year to craft a more suitable measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2862**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2862 without my signature.

Last year, I signed one of the strongest domestic partner laws in the nation, which, among other things, provided health care coverage to the surviving domestic partner of a State annuitant.

AB 2862 would allow State annuitants who had retired before last year's law change went into effect or who file a Declaration of Domestic Partnership after they have retired to take advantage of this new law.

Given the budget shortfall of \$23.6 billion, I have no choice but to oppose additional General Fund spending at this time. However, when the State's economic condition improves, I would be willing to reconsider providing this new option.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 30th day of September 2002 at 4:05 p.m., of Assembly Bills Nos. 468, 1309, 1814, 2297 and 2862 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 1156**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1156 without my signature.

This bill would prohibit the Department of Mental Health from requiring 24-hour onsite nursing staff at community treatment facilities and forbid the use of mechanical restraints in Community Treatment Facilities (CTF).

The use of mechanical restraints on patients in a Community Treatment Facility is troubling to me. But I believe the decision as to whether or not to use such restraints should be made by professionals based on medical best practices, safety, and the best interests of the patient. Denying CTF facilities the option of using mechanical restraints could potentially put other clients and employees at risk. The Legislature's Senate Select Committee on Developmental Disabilities and Mental Health is scheduled to hold a public hearing this fall to

address the use of restraint and seclusion in all psychiatric facilities with a report due to the Legislature next March. Without the benefit of that report, this bill is premature.

I am prepared, however, to immediately sign a bill that would remove the obligation for 24-hour nursing services for those facilities that choose not to use mechanical restraints or medical services that require 24-hour nursing coverage. Therefore, I am returning this bill without my signature and without prejudice to the issues raised.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1422**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1422 without my signature.

This bill would create the California Mental Health Advocacy Commission, and require the commission to perform various duties regarding services for the mentally ill.

I am supportive of the concepts embodied in this bill, especially to help remove the stigma associated with mental illness. I am proud of the efforts we've made in the past three years to expand services and strengthen the safety net for those suffering with mental illness. In 1999, I signed Assembly Bill 34 establishing a program to provide comprehensive, integrated services to the homeless mentally ill. Just recently, I also signed Assembly Bill 1421, known as "Laura's Law", which allows for mandatory treatment of persons with severe mental illness who may be incapable of making informed treatment decisions.

However, the Department of Mental Health's resources are stretched too thin to take on additional responsibilities at this time. It would be difficult to ask the Department to take on this task at the same time we are making significant budget reductions and eliminating 7,000 positions in state government. I would consider revisiting this issue when the State's fiscal health improves.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2853**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2853 without my signature.

I appreciate the critical role professional engineers play in our transportation system, and with \$6 billion in transportation infrastructure projects underway this year—more than any time since Governor Pat Brown's administration—we're counting on these highly trained professionals to get the job done.

However, this proposal would increase state costs by more than \$100 million, including \$11 million in General Fund costs, at a time when the State is dealing with a \$24 billion budget gap. Neither the General Fund nor the Highway Account can afford to absorb the increased costs called for in this legislation until the State's fiscal health improves.



Further, I believe that salaries for State collective bargaining units must be established through good faith negotiations between the State and the employees' exclusive representative. I also recognize the problem of retaining trained professionals in State service when our salaries are not competitive with local government and private industry. Therefore, in negotiating future collective bargaining agreements, I am directing the Department of Personnel Administration to consider salaries paid to employees doing comparable work in other governmental agencies. Hopefully, State revenues will permit us to address these concerns at future bargaining sessions.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2887**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2887 without my signature.

This bill is a companion to Senate Bill 807. I have vetoed SB 807 thereby making this bill unnecessary.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 30th day of September 2002 at 4:06 p.m., of Assembly Bills No. 1156, 1422, 2853 and 2887 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 363**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 363 without my signature.

While this bill is well intended, it chips away at the attorney-client relationship which is intended to foster candor between an attorney and client. It is critical that clients know they can disclose in confidence so they can receive appropriate advice from counsel.

The effective operation of our legal system depends on the fundamental duty of confidentiality owed by lawyers to their clients. For these reasons, I must return this bill without my signature.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1250**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1250 without my signature.

This bill would require the California Highway Patrol (CHP) to implement a statewide Safety and Farm Labor Vehicle Education Program. The emphasis of the program would be concentrated in, but not limited to, the South Sacramento Valley, the Salinas Valley, the Central Valley and the Imperial Valley.

This bill is unnecessary. The CHP currently administers a Farm Labor Transportation Safety Program that meets the requirements that this bill would impose. The CHP estimates that it will expend about \$3.4 million in 2002–03 and subsequent years on this program, which utilizes 21 officers. The program also maintains several task forces to provide an enhanced enforcement presence at targeted times and locations throughout the State.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1710**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1710 without my signature.

This bill would require community college districts to provide an alternative retirement plan for their part-time classified employees in lieu of Social Security. Under federal law, if a public employer does not provide a qualified retirement plan, the employees and the employer must contribute to Social Security.

This bill requires community college districts to pay a minimum of 4 percent of employees' salary as a contribution to an alternative retirement plan if an employee chooses to participate in the alternate plan. This is likely to increase costs for many districts. The Department of Finance estimates additional costs of \$44 million to the General Fund. These increased costs would come at a time when community college districts are having to confront significant fiscal constraints. Consequently, I do not believe that it is in the best interests of the community college districts to mandate this increase in their costs.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2367**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2367 without my signature.

This bill would allow members of the California Public Employees' Retirement System (CalPERS) whose retirement accounts have been separated due to a community property settlement to purchase retirement service credit awarded by redepositing retirement

contributions previously withdrawn from the member's account. This bill is identical to AB 199 (2001), which I vetoed last year.

This bill would change the method of calculating retirement benefits for divorced CalPERS members. It could result in a higher total benefit being paid to divorced members than for members who do not divorce.

The value of the retirement benefits paid to a divorced member should be the same as for members who do not divorce. Furthermore, this bill would increase retirement liabilities of State and local contracting agencies during a difficult financial environment.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2652**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2652 without my signature.

This bill would establish the California Domestic Violence Court Task Force to create guidelines for establishing and operating domestic violence courts in the State. The bill would appropriate \$100,000 to the Judicial Council to support the task force activities.

Combating domestic violence has been a major focus since I took office. This year alone, I have signed AB 1909, which authorizes counties to develop demonstration projects to identify the best practices in civil, criminal, and juvenile court cases involving domestic violence. I have signed AB 1928, which creates a civil action for injuries resulting from acts of gender-related violence. I have also signed AB 1933, which enhances the civil remedies available to domestic violence victims; makes a person who commits an act of domestic violence liable for monetary damages and permits the court to grant injunctions, costs and reasonable attorney's fees.

In the previous three years, I have signed legislation that increases penalties for stalking, provide that a domestic violence restraining order or criminal protective order has precedence in enforcement over other civil orders, and require active court involvement in performing background checks in domestic violence cases.

In addition, the Office of Criminal Justice Planning currently funds 85 domestic violence shelters. This is the largest number of shelters to be funded in the history of the agency, an expansion of 14 shelters from the prior funding cycle.

Notwithstanding the merits of this measure, I must reluctantly veto this bill because it would result in increased General Fund costs of \$100,000 for the task force. Further, implementation of recommendations by the task force would likely result in significant future costs as well, at a time when the State is dealing with a \$24 billion shortfall.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2729**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2729 without my signature.

This bill would add domestic violence peer counselors to existing law that provides reimbursement to rape peer counselors and would revise the reimbursement rate for peer counselors, currently set at \$15/hour, to a rate that would be determined by the Victim Compensation and Government Claims Board (Board).

Although I am supportive in concept, the Board has estimated that this bill could cost the Restitution Fund (Fund) as much as \$4.5 million per year.

Specifically, during FY 01/02 expenditures for the Victim Compensation Program (VCP) exceeded incoming revenue by \$45 million. This is a direct result of the Board's successful efforts to reach out to crime victims and those who provide services to victims. For FY 02/03 that gap is projected to be approximately \$35 million. Over the past few years, the cash balance reserve in the Restitution Fund has been used to cover the shortfall between revenues and expenditures; however, the reserve will be nearly exhausted by the end of FY 03/04 if we are not fiscally responsible.

I believe the Board's first priority is to protect existing VCP benefits, and therefore, in light of the current fiscal condition of the Fund, I must oppose any bills expanding participation of "peer counselors" when mental health counseling is already a covered reimbursement.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2845**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2845 without my signature.

This bill requires the Occupational Safety and Health Standards Board to adopt revised standards for ergonomics in the workplace designed to minimize the instances of injury from repetitive motion by July 1, 2004.

California, as the only state in the nation that is successfully enforcing a regulation to address repetitive motion injuries, has proven itself to be a leader in the area of ergonomics. Our regulation is the result of significant debate, study and public comment, and represents a concerted effort to balance legitimate, competing concerns regarding repetitive motion injuries.

The Occupational Safety and Health Standards Board has received a petition requesting that it amend California's standard on repetitive motion injuries and I believe that the Board's consideration of that petition will allow for the best evaluation of the existing regulation as well as the relative merits of amending it. In an effort to allow that process to occur, I am returning this bill without my signature.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2850**

Governor’s Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2850 without my signature.

I had hoped to be able to sign this bill. However it is necessary that there be adequate protection so that providing notice of legal services contracts to State Employees Bargaining Unit 2 does not result in a waiver of the attorney-client, work product or deliberative process privileges. Unfortunately, AB 2850 does not address this satisfactorily.

However I am directing the Department of Personnel Administration to work with Bargaining Unit 2 to meet and confer so they can enter into a Memorandum of Understanding that addresses the legitimate concerns of both the Bargaining Unit and the State.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2922**

Governor’s Office, Sacramento  
September 30, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 2922 without my signature.

AB 2922 requires state agencies to provide to the Office of Privacy Protection (OPP) descriptions of the categories of personal information contained in their systems of records, and requires the OPP to create the State Personal Information Inventory.

While I support the goals of this bill, I am concerned about the potential costs to State agencies to comply with the provisions of this bill. For example, the Department of Health Services alone estimates complying with this bill would cost almost \$4.4 million. At a time of a \$24 billion budget deficit, and when the Legislature has asked agencies to reduce budgets by 20%, I cannot sign this bill.

Sincerely,

GRAY DAVIS

**RECEIPT**

I acknowledge receipt this 30th day of September 2002 at 10:59 p.m., of Assembly Bills Nos. 363, 1250, 1710, 2367, 2652, 2729, 2845, 2850, and 2922 without the Governor’s signature, together with a statement of his objections thereto, signed the Governor, delivered to me personally by Casey Elliott.

HUGH R. SLAYDEN  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 60**

Governor's Office, Sacramento  
September 30, 2002

*To the Members of the California State Legislature:*

I am returning Assembly Bill 60 and Senate Bill 804 without my signature.

I publicly stated my willingness to provide driving privileges to hard working, law-abiding immigrants who pay taxes and perform work that many Americans refuse to do. Through their labor, these immigrants confer economic benefits on the rest of society. However, if we are to grant driver licenses to them because they are workers, it is reasonable to require proof that they are, in fact, working.

Furthermore, the tragedy of September 11, made it abundantly clear that the driver's license is more than just a license to drive; it is one of the primary documents we use to identify ourselves. Unfortunately, a driver's license was in the hands of terrorists who attacked America on that fateful day.

For several months, I worked closely with the author of AB 60 and law enforcement officials to develop measures required for the public safety if we are to grant driver licenses to these immigrants. I made it clear to all parties that these bills must contain certain common-sense protections if we are to change the requirements for obtaining a driver's license.

Unfortunately SB 804 does not provide the protections necessary to sign these measures. For example, if there is an outstanding warrant for the arrest of an applicant for treason, espionage, sabotage, homicide, kidnapping, sexual assault, drug trafficking, flight escape, or smuggling, he or she is not disqualified from getting a license.

SB 804 attempted to provide a few of the necessary protections. But even those few are threatened. I insisted that AB 60 and SB 804 be double-jointed so they would rise and fall together. But as written, they do not. Threatened lawsuits could destroy the meager protections of SB 804, while leaving only AB 60, which has none of those protections. That is unacceptable.

As noted, SB 804's "protections" are insufficient for several additional reasons.

1) Valid proof of identify is not required. I insisted that an applicant show a valid birth certificate or some other identification of equal validity. But under SB 804, less reliable documents are acceptable. An applicant could simply provide two forms of identification from a list that includes a foreign voter registration card, an international driver's license or other documents issued by a foreign government. It is unknown what identity verification underlies the issuance of these documents in foreign countries. And, according to the Department of Motor Vehicles, several web sites offer international driver licenses over the Internet without any verification of identity or licensing status.

2) Many egregious, criminal convictions are ignored. I insisted that a person who was convicted of offenses that would preclude him or her from being in this country legally should not be licensed. But SB 804 did not do that. So, for example, a person who has been convicted of two crimes and imprisoned for five years or more could not get legal immigration status, but could get a driver's license.

3) DMV is not given the necessary ability to revoke a license. These bills do not give DMV the ability to revoke the driver's license of a person whose application for legal presence is rejected by the Immigration and Naturalization Service. Since a premise of the program is to permit people who are in the process of gaining legal presence to obtain a driver's license, I required that there be a way to revoke the license if they are no longer eligible.

4) DMV cannot perform background checks when a license is renewed. These bills do not authorize DMV to do background checks or perform the necessary inquiry and verification when a licensee seeks to renew a license. Thus, we might be relicensing felons or those who have lost legal status. This was a critical point, which I made repeatedly.

5) There is no requirement that the applicant be working here. Although the whole premise of the bill was to provide licenses to those who are working, there is (contrary to my requests) no actual requirement that an applicant prove that. Instead, SB 804 allows an applicant simply to "affirm" that he or she is employed and to show a document, such as a utility bill, that may or may not prove that.

I agreed to sign AB 60 if its companion measure, SB 804, provided adequate assurance that an applicant lived and worked in California for fifteen months over the last three years and passed a background check that provided all the protections described above. It is regrettable that the provisions of SB 804 fall short of meeting these requirements, making it impossible for me to sign either bill into law.

For these reasons, I must veto AB 60 and SB 804. However, I remain willing to sign legislation that meets all of the requirements stated above.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 325**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 325 without my signature.

There are proposals in this measure that I fully support and other proposals that I oppose. For example, it is certainly reasonable to prohibit any persons misrepresenting farmworkers into believing that their employment or employee benefits will be jeopardized unless they pay a fee for transportation to and from the worksite.

It is also reasonable to prohibit a farm labor contractor or agricultural employer from requiring their employees to cash paychecks at designated locations.

On the other hand, it is not reasonable to tell an agricultural employer that he or she cannot charge a fee for cashing that paycheck. Furthermore, there are other burdensome requirements in this otherwise well-intentioned measure that prevent me from signing this bill.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 822**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 822 without my signature.

This bill would impose new procedures requiring the Attorney General to issue an opinion on the validity of requests for records under the Public Records Act. The Attorney General would be required to compile and publish such opinions annually. The Department of Finance estimates additional costs of \$1 million annually plus additional positions to the Department of Justice at a time when the Legislature has directed that we eliminate 7,000 positions.

Because the Attorney General is the attorney for most State agencies and advises agencies on responding to such requests, AB 822 would create an inherent conflict of interest. I vetoed similar proposals in 1999 and 2000. AB 822 suffers the same problems.

Additionally, the proponents of AB 822 fail to establish the need for such procedures. In response to similar legislation in 2000, SB 2027, I directed the State and Consumer Services Agency to review the performance of all State departments in responding to Public Record Act requests. The Agency's review found that State departments are responding timely and there is very little litigation challenging their responses.

The State and Consumer Services Agency's review thus found no need for the disruptive and costly procedures proposed by AB 822. However, the Agency made several recommendations to improve the State's response to Public Record Act requests, such as establishing uniform guidelines for reviewing requests and providing updated training materials. Such steps are all the more important to assure appropriate review of sensitive materials following September 11. Accordingly, I am directing the Secretary of the State and Consumer Services Agency to work with the Attorney General, the Department of Personnel Administration and other appropriate parties to implement the Agency's recommendations as soon as possible.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1677**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 1677 without my signature.

This bill would prohibit employers from charging their employees a fee for cashing an employee's payroll check, and makes changes to wage, hour and meal period requirements under specified circumstances. In addition this measure requires the Labor Commissioner to appoint members to a Garment Manufacturing Advisory Committee by January 1, 2003.

Employees are currently protected from the practice of employers receiving money from the payroll checks of their employees. Additionally, certain provisions of this bill concerning meal and rest



periods for public transit employees may be too costly and overly burdensome to public transit agencies. The term “hours worked” has already been adequately defined in California labor law by the IWC.

Finally, the Labor Commissioner has already complied with the mandate of this bill to appoint members to a Garment Manufacturing Advisory Committee by January 2003.

For these reasons, I must veto this bill.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2268**

Governor’s Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2268 without my signature. I value the hard work of every employee in State Government and I strongly support the rights of California’s state employees to fair and speedy review of disciplinary appeals. However, rather than assist state employees, this bill would add time and confusion to the already lengthy state disciplinary process.

I believe that State employees are already guaranteed a fair hearing for their disciplinary appeals at the State Personnel Board. By requiring a Skelly officer from another State department to hold a hearing on imposed discipline and issue written findings, all prior to SPB involvement, this bill adds further delay and uncertainty to the process.

For these reasons I must veto this bill. However, I am directing all department Directors to review those procedures, and if they feel an appointee from another Agency holding the Skelly hearing is more appropriate, they should see to it that such a process is followed.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2500**

Governor’s Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2500 without my signature.

This bill would revise the provisions governing damages recoverable by a mobilehome owner in a suit against park management to enforce the Mobilehome Residency Law (“MRL”) and would specify change of venue requirements applicable to cases brought under this law.

I am concerned about the quality of life for all Californians and am troubled the MRL, which is designed to regulate the relationships between park owners and their mobilehome owner tenants, may be willfully violated by park owners or residents. I would be willing to sign a bill that confirms the right of plaintiffs bringing actions under the MRL to elect either tort or statutory damages remedies in such cases. Unfortunately, because this bill also makes unprecedented changes to existing laws regarding venue requirements, I cannot sign this bill in its current form. Accordingly, I am returning this bill without my signature.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2651**

Governor's Office, Sacramento  
September 30, 2002

*To the Members of the California State Assembly:*

I am returning Assembly Bill 2651 without my signature.

This measure adds gay and lesbian families to the existing list of minority families for targeted outreach efforts within existing resources and adds optional foster parent training on sensitivity to sexual orientation and gender identity issues. AB 2651 also prohibits discrimination in foster care delivery of benefits, services, licensing, approval and placement decisions.

The Department of Social Services' (DSS) resources are stretched too thin to ask the Department to take on a new priority outreach task at the same time we are making significant budget reductions and eliminating 7,000 positions in state government. In addition, the DSS already conducts outreach for gay and lesbian foster parents as part of its general foster care recruitment and this would have the unintended consequence of diluting the priority recruitment efforts on behalf of minority children who represent an overwhelming 2/3rds of children in the child welfare system.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 2669**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 2669 without my signature.

This measure allows telephone companies that are regulated under the New Regulatory Framework, know as the "price cap" regulatory structure, to issue stock or debt without California Public Utilities Commission (PUC) approval unless the PUC can prove that such an issuance would not be in the public interest.

As I indicated in my veto of AB 1082 (Calderon, 2000), there is no need to duplicate existing PUC procedures that allow the PUC to exempt telephone companies on a case-by-case basis from regulatory review of their financing proposals. For this reason, I am vetoing this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 3010**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 3010 without my signature.

This bill would provide an alternate base period for which unemployment insurance (UI) benefits are calculated if claimants fail to qualify for benefits under the standard base period.

Last year, I signed SB 40 (Alarcón) which raised UI benefits for the first time in nearly a decade, beginning January 2002. Earlier this year, I signed emergency legislation, SB 2XXX (Alarcon), making those

UI benefits retroactive to September 11, 2001 to benefit hundreds of thousands of Californians affected by that terrible tragedy.

This measure would require \$15 million General Fund for 283.5 new permanent positions needed to administer the alternate base period. We cannot significantly increase State government positions at the same time we are forced to make deep budget reductions and eliminate 7,000 positions.

Moreover, this bill would result in additional costs to the UI fund of at least \$13.8 million in 2002–03, \$28.9 million in 2003–04, and \$30.6 million in 2004–05, with annual increases thereafter. Further increases would put additional pressure on the UI fund that may result in increased employer taxes.

Therefore, I cannot support this measure at this time.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 3029**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am returning Assembly Bill 3029 without my signature.

This bill would impose restraints on private arbitration companies who provide arbitration, consulting and solicitation services in connection with consumer arbitrations, including health, employment and consumer product claims.

This bill casts too wide a net and could have the unintended consequences of making California's arbitration provisions so complex that national companies would not be willing to provide services in our state. Thus, the cost of arbitration for consumers could increase thereby discouraging the use of arbitration. That is just the opposite of what is intended with using alternative dispute resolution for consumers. Moreover, I believe it is important that we work towards the adoption of more national standards that allow all states to provide consistent and uniform regulation of this industry.

I want to ensure that the arbitration process is unbiased and fair for all parties and have, in fact, signed SB 475 (Escutia) which provides for ethical standards for conducting arbitration and mediation. This year, I also signed AB 2915 (Wayne) which prohibits "loser-pays" policies in arbitration and AB 2574 (Harman) which prohibits conflicts of interest between private judging companies and the parties they serve in consumer arbitrations.

Because this measure goes too far in the regulation of the arbitration profession and because it may have a chilling effect on the entire arbitration process, I cannot sign this bill.

Sincerely,

GRAY DAVIS

## RECEIPT

I acknowledge receipt this 30th day of September 2002 at 11:01 p.m., of Assembly Bills Nos. 60, 325, 822, 1677, 2268, 2500, 2651, 2669, 3010 and 3029 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

HUGH R. SLAYDEN  
Acting Chief Clerk of the Assembly

The following item veto messages from the Governor were received and ordered printed in the Journal and the bill ordered to the unfinished business file:

**Item Veto Message—Assembly Bill No. 425**

Governor's Office, Sacramento  
September 5, 2002

I object to the following appropriations contained in Assembly Bill 425.

**Item 0450-101-0932**—For local assistance, State Trial Court Funding. I reduce this item from \$2,069,477,000 to \$2,068,677,000 by reducing:

(1) 10—Support for the operation of the Trial Courts from \$1,872,495,000 to \$1,871,695,000.

I am deleting the \$800,000 legislative augmentation to increase funding for family court services activities. Although this program is meritorious, deletion of funding for this program expansion is necessary in light of current fiscal constraints. With this action, \$111.5 million remains to support family court services.

**Item 0450-111-0001**—For transfer by the Controller to the Trial Court Trust Fund. I reduce this item from \$1,108,568,000 to \$1,079,568,000.

I am deleting the \$800,000 legislative augmentation to increase funding for family court services activities to conform to the action taken in Item 0450-101-0932.

I am reducing this transfer by \$28,200,000 on a one-time basis. This is a technical adjustment consistent with the January 10 proposal to reduce the 2001–02 transfer by this amount. Since the transfer to the Trial Court Trust Fund for fiscal year 2001–02 was inadvertently not reduced, this action is necessary and will still provide sufficient resources in the Trial Court Trust Fund to meet the level of appropriation provided in this act for 2002–03.

**Item 0860-490**—Reappropriation, Board of Equalization. I revise this item from \$639,000 to \$339,000 as follows:

“Notwithstanding any other provision of law, as of June 30, 2002, the unencumbered balance of the appropriation, not to exceed ~~\$639,000~~ \$339,000, provided in the following citations are reappropriated until June 30, 2003, upon review and approval of the Department of Finance for (1) preliminary plans, working drawings, or construction of any project for the alteration of a state or leased facility to facilitate the transition of new Board of Equalization members; and (2) the upgrade of one of the two CEA 1 allocations to the CEA 2 level in each of the elected Board Member offices to recognize the increased level of duties and responsibilities required.

**0001—General Fund**

- (1) Item 0860-001-0001, ~~10000000~~-Personal services, Budget Act of 2001 (Ch. 106, Stats. 2001)
- (2) Item 0860-001-0001, ~~30000000~~-Operating Expenses and Equipment, Budget Act of 2001 (Ch. 106, Stats. 2001)”

I am deleting \$300,000 of the \$639,000 reappropriation, which was for the purposes of facility upgrades for incoming Board members and upgrades of Board member positions. My reduction will enable \$300,000 to revert to the General Fund.

**Item 0954-101-0001**—For local assistance, Scholarshare Investment Board. I revise this item by deleting Provision 2.

I am deleting Provision 2, which states legislative intent to delay payments for 9<sup>th</sup> and 10<sup>th</sup> grade awards for the Governor’s Scholars Program by one year. Current law requires that awards be provided to all students who meet the criteria for an award under this program. Therefore, this language expresses intent to enact a substantive change of law, which can only be included within a single subject bill, not the Budget Act.

**Item 1730-001-0001**—For support of the Franchise Tax Board. I reduce this item from \$402,384,000 to \$401,298,000 by reducing:

- (1) 10-Tax Programs from \$384,174,000 to \$383,088,000.

I am deleting the legislative augmentation of \$250,000 for the City Business Tax Program that allows the Franchise Tax Board to purchase information regarding local business tax licenses from cities. This reduction is necessary to provide for a prudent General Fund reserve in light of the State’s current fiscal condition.

I am deleting the legislative augmentation of \$836,000 and 21.5 personnel years, which would provide funding for the tax assistance call center. While I am supportive of efforts in this area, I am unable to support this augmentation due to fiscal constraints and limited resources in the General Fund. With this action, approximately \$15 million in funding remains for the call center.

**Item 2240-104-0001**—For transfer, upon order of the Director of Finance, to the Farmworker Housing Grant Fund. I reduce this item from \$13,984,000 to \$10,984,000 and by deleting Provision 2.

I am reducing this item by \$3,000,000 and deleting Provision 2. This reduction is necessary to keep State spending growth in line with revenues and provide for a prudent General Fund reserve for economic uncertainties. At my Homelessness Summit in April 2002, I signed the Housing and Emergency Shelter Trust Fund Act of 2002, which places a \$2.1 billion housing bond on the November 5, 2002, general election ballot. If approved by the voters, that bond would provide an unprecedented \$200 million for farmworker housing programs.

I am deleting Provision 2 to conform to this action. That provision would decrease this item by \$8,500,000 only if the voters in the November general election approve the Housing and Emergency Shelter Trust Fund Act of 2002.

**Item 2640-102-0046**—For local assistance, Special Transportation Programs. I delete this item.

I am deleting the \$5,100,000 legislative augmentation for Special Transportation Programs. The program will receive its statutory allocation of \$98,018,000 even with this deletion. I am taking this action

to conform the budget to the extent possible to the 2002 State Transportation Improvement Program (STIP) Fund Estimate. The Fund Estimate identifies \$39.2 million of Public Transportation Account funds available for allocation by the California Transportation Commission for intercity rail and other projects through the STIP. I cannot support an augmentation for Special Transportation Programs at this time because the resources available for STIP allocations will be less than estimated and I want to ensure the retention of any available resources for that purpose.

**Item 2660-013-0042**—For transfer by the Controller, upon order of the Director of Finance, from the State Highway Account, State Transportation Fund, to the Traffic Congestion Relief Fund. I revise this item by deleting Provision 2.

I am deleting Provision 2 that requires the transfer from the State Highway Account to the Traffic Congestion Relief Fund be made on an “as needed” basis rather than once at the beginning of the fiscal year. This language would require additional monitoring and accounting activities by the Department of Transportation, the Department of Finance, and the State Controller’s Office that would otherwise not be necessary, which results in additional costs to the State. As such, this language is unnecessarily restrictive and interferes with the Administration’s ability to manage State programs.

**Item 2660-491**—Reappropriation, Department of Transportation. I revise this item by deleting Schedule (3) under 0001-General Fund of this item.

I am deleting Schedule (3) by reducing the amount available for reappropriation by \$1,500,000 in unexpended funds in Item 2660-101-0001, Budget Act of 2000, for the purpose of a transit station project in Santa Clara County. My veto will enable the \$1,500,000 to revert to the General Fund. The reappropriation would have redirected the funds to a child care facility project adjacent to the transit station. Notwithstanding the merits of this project, this action is essential due to limited resources in the General Fund. It should be noted that this Budget Act contains \$1,403,396,000 in State funds for the Department of Education to fund child development and childcare programs. Additionally, the Department of Housing and Community Development administers a loan program for the construction of new childcare facilities.

**Item 2660-496**—Reversion, Department of Transportation. I revise this item by decreasing Schedule (1) by \$16,937,000 and Schedule (2) by \$48,720,000.

I am revising Schedules (1) and (2) as follows to provide funds for unanticipated encumbrances for transportation projects:

0042—State Highway Account

(1) Item 2660-101-0042, Budget Act of 1998 (Ch. 324, Stats. 1998)

(a) 20.25-Highway Transportation—State Local Partnership  
~~\$88,937,000~~ \$72,000,000

(2) Item 2660-101-0042, Budget Act of 1999 (Ch. 50, Stats. 1999)

(a) 20.30-Highway Transportation—Local Assistance  
~~\$65,720,000~~ \$17,000,000

**Item 2920-001-0001**—For support of Technology, Trade, and Commerce Agency. I reduce this item from \$20,719,000 to \$20,468,000 by reducing:

- (3) 10-Economic Development from \$7,445,000 to \$7,345,000;
- (4) 20-International Trade and Investment from \$3,814,000 to \$3,664,000;
- (8) 60-Economic Research and Strategic Initiatives from \$563,000 to \$562,000;

and by deleting Provision 2.

I am reducing funding for the Office of Military Base Reuse and Retention by \$100,000. This reduction is necessary to help provide for a prudent General Fund reserve in light of the State's current fiscal condition. This reduction is consistent with the reductions I proposed for this program in the May Revision. With this reduction, \$193,000 still remains to support the Office of Military Base Reuse and Retention. The next round of military facility closures will not take place until 2005, allowing time to reconsider this program's funding in 2003–04 to the extent fiscal conditions then allow.

I am reducing funding for the evaluation of the foreign trade offices by \$150,000. AB 3000, the general government trailer bill to the 2002–03 Budget Bill includes provisions that will require any proponents of a new foreign trade office to submit a proposed business plan for any newly proposed international trade office. The Technology, Trade, and Commerce Agency will evaluate any new offices proposed by this Administration from within its existing funding. As such, additional funds are not required for this activity.

I am reducing this item by \$1,000 from Economic Research and Strategic Initiatives and deleting Provision 2, which would declare the Legislature's intent that, although no additional funds are appropriated in this item, the activities of the California Economic Strategy Panel shall be funded from this item. This agency's budget constraints do not permit redirecting resources to fund the activities of the panel.

**Item 2920-011-0001**—For support of Technology, Trade, and Commerce Agency. I reduce this item from \$5,192,000 to \$4,692,000 by reducing:

- (1) For transfer to the Small Business Expansion Fund (0918) from \$5,162,000 to \$4,662,000,

and by deleting Provision 1.

I am reducing this item by \$500,000 and deleting Provision 1, which would specify that these funds are for the establishment of the Small Business Financial Development Corporation in southeast Los Angeles. The need for such a new financial development corporation has not been demonstrated, and there are several of the 11 existing financial development corporations already located in the Los Angeles area. This reduction is also necessary to limit program expansions and provide for a prudent General Fund reserve in light of the State's current fiscal condition.

**Item 3110-001-0001**—For support of Special Resources Programs. I reduce this item from \$430,000 to \$200,000 and delete Provision 1.

This item provides matching funds for federal grants under the National Sea Grant College Program Act. Over the past three years, I have provided over \$2.3 million for grants associated with this program. I believe this program has merit and have committed this

Administration to increased participation in accordance with my environmental protection priorities. However, these reductions are necessary to limit program expansions and provide for a prudent General Fund reserve in light of the State's current fiscal condition. With these reductions, \$200,000 still remains to support the Sea Grant program. Matching grants for this year should be evaluated and prioritized within the \$300 million research budget for the University of California.

I am deleting Provision 1, which would have allocated \$80,000 of this item to the University of Southern California. I support the existing grant allocation process that is the statutory responsibility of the Resources Agency, acting upon recommendation from the Sea Grant Advisory Panel. This deletion conforms to the appropriation reductions specified above.

**Item 3360-001-0465**—For support of Energy Resources Conservation and Development Commission. I reduce this item from \$51,247,000 to \$49,247,000 by reducing:

- (2) 20-Energy Resources Conservation from \$23,532,000 to \$21,532,000.

I am reducing the legislative augmentation for Dairy Waste-to-Energy Programs from \$5,000,000 to \$3,000,000. I believe that this level of funding will serve the important goals of helping to address water pollution problems associated with dairies and providing an additional source of fuel to generate energy without resulting in the need to increase surcharges on California's electric customers.

**Item 3810-301-6029**—For capital outlay, Santa Monica Mountains Conservancy. I reduce this item from \$20,000,000 to \$12,000,000 by reducing:

- (1) 50.20.001-Capital outlay acquisitions from \$20,000,000 to \$12,000,000.

I have submitted an expenditure plan for Proposition 40 that meets current environmental acquisition priorities for the Santa Monica Mountains Conservancy Zone and the Rim of the Valley Corridor, and is fiscally responsible. Reduction of this item corresponds to the expenditure priorities associated with that plan.

**Item 3835-301-6029**—For capital outlay, Baldwin Hills Conservancy. I reduce this item from \$20,000,000 to \$15,000,000.

- (1) 20-Capital Outlay Acquisition and Improvement Program from \$35,000,000 to \$30,000,000.

I have submitted an expenditure plan for Proposition 40 that meets current environmental acquisition priorities for the Baldwin Hills Conservancy and is fiscally responsible. Reduction of this item corresponds to the expenditure priorities associated with that plan.

**Item 3860-001-6029**—For support of Department of Water Resources. I delete this item and Provision 1 to make a technical correction to the Budget Bill.

This technical veto will conform to the Legislature's intent; the funding provided in this item is duplicative of Item 3860-001-6031. Therefore, in order to correct this technical error in the Budget Bill, I am deleting this item.

**Item 3900-001-0044**—For support of State Air Resources Board. I reduce this item from \$55,654,000 to \$53,854,000 by reducing:



(1) 15-Mobile Source from \$101,157,000 to \$99,357,000.

I am deleting the \$1,300,000 legislative augmentation for Community Health and the \$500,000 legislative augmentation for Global Warming. Although meritorious, these program expansions cannot be funded at this time because of fiscal constraints and limited resources in the Motor Vehicle Account. With this action, \$2,235,000 still remains to support the Community Health program.

**Item 3900-101-0044**—For local assistance, State Air Resources Board. I reduce this item from \$15,111,000 to \$10,111,000 by reducing:

(1) 35-Subvention from \$15,111,000 to \$10,111,000.

I am deleting the \$5,000,000 legislative augmentation for subventions to local air districts. This action is necessary because of fiscal constraints and limited resources in the Motor Vehicle Account. With this action, \$10,111,000 still remains for local air districts.

**Item 3980-001-0001**—For support of Office of Environmental Health Hazard Assessment. I reduce this item from \$12,929,000 to \$12,220,000 by reducing:

(1) 10-Health Risk Assessment from \$15,997,000 to \$15,288,000.

I am deleting the \$709,000 legislative augmentation for risk assessments, evaluations of contaminants, and the development of standards. This action is necessary to keep State spending growth in line with revenues and provide for a prudent General Fund reserve for economic uncertainties. With this action, \$15,288,000 still remains to support the Office of Environmental Health Hazard Assessment.

**Item 4120-101-0001**—For local assistance, Emergency Medical Services Authority. I reduce this item from \$31,486,000 to \$26,486,000 by reducing:

(1) 10-Emergency Medical Services Authority from \$40,005,000 to \$35,005,000,

and by revising Provision 7.

I am sustaining \$20,000,000 and vetoing \$5,000,000 of the \$25,000,000 legislative augmentation for support of the state's trauma system providers. Recognizing trauma centers have experienced increasing fiscal pressure, I sustained \$25,000,000 in 2001–02 to assist the State's trauma care providers. This reduction is necessary in light of the State's current fiscal constraints.

I am revising Provision 7 to conform to this action.

“7. The State Controller shall transfer \$25 \$20 million in funds appropriated in this item to the Trauma Care Fund.”

**Item 4130-490**—Reappropriation, California Health and Human Services Agency Data Center. I revise this item by revising Provision 1.

In order to correct a technical error in the Budget Bill, I am amending Provision 1 by deleting the requirement that the amount of funding reappropriated for automation projects be consistent with the amount approved by the Department of Information Technology (DOIT) in a special project report or equivalent document. As statutory authority for the DOIT expired on June 30, 2002, this language is no longer applicable.

“1. It is the intent of this item to continue funding approved activities for the automation projects that, due to schedule changes, result in unexpended appropriations one year and the need for additional funding in the following year. Therefore,

notwithstanding any other provision of law, the balance of the appropriations for these automation projects may, upon approval of the Department of Finance, be reappropriated for transfer to and in augmentation of the corresponding items in this act. The funds reappropriated by this provision shall be made available consistent with the amount approved by the Department of Finance and the Department of Information Technology based on an approved special project report or equivalent document not sooner than 30 days after providing notification in writing to the chairperson of the fiscal committee of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee.”

**Item 4260-001-0001**—For support of Department of Health Services. I revise this item by reducing:

(1) 10-Public and Environmental Health from \$309,846,266 to \$284,446,266;

(41) Amount payable from the Federal Trust Fund (Item 4260-001-0890) from -\$358,240,000 to -\$332,840,000;

and by deleting Provision 4.

I am reducing the amount payable from the Federal Trust fund by \$25,400,000 as a technical adjustment. This funding, intended to support the State’s efforts to combat bioterrorism, has been included in a separate appropriation bill, SB 406. Therefore, inclusion in Budget Act totals is no longer necessary. I am also deleting \$25,400,000 from the Federal Trust Fund in Item 4260-001-0890 to conform to this action.

The May Revision proposed, and the Legislature approved, 91 State positions and funding for 43 contract staff for the Department to expand the Medical Case Management Program (MCMP). The MCMP provides in-home care to severely ill Medi-Cal beneficiaries, allowing them to avoid costly institutional care. Savings of \$18 million (\$9 million General Fund) were adopted to reflect this expansion. To achieve the budgeted savings, the Department requires a total of 91 staff. Therefore, the total of 134 staff approved for this activity is overstated by 43.

In addition to the MCMP expansion, the Legislature also approved additional savings-generating activities proposed in the May Revision. However, an insufficient number of positions were proposed, and subsequently approved by the Legislature, to achieve the estimated savings through those activities. Therefore, I am directing the Department of Health Services to utilize 12 of the excess 43 MCMP positions as appropriate to ensure that the Department meets the savings targets adopted by the Legislature. I am eliminating the remaining 31 excess positions. However, I am allowing the department to retain the funding and directing Department of Health Services to fill the positions as soon as possible to ensure that the savings are achieved.

I am deleting Provision 4 as a technical adjustment. This language was included in the 2001–02 Budget Act to govern funding for the Medi-Cal assisted living waiver benefit. A portion of the funding is reappropriated to 2002–03 through Item 4260-490. Therefore, this provision is no longer necessary.

**Item 4260-001-0890**—For support of Department of Health Services. I reduce this item from \$357,215,000 to \$331,815,000.

I am reducing this item by \$25,400,000 to conform to the action I have taken in Item 4260-001-0001.

**Item 4260-101-0001**—For local assistance, Department of Health Services. I reduce this item from \$9,789,639,000 to \$9,749,203,000 by reducing:

- (1) 20.10.010-Eligibility (County Administration) from \$1,523,866,000 to \$1,464,257,000;
  - (3) 20.10.030-Benefits (Medical Care and Services) from \$23,172,770,000 to \$23,156,945,000;
  - (5) Amount payable from the Federal Trust Fund (Item 4260-101-0890) from -\$14,951,031,000 to -\$14,916,033,000;
- and by deleting Provisions 12 and 15.

I am deleting Provision 12. Due to the delay of the budget, September 30, 2002 is no longer a meaningful date for a facility to apply for reimbursement through the Wage Adjustment Rate Program, as described in Section 14110.65 of the Welfare and Institutions Code. Nonetheless, a specific timeframe for when nursing homes can submit a plan is necessary. As such, I am directing the Department of Health Services to issue instructions that allow submittal of a rate adjustment request form up until 30 days after the effective date of the final regulations.

Partially restoring the rates paid to Medi-Cal providers is a priority of my Administration as well as the Legislature. In order to accomplish the intent of the Legislature, the Director of the Department of Health Services will be reducing the provider rates to the pre-August 2000 level, pursuant to AB 442. I am sustaining funding to allow exemptions, as prescribed in AB 442, from provider rate reductions for the following services: California Children's Services, non-emergency medical transportation, home health services, shift nursing, and family planning physician services. However, the Director can then use existing authority to develop regulations that would partially restore Medi-Cal provider rates by implementing my January 10 budget proposal and rescinding the May Revision rate reductions. The rescission of the May Revision provider rate reductions would take effect retroactively to the date of my signing AB 442, the omnibus health trailer bill. Any funding adjustments needed to effectuate these outcomes will be addressed in my revised 2002-03 budget submitted to the Legislature in January 2003.

I am sustaining \$58,959,000 of the \$87,959,000 legislative augmentation which restored the 20 percent reduction I proposed in Medi-Cal county administration funding. The total funding provided represents an approximate 6 percent reduction for counties to continue the work they perform on behalf of the State. This reduction is necessary in light of the State's fiscal constraints and is consistent with General Fund reductions being applied to State agencies and departments. In addition, I am sustaining the \$58,959,000 of the \$87,959,000 legislative augmentation to the Federal Trust Fund, Item 4260-101-0890, to conform to this action.

I am deleting the \$5,997,000 legislative augmentation for implementation of the Medi-Cal expansion that on July 1, 2002, would link children's Medi-Cal eligibility with eligibility for the National School Lunch Program, pursuant to Chapter 894, Statutes of 2001 (AB 59). Although I am supportive of this program, it would not be

fiscally prudent to implement this program expansion given the current economic situation. I am deleting \$5,998,000 from the Federal Trust Fund, Item 4260-101-0890 to conform to this action. I am also deleting Provision 15 to conform to this action.

I am deleting the \$5,439,000 legislative augmentation that reflected the rejection of my proposal to implement a county share of cost associated with the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program. The May Revision proposed to require counties to provide a 10 percent match to any new growth in the cost of the EPSDT Program. It is my intention to proceed administratively to implement this reform. This match will give counties an incentive to control costs for this program, which have recently been increasing by over 30 percent per year.

**Item 4260-101-0890**—For local assistance, Department of Health Services. I reduce this item from \$14,951,031,000 to \$14,916,033,000.

I am reducing this Item by \$34,998,000 to conform to the action I have taken in Item 4260-101-0001.

**Item 4260-111-0001**—For local assistance, Department of Health Services. I reduce this item from \$425,121,000 to \$423,121,000 by reducing:

- (2) 10.20.010-Environmental Management from \$26,344,000 to \$944,000;
- (9) 20.40-Primary Care and Family Health from \$1,502,101,430 to \$1,498,101,430; and
- (20) Amount payable from the Federal Trust Fund (Item 4260-111-0890) from -\$1,078,375,000 to -\$1,050,957,000.

I am deleting the \$2,000,000 legislative augmentation to update the Children's Health and Disability Prevention Program (CHDP) periodicity schedule. The Department of Health Services reviews the appropriateness of care provided in CHDP within programmatic and fiscal constraints. Due to fiscal constraints and limited General Fund resources, I cannot support an augmentation for this program expansion. In addition, the administration has proposed the CHDP Gateway to pre-enroll children into Medi-Cal or the Healthy Families Program so that they would receive comprehensive medical care in addition to health screening.

I am also deleting the \$2,000,000 legislative augmentation from the Federal Trust Fund in Item 4260-111-0890 to conform to this action.

I am reducing the amount payable from the Federal Trust fund by \$25,400,000 as a technical adjustment. This funding, intended to support the State's efforts to combat bioterrorism, has been included in a separate appropriation bill, SB 406. Therefore, inclusion in Budget Act totals is no longer necessary. I am also deleting \$25,400,000 from the Federal Trust Fund in Item 4260-111-0890 to conform to this action.

**Item 4260-111-0236**—For local assistance, Department of Health Services. I revise this item by deleting Provision 1.

I am deleting Provision 1 which would redirect funding from the California Healthcare for Indigents Program to the Children's Treatment Program (CTP). Although I am very supportive of children's health care programs, this provision reduces the Administration's flexibility in providing funds to local health care providers. In addition, the new Child Health and Disability Prevention Gateway Program should greatly mitigate the need for CTP funding by placing large

numbers of children in comprehensive health care in either the Medi-Cal or Healthy Families Program.

**Item 4260-111-0890**—For local assistance, Department of Health Services. I reduce this item from \$1,078,357,000 to \$1,050,957,000.

I am reducing this item by \$27,400,000 to conform to the action I have taken in Item 4260-111-0001.

**Item 4260-113-0001**—For local assistance, Department of Health Services. I reduce this item from \$29,791,000 to \$22,125,000 by reducing:

- (1) 20.10.010-Eligibility (County Administration) from \$12,709,000 to \$11,547,000;
- (3) 20.10.030-Benefits (Medical Care and Services) from \$80,620,000 to \$59,722,000; and
- (4) Amount payable from the Federal Trust Fund (Item 4260-113-0890) from -\$63,630,000 to -\$49,236,000.

I am deleting the \$7,666,000 legislative augmentation for the Medi-Cal to Healthy Families two-month bridge. I have already provided \$13.6 million (\$4.7 million General Fund) for a one-month coverage bridge for children. Although I am supportive of providing a coverage bridge for children transitioning from Medi-Cal to the Healthy Families Program, I cannot support extending this program for an additional month or expanding the program to include parents due to fiscal constraints and limited General Fund resources.

I am also deleting the \$14,394,000 legislative augmentation from the Federal Trust Fund in Item 4280-113-0890 to conform to this action.

**Item 4260-113-0890**—For local assistance, Department of Health Services. I reduce this item from \$63,630,000 to \$49,236,000.

I am reducing this item by \$14,394,000 to conform to the action I have taken in Item 4260-113-0001.

**Item 4260-301-0001**—For capital outlay, Department of Health Services. I delete this item to make a technical correction to the Budget Bill.

The May Revision proposed deletion of this item with which the Legislature concurred. However, the item was inadvertently left in the final version of the Budget Bill. This technical veto will conform the Budget Act to the May Revision.

**Item 4260-490**—Reappropriation, Department of Health Services. I revise this item by revising Provision 1.

In order to correct a technical error in the Budget Bill, I am amending Provision 1 by deleting the requirement that the amount of funding reappropriated for automation projects be consistent with the amount approved by the Department of Information Technology (DOIT) in a special project report or equivalent document. As statutory authority for the DOIT expired on June 30, 2002, this language is no longer applicable.

- “1. It is the intent of this item to continue funding approved activities for the automation projects that, due to schedule changes, result in unexpended appropriations one year and the need for additional funding in the following year. Therefore, notwithstanding any other provision of law, the balance of the appropriations for these automation projects may, upon approval of the Department of Finance, be reappropriated for transfer to

and in augmentation of the corresponding items in this act. The funds reappropriated by this provision shall be made available consistent with the amount approved by the Department of Finance and the Department of Information Technology based on an approved special project report or equivalent document not sooner than 30 days after providing notification in writing to the chairperson of the fiscal committee of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee.”

**Item 4280-101-0001**—For local assistance, Managed Risk Medical Insurance Board. I reduce this item from \$69,709,000 to \$19,695,000 by reducing:

- (2) 40-Healthy Families Program from \$771,619,000 to \$634,791,000; and
- (4) Amount payable from the Federal Trust Fund (Item 4280-101-0890) from -\$479,448,000 to -\$392,634,000.

I am deleting the \$50,014,000 legislative augmentation for the Healthy Families Program (HFP) Parent Expansion. Although I am supportive of expanding Healthy Families coverage to include parents, I cannot support this augmentation and program expansion due to fiscal constraints and limited General Fund resources. I am also deleting the \$86,814,000 legislative augmentation from the Federal Trust Fund in Item 4280-101-0890 to conform to this action.

**Item 4280-101-0890**—For local assistance, Managed Risk Medical Insurance Board. I reduce this item from \$479,448,000 to \$392,634,000.

I am reducing this item by \$86,814,000 to conform to the action I have taken in Item 4280-101-0001.

**Item 4280-102-0001**—For local assistance, Managed Risk Medical Insurance Board. I reduce this item from \$4,009,000 to \$1,593,000 by reducing:

- (1) 40-Healthy Families Program from \$48,292,000 to \$41,788,000, and
- (3) Amount payable from the Federal Trust Fund (Item 4280-102-0890) from -\$32,869,000 to -\$28,781,000.

I am deleting the \$2,416,000 legislative augmentation for the Healthy Families Program Parent Expansion. Although I am supportive of expanding Healthy Families coverage to include parents, I cannot support this augmentation and program expansion at this time due to fiscal constraints and limited General Fund resources. I am also deleting the \$4,088,000 legislative augmentation from the Federal Trust Fund in Item 4280-102-0890 to conform to this action.

**Item 4280-102-0890**—For local assistance, Managed Risk Medical Insurance Board. I reduce this item from \$32,869,000 to \$28,781,000.

I am reducing this item by \$4,088,000 to conform to the action I have taken in Item 4280-102-0001.

**Item 4300-101-0001**—For local assistance, Department of Developmental Services. I reduce this item from \$1,458,170,000 to \$1,452,555,000 by reducing:

- (2) 10.10.020-Purchase of Services from \$1,780,703,000 to \$1,775,088,000.

I am deleting the \$5,615,000 legislative augmentation for Community Placement Plan activities. The Legislature provided an augmentation for one-time grants to develop community resources. In my January Budget, I proposed a total of \$50,220,000 for Community Placement Plan activities, including an augmentation of \$20,400,000. This reflected my ongoing commitment to provide community-based services to developmentally disabled consumers. With this base reduction, the funding level I proposed in my January Budget will be maintained to facilitate the movement of Developmental Center consumers into the community.

**Item 4440-001-0001**—For support of Department of Mental Health. I reduce this item from \$28,442,000 to \$28,172,000 by reducing:

(1) 10-Community Services from \$33,679,000 to \$33,409,000, and by deleting Provision 2.

I am deleting \$150,000 for county plans for children's mental health services pursuant to legislation (AB 2740) to be enacted during the 2001–02 regular session. The counties are already required to assess mental health needs and develop plans to meet those needs. Section 5772 of the Welfare and Institutions Code requires the local mental health boards at the county level to complete these responsibilities. Since these bodies already exist and have the responsibility for developing plans to meet mental health needs, additional systems and funding do not appear to be needed. Consequently, I cannot support this augmentation at this time.

I am also deleting \$120,000 and Provision 2, which requires that \$120,000 in General Fund savings achieved through the elimination of vacant positions be redirected for the Protection and Advocacy, Inc., contract. In my January Budget, I proposed to reduce the contract for patient rights advocacy from \$800,000 to \$680,000 to achieve General Fund savings. The reduction to the patients' rights contract will reduce administrative expenses and will not affect the availability of services to assist individuals with mental illness. However, the Legislature subsequently redirected \$120,000 to restore the proposed reduction to the patients' rights contract. Although I am supportive of patient rights advocacy, I cannot support this legislative augmentation at this time due to fiscal constraints and limited General Fund resources.

**Item 4440-101-0001**—For local assistance, Department of Mental Health. I reduce this item from \$106,128,000 to \$80,328,000 by reducing:

(1) 10.25-Community Services—Other Treatment from \$1,142,885,000 to \$1,127,446,000;

(3) 10.47-Community Services—Children's Mental Health Services from \$33,800,000 to \$20,000,000; and

(6) Reimbursements from  $-\$1,081,852,000$  to  $-\$1,076,413,000$ ; and by deleting:

(2) 10.40-Community Services—Adult System of Care (\$2,000,000).

I am sustaining \$20,000,000 of the \$33,800,000 legislative augmentation provided for Children's System of Care (CSOC). I note with concern that this program has been unable to provide outcome data for all the children served by this program or documented cost savings in the same manner as the Integrated Services for Homeless Adults (ISHA) program. However, I remain supportive of children's mental

health programs, and note that, this Administration provided sufficient funding to implement the CSOC statewide with a \$15.5 million General Fund augmentation in 2000–01, bringing total funding to \$41.9 million General Fund. I reduced the program by \$2.1 million last year because of the State’s economic situation. At that time, I noted that \$13 million for mental health services for children in the Healthy Families Program was available to assist children who were not eligible for Medi-Cal. This year, the fiscal challenges facing the State are even greater. Finally, I am directing the Department of Mental Health to restructure the CSOC to provide better accountability and documented cost savings.

I am reducing \$10,000,000 for ISHA. I note that this Administration launched this program in 1999–00 with \$10 million, and subsequently provided significant augmentations: \$45.6 million in 2000–01, and \$10 million in 2001–02, for a total funding of \$65.6 million. However, the State’s current fiscal challenges necessitate this \$10 million reduction. At my Homelessness Summit in April 2002, I signed the Housing and Emergency Shelter Trust Fund Act of 2002, which places a \$2.1 billion housing bond on the November 5, 2002, general election ballot. If approved by the voters, this bond would provide \$195 million for 2,380 to 2,530 of units of transitional housing and \$195 million for emergency shelters to assist an estimated 31,160 homeless adults.

I am eliminating \$2,000,000 for the Adult Systems of Care. I proposed this reduction as part of the May Revision, and the Legislature restored the funding. The Adult Systems of Care program is a categorical program, supplementing the realignment funding the counties receive. The counties will receive over \$1.1 billion in Realignment funding for mental health services and have an incentive to continue this program as offsetting savings occur predominately at the local level.

I am reducing reimbursements by \$5,439,000 to delete the legislative augmentation that reflected the rejection of my proposal to implement a county share in the costs associated with the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program. The May Revision proposed to require counties to provide a 10 percent match to any new growth in the cost of the EPSDT Program. It is my intention to proceed administratively to implement this reform. This match will give counties an incentive to control costs for this program, which have recently been increasing by over 30 percent per year. This conforms to my action in Item 4260-101-0001. I am highly supportive of children’s mental health programs and note that I am sustaining \$20 million for the CSOC program.

**Item 4440-101-0890**—For local assistance, Department of Mental Health. I reduce this item from \$59,629,000 to \$57,629,000 by deleting: (1.5) 10.47-Community Services—Children’s Mental Health Services (\$2,000,000).

I am reducing \$2,000,000 for the Children’s Mental Health Services to conform to my action for the Children’s Systems of Care Program in Item 4440-101-0001.

**Item 4700-101-0001**—For local assistance, Department of Community Services and Development. I revise this item by reducing: (2) 47-Naturalization Services from \$8,476,000 to \$7,601,000, and (3) Reimbursements from –\$5,875,000 to –\$5,000,000.



I am deleting the \$875,000 legislative augmentation in reimbursements from the Employment Development Department for the Naturalization Services Program (NSP) to conform to the actions taken in Item 5100-001-0869. With these actions, the Budget retains \$7.9 million General Fund for the NSP.

**Item 5100-001-0869**—For support of state programs under the Workforce Investment Act, Employment Development Department. I revise this item by deleting Provisions 3, 4, and 5.

I am deleting Provision 3, which would require the Employment Development Department (EDD) to allocate \$875,000 to the Department of Community Services and Development for naturalization and citizenship services. Under the federal Workforce Investment Act (WIA), the Governor has the authority to allocate 25 percent of WIA dislocated workers funding for Rapid Response allocation to areas that experience disasters, mass layoffs or plant closings, or other events that precipitate substantial increases in unemployment. This provision would decrease the funding available to the Administration to quickly respond to such events.

I am also deleting Provision 4 because it places a limit of \$4 million on the amount of funds available for the Faith-Based Initiative. Section 128 of the federal WIA allows the Governor to allocate 15 percent of the WIA funds allotted to California, for the purposes of statewide and employment training activities. Although this funding is subject to legislative appropriation, the language in Provision 4 impinges on the authority of this Administration to allocate funding for this critical program, which provides job services and training to many individuals not traditionally served by the current system of workforce development.

However, I have no concerns with the compromise language developed in Provision 4 that pertains to issues other than the funding limitation. I am directing the EDD to provide grants to community organizations, including faith-based and secular organizations that are not owned or operated as pervasively sectarian institutions, and that have been limited in their ability to take advantage of this funding due to limited resources and a lack of experience in dealing with the competitive contracting process and the allocation processes currently in place at the local level. No pervasively sectarian religious organization is eligible for funds under this item, but a separate nonprofit entity or affiliate that is a tax-exempt organization under the federal Internal Revenue Code, may apply for and receive grants under its own auspices. In awarding grants, the EDD shall use a competitive bidding process that includes provisions regarding existing constitutional protections. Grants or contracts awarded shall comply with the California Constitution, State and federal civil rights laws, and the United States Constitution with regard to pervasively sectarian organizations.

Of the amount allocated for the Faith-Based Initiative, it is my intent that the department may use up to \$250,000 for administrative expenses, subject to approval by the Department of Finance.

I am also deleting Provision 5, which would require the EDD to allocate \$300,000 to the Youthbuild program. I sustained General Fund augmentations for this program of \$1 million in 2000–01 and \$250,000 in 2001–02. However, this legislative augmentation is inappropriate.

Specifically, Section 128 of the federal WIA authorizes the Governor to allocate 15 percent of the WIA funds allotted to California, for the purposes of statewide and employment training activities. This Provision would decrease the amount of funding available to the Administration to address critical workforce development needs.

**Item 5100-001-0870**—For support of Employment Development Department. I revise this item by reducing:

- (1) 10-Employment and Employment Related Services from \$206,768,000 to \$204,749,000;
- (2) 21-Tax Collections and Benefit Payments from \$728,916,000 to \$588,751,000; and
- (14.5) Amount payable from the Unemployment Fund-Federal (Item 5100-001-0871) from -\$177,120,000 to -\$34,936,000.

I am revising this item to conform to the action I have taken in Item 5100-001-0871.

**Item 5100-001-0871**—For support of Employment Development Department. I reduce and revise this item from \$177,120,000 to \$34,936,000 and revise Provisions 2 and 3.

I am sustaining \$500,000 of the \$140,665,000 legislative augmentation from Reed Act funds for various information technology (IT) and infrastructure projects, so that \$140,165,000 can remain in the Unemployment Insurance (UI) Trust Fund. Providing full funding for these projects at this time may increase UI taxes paid by employers in the future. After the IT project proposals have been subjected to the Feasibility Study Review and budget review processes, the projects could be considered for available Reed Act funding at that time. However, I am sustaining the expansion of the Tax System Review, in order to include an analysis of enhanced data capability for Employment Development Department (EDD) information technology systems into an existing study of EDD Tax Branch business processes and automated systems. This analysis is scheduled to be completed in 2002-03.

I am revising this item and Provision 2 to conform to this action.

~~“5100-001-0871—For support of Employment Development Department, for payment to Item 5100-001-0870, payable from the Unemployment Fund Federal; to be available for expenditure until the end of the 2006-07 fiscal year, except that moneys subject to Provision 3 of this item are available for expenditure during the 2002-03 fiscal year.....\$177,120,000 \$34,936,000”~~

“2. The following amounts shall be used as follows:

- (a) ~~\$20,000,000 for administrative costs to create an alternate base period, which would allow for expansion of the Unemployment Insurance (UI) program by using recent wages for the purpose of establishing benefit eligibility.~~
- (b) ~~\$65,000 for administrative costs to create and implement a trigger mechanism for UI extended benefits.~~
- (c) \$500,000 for the review of the Employment Tax System through a contract with a qualified consulting firm to review business operations and automated systems of EDD’s tax programs.
- (d) ~~\$6,500,000 to upgrade the UI call centers to expand capacity and improve customer service.~~

- (e) \$5,100,000 to develop electronic UI claim filing over the Internet.
- (f) \$500,000 to fund a study with a qualified consultant for improving EDD's single client database system to enhance efficiency and effectiveness of claim filing and benefit payments; to improve program integrity; and to reduce fraud.
- (g) \$100,000,000 to upgrade EDD's single client database.
- (h) \$7,000,000 to redesign the UI benefit payment system to enable claimants to certify by using the telephone and Internet.
- (i) \$1,000,000 to redesign the UI adjudication process by the development of a computer-based application.
- (j) \$500,000 to be allocated via competitive process for support of physical and program access to one-stops. These are in addition to any Workforce Investment Act funds allocated for this purpose.<sup>22</sup>

I am also deleting the \$1,519,000 augmentation in Reed Act funds to continue employment services for veterans, so that these funds can remain in the UI Trust Fund and possibly reduce UI taxes paid by employers in the future. In addition, veterans still receive high priority for employment services and benefits in the EDD Employment Services Program, and the EDD indicates that veterans will not lose any assistance as a result of this action. As a result, it is not necessary to appropriate Reed Act funds for this purpose.

I am revising Provision 3 to conform to this action.

“3. During the 2002–03 fiscal year only, \$34,436,000 shall be used to support Employment and Employment Services and Tax Collection and Benefit Payment Programs and \$1,519,000 shall be used to support veteran’s employment activities.”

**Item 5100-011-0890**—For support of Employment Development Department. I reduce this item from (\$775,267,000) to (\$633,083,000).

I am revising this item to conform to the action I have taken in Item 5100-001-0870.

**Item 5120-001-0890**—For support of the California Workforce Investment Board. I revise this item by deleting Provision 3.

Provision 3 would make the expenditure of \$1,120,000 contingent upon the California Workforce Investment Board (CWIB) submitting a report to the Legislature on the role of the CWIB and the Employment Development Department in the California Labor and Workforce Development Agency with respect to the implementation of the Workforce Investment Act (WIA) and other specified information. I believe it would be premature to require the CWIB to define its role within the new agency, before the Secretary for the new agency has a chance to formulate and communicate the agency’s plans to simplify, strengthen, and improve the operation of the State’s workforce development programs. In addition, the CWIB has indicated it has recently released reports to the Legislature demonstrating progress in implementing the WIA. However, I am directing the CWIB to update the Legislature on its progress in the development of certification protocols for local One-Stop Centers during legislative hearings on the 2003–04 Budget.

**Item 5175-101-0001**—For local assistance, Department of Child Support Services. I revise this item by reducing:

(1) 10-Child Support Services from \$974,893,500 to \$974,893,000, and by deleting Provision 8.

In order to correct a technical error in the Budget Bill, I am reducing Schedule (1) by \$500 and deleting Provision 8, which requires a county share of costs for any penalty imposed by the federal government for California’s failure to implement an automated statewide child support collection system. This provision was inadvertently left in the final version of the Budget Bill.

**Item 5175-101-0890**—For local assistance, Department of Child Support Services. I reduce this item from \$282,224,000 to \$281,899,000.

In order to correct a technical error in the Budget Bill, I am reducing this item by \$325,000. This technical veto will conform to the Legislature’s intent, and is consistent with the legislative action taken in Item 5175-101-0001, which reduced the funding for the increase in postage costs.

**Item 5175-495**—Reversion, Department of Child Support Services. I revise this item from \$25,215,000 to \$10,935,000 as follows:

“As of June 30, 2002, ~~\$25,215,000~~ *\$10,935,000* of the unencumbered balance of the appropriation provided in the following citation shall revert to the fund from which the appropriation was made:

0001—General Fund

(1) Item 5175-101-0001, Budget Act of 2001 (Ch. 106, Stats. of 2001)

(a) 10.01-Child Support Administration.....\$640,000

(b) 10.02-Child Support Incentive ..~~\$24,575,000~~ *\$10,295,000.*”

On June 19, 2002, the California State Supreme Court denied the State’s petition for hearing the Statewide Automated Child Support System (SACSS) case. This was the State’s final opportunity to have the amount of the SACSS judgment reduced. The State is now obligated to pay Lockheed Martin the amount of an appellate court ruling, plus interest on the principal amount of the judgment. I am reducing the amount of this reversion by \$14,280,000 to enable the Department of Child Support Services to use these funds towards payment of the judgment, to prevent additional interest charges to the State.

**Item 5180-101-0001**—For local assistance, Department of Social Services. I revise this item by deleting Provision 10:

I am deleting Provision 10, which allows counties to direct \$100,000 from the Mental Health and Substance Abuse services allocation to develop a replicable outcome system for CalWORKs mental health and substance abuse treatment. This language could create a future fiscal pressure to exceed the available amount of federal Temporary Assistance for Needy Families Block Grant funds and maintenance-of-effort funding pursuant to funding outcome systems in other counties, or could force a decrease in CalWORKs spending in other areas because of budgetary constraints in 2003–04.

**Item 5180-141-0001**—For local assistance, Department of Social Services. I reduce this item from \$421,675,000 to \$414,875,000 by reducing:

(1) 16.80-County Administration from \$717,951,000 to \$701,437,000; and

- (4) Amount payable from the Federal Trust Fund (Item 5180-141-0890) from -\$537,945,000 to -\$528,231,000.

I am reducing this item by \$16,514,000 (\$6,800,000 General Fund) to reduce funding for county administration of the Food Stamp Program. This action is necessary due to the significant decline in General Fund revenue. I am sustaining \$372.9 million (\$157.5 million General Fund) for county administration of the Food Stamp Program.

**Item 5180-141-0890**—For local assistance, Department of Social Services. I reduce this item from \$776,573,000 to \$528,231,000.

I am reducing this item by \$9,714,000 to conform to actions taken in Item 5180-141-0001.

I am also reducing this item by \$238,628,000 to correct a technical error in the Budget Bill. This technical veto is consistent with the Legislature's intent and legislative actions taken in this item.

**Item 5180-151-0001**—For local assistance, Department of Social Services. I reduce this item from \$782,148,000 to \$745,606,000 by reducing:

- (1) 25.25-Children's Services from \$1,903,347,000 to \$1,848,623,000;
  - (a) 25.25.010-Child Welfare Services from \$1,802,078,000 to \$1,752,554,000;
  - (b) 25.25.020-Adoptions from \$81,286,000 to \$76,086,000;
- (4) Reimbursements from -\$69,879,000 to -\$68,817,000; and
- (6) Amount payable from the Federal Trust Fund (Item 5180-151-0890) from -\$1,195,571,000 to -\$1,172,876,000.

I am deleting \$17,150,000 General Fund and \$9,974,000 Federal Trust Fund from the Child Welfare Services Program augmentations; and \$10,817,000 General Fund, \$10,521,000 Federal Trust Fund, and \$1,062,000 reimbursements in order to suspend the cost-of-doing business adjustment for the Child Welfare Services Program. I am retaining \$1.8 billion (\$616.7 million General Fund) for the Child Welfare Services Program. As cost-of-living adjustments are not being granted for other social services programs, I am suspending the proposed 2002-03 cost-of-doing business adjustment due to the State's current fiscal situation.

For the last three years, this Administration has aggressively funded the Adoptions and Kinship Guardianship Assistance Payment programs. These two programs, among others, have significantly reduced the caseload for much of the Child Welfare Services (CWS) program. Notwithstanding this reduction in caseload, this Administration has provided funding for the CWS program in excess of that justified by current social worker caseload and workload standards, providing a total of \$420.4 million (\$237.9 million General Fund) more over the last three years to counties than caseload requires: \$68.4 million (\$40 million General Fund) in 1999-00, \$125.9 million (\$74.3 million General Fund) in 2000-01, and \$226.1 million (\$123.6 million General Fund) in 2001-02. In light of the State's current fiscal situation, these reductions are necessary to more closely align funding to current caseload standards.

Similarly, I am deleting \$3,000,000 General Fund and \$2,200,000 Federal Trust Fund for recent Adoptions Program cost-of-doing business augmentations due to fiscal constraints and limited resources

in the General Fund. I am retaining funding of \$76.1 million (\$38.5 million General Fund) for the Adoptions Program.

I am reducing this Item by \$5,575,000 to correct a technical error in the Budget Bill. This technical veto will conform to the Legislature's intent, and is consistent with the legislative action to reduce funding for the Adult Protective Services program by \$5.6 million General Fund. This reduction was correctly reflected in schedule (2) (e) 25.35.050-County Services Block Grant; however, it was not included in the total for this item.

**Item 5180-151-0890**—For local assistance, Department of Social Services. I reduce this item from \$1,195,571,000 to \$1,172,876,000.

I am reducing this item by \$22,695,000 to conform to the actions taken in Item 5180-151-0001.

**Item 5180-491**—Reappropriation, Department of Social Services. I revise this item by revising Provision 1.

In order to correct a technical error in the Budget Bill, I am amending Provision 1 by deleting the requirement that the amount of funding reappropriated for automation projects be consistent with the amount approved by the Department of Information Technology (DOIT) in a special project report or equivalent document. As statutory authority for the DOIT expired on June 30, 2002, this language is no longer applicable.

- “1. It is the intent of this item to continue funding approved activities for the automation projects that, due to schedule changes, result in unexpended appropriations one year and the need for additional funding in the following year. Therefore, notwithstanding any other provision of law, the balance of the appropriations for these automation projects may, upon approval of the Department of Finance, be reappropriated for transfer to and in augmentation of the corresponding items in this act. The funds reappropriated by this provision shall be made available consistent with the amount approved by the Department of Finance and the Department of Information Technology based on an approved special project report or equivalent document not sooner than 30 days after providing notification in writing to the chairperson of the fiscal committee of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee.”

**Item 5460-485**—Reappropriation (Proposition 98), Department of the Youth Authority. I delete this item.

I am deleting the \$2,600,000 reappropriation from the Proposition 98 Reversion Account, provided on a one-time basis to the Department of the Youth Authority for the enrichment of educational services. The additional funding for educational services has not been justified. This action will maintain Proposition 98 funding consistent with the level of the current ward population.

**Item 6110-001-0001**—For support of Department of Education. I reduce this item from \$45,131,000 to \$45,081,000 by reducing:

- (2) 20-Instructional Support from \$74,829,840 to \$74,779,840;
- (3) 30-Special Programs from \$43,401,280 to \$43,291,280; and
- (9) Amount Payable from Federal Trust Fund (Item 6110-001-0890) from -\$126,105,000 to -\$125,995,000.

I am reducing this item by \$50,000 to reflect savings that will occur in this item as a result of sustaining a legislative augmentation of \$53,000 as reflected in Provision 17 of Item 6110-001-0890, for monitoring and technical assistance for the California Youth Authority special education activities. That augmentation enables the Department to recover indirect costs that are billable to federal funds. Because the Department's costs for oversight of this activity will not significantly increase overall departmental indirect costs, funds in this General Fund item can be reduced with no effect on services to other programs.

I am reducing Schedules (3) and (9) by \$110,000 to conform to the action taken in Item 6110-001-0890.

**Item 6110-001-0890**—For support of Department of Education. I reduce this item from \$126,105,000 to \$125,995,000.

I am reducing the \$388,000 legislative augmentation for two additional staff for implementation of the 21st Century Community Learning Centers Program by \$110,000. While I am sustaining the two additional positions and \$278,000, the amount reduced reflects indirect costs which have not been adequately justified. Five positions and \$523,000 remain available for the purposes of implementing the new federal program, which should be sufficient.

**Item 6110-113-0001**—For local assistance, Department of Education. I revise this item by reducing:

(4) 20.70.030.006-STAR Program from \$15,827,000 to \$15,027,000.

This reduction is a technical adjustment to reflect the correct amount in Schedule (4). While the item total reflects the intended funding level, Schedule (4) contains \$800,000 more than intended.

**Item 6110-123-0890**—For local assistance, Department of Education. I delete Provision 2.

I am deleting Provision 2, which would require legislative notification prior to the adoption or amendment of any plan for disbursement of \$39,131,000 in federal funds for innovative programs to local education agencies. This is inconsistent with federal law, which required California to submit its application for funding under the No Child Left Behind Act prior to enactment of the budget. I understand this language was only intended to apply to new programs where allocation is subject to legislative direction. Consistent with this, I am deleting this provision because the reporting requirements for this existing program would needlessly delay the disbursement of these federal funds, which are disbursed based on a federally-mandated formula.

**Item 6110-130-0001**—For local assistance, Department of Education. I reduce this item from \$12,300,000 to \$10,300,000 by revising Provision 1.

I am deleting \$2,000,000 of the legislative augmentation for provision of Advanced Placement teacher training or tutoring services pursuant to Section 52247 of the Education Code. These reductions are necessary to limit program expansions and provide for a prudent General Fund reserve in light of the State's current fiscal condition. With these reductions, \$10,300,000 still remains to support the Advancement Via Individual Determination program.

I am revising Provision 1 to conform to this action.

- “1. Of the funds appropriated, \$1,300,000 is available for administration of the Advancement Via Individual Determination (AVID) centers and \$6,000,000 is available for competitive outreach grants to local education agencies for the AVID program. Notwithstanding any other provision of law, the remaining ~~\$5,000,000~~ \$3,000,000 shall be used solely for the provision of advanced placement teacher training or tutoring services, pursuant to Section 52247 of the Education Code.”

**Item 6110-136-0890**—For local assistance, Department of Education. I revise this item by deleting Provision 8.

I am deleting Provision 8 of this item, which makes the receipt of \$1,495,541,000 in Title I federal funds by school districts contingent upon the reporting of unspecified data that is necessary to meet the data reporting requirements of the federal No Child Left Behind Act of 2001. While it will likely be necessary for school districts to provide data to the State to meet these reporting requirements, federal law does not allow the State to condition the receipt of these funds on the provision of data. Thus, this language may constitute a state mandate requiring reimbursement from the General Fund. Item 6110-113-0890 contains \$6,880,000 for federally required data collection.

**Item 6110-137-0890**—For local assistance, Department of Education. I revise this item by deleting Provision 1.

I am deleting Provision 1 of this item, which requires legislative notification prior to adopting or amending any plan for the expenditure of \$2,426,000 in federal Rural and Low Income School Grant funds pursuant to the federal No Child Left Behind Act. This provision conflicts with federal law that required the State Board of Education to submit the State’s consolidated application prior to enactment of the budget bill. These funds are provided on a formula basis and are intended to provide small school districts with general purpose discretionary funding. I believe the notification requirement would delay the allocation of the funds and also impede the intended flexibility.

**Item 6110-156-0001**—For local assistance, State Department of Education. I reduce this item from \$605,038,000 to \$582,038,000 by reducing:

- (2) 10.50.010.008-Remedial education services for participants in the CalWORKs from \$31,739,000 to \$8,739,000, and by revising Provision 2.

I am reducing the \$23,000,000 augmentation for remedial education services for CalWORKs participants. This augmentation consisted of \$10,000,000 for support services and \$13,000,000 for additional instruction for CalWORKs recipients in adult education programs or regional occupation centers and programs (ROC/Ps). With this action, \$9,900,000 in federal Temporary Assistance for Needy Families (TANF) funds remains in the Adult Education and ROC/P items to provide additional instruction for CalWORKs recipients in programs that are at or above their authorized average daily attendance cap. Support services are also provided through the federal Perkins Vocational and Technical Education Act, funded at \$138,445,000 and required to target CalWORKs participants in the welfare-to-work



program. The funds reduced from this item are reserved for Proposition 98 contingencies in 2002–03. I am revising Provision 2 to conform to this action.

“2. The funds appropriated in Schedule (2) constitute the funding for both remedial education and job training services for participants in the CalWORKs program (Art. 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code). Funds shall be apportioned by the Superintendent of Public Instruction for direct instructional costs only to school districts and Regional Occupational Centers and Programs (ROC/Ps) that certify that they are unable to provide educational services to CalWORKs recipients within their adult education block entitlement or ROC/P block entitlement, or both. However, of the funds appropriated in Schedule (2) of this item, an amount not to exceed \$10,000,000, as negotiated through an interagency agreement between the State Department of Education and the State Department of Social Services, shall be provided for Adult Education Programs, and ROC/Ps for the purposes of providing instructional and training supportive services for CalWORKs eligible members. These services shall include any of the following:

- (a) Career and educational guidance and counseling.
- (b) Training-related assessment.
- (c) Transportation to the classroom or worksite during training.
- (d) Job readiness training and services.
- (e) Job development and placement.
- (f) Postemployment support and followup to ensure job retention.
- (g) Coordination and referrals to other services provided through the State Department of Social Services, the Employment Development Department, the Local Workforce Investment Boards, community colleges, the Department of Rehabilitation, the Economic Development Agency, and other community resources.
- (h) Curriculum and instruction development to provide short-term integrated programs leading to employment.
- (i) Staff development costs resulting from policy development and training occurring between instructional staff and county welfare agencies in the coordination of the program.
- (j) One-time excess program startup costs.

Allocations shall be distributed by the Superintendent of Public Instruction as equal statewide dollar amounts, based on the number of CalWORKs eligible family members served in the county and subject to instructional and training support services needed annually by each agency as identified in the county CalWORKs Instruction and Job Training Plan required by Section 10200 of the Education Code.”

**Item 6110-161-0001**—For local assistance, Department of Education (Proposition 98). I am revising this item by revising Provision 15.

I am revising Provision 15 of this item by \$754,000 to conform to reductions required as a result of the Legislature’s revision to the level of Education Revenue Augmentation Fund available in 2002–03, and as

a result of technical changes required to conform to providing a 2.0 percent cost of living adjustment for special education.

“15. Of the amount provided in Schedule (1) of this item, ~~\$8,943,000~~ *\$8,189,000* shall be appropriated in the following priority sequence:

- (a) The Superintendent of Public Instruction shall allocate any additional amount, if needed, to augment the amounts appropriated in Schedules (1) and (2) of this item to ensure full funding for the 2002–03 fiscal year.
- (b) Once the Superintendent of Public Instruction has determined that none of the programs in Schedules (1) and (2) of this item require any additional funding pursuant to the statutory formulas contained in Chapter 854 of the Statutes of 1997 (AB 602), the remaining amount shall be allocated pursuant to Section 56836.158 of the Education Code.”

**Item 6110-161-0890**—For local assistance, Department of Education. I reduce this item from \$800,319,000 to \$798,369,000 by reducing:

- (4) 10.60.050.021-IDEA, Capacity Building, Special Education from ~~\$44,858,000~~ to *\$42,908,000*,

and by revising Provision 3 and 12.

I am deleting the \$1,700,000 legislative augmentation provided to expand the existing Family Empowerment Centers on Disabilities. I share the desire to improve results for all children, especially those with disabilities, which is why I signed legislation last year establishing the Family Empowerment Centers funded in this item. However, given that my Budget already provides \$2,372,000 for local assistance grants for Family Empowerment Centers on Disabilities, and given that the 12 centers funded through the existing resources have only recently been established, I believe funding to expand this program would not be prudent until results from existing efforts are reviewed.

I am deleting the \$250,000 legislative augmentation to fund licensed children’s institution growth. My Budget already provides \$1,000,000 for local assistance grants for emergency impaction on Special Education Local Plan Areas as the result of licensed children’s institution growth, and I have not been provided with adequate justification to warrant a program augmentation.

I am revising Provisions 3 and 12 to conform to these actions.

“3. Of the funds appropriated in Schedule (4) of this item, up to ~~\$1,250,000~~ *\$1,000,000* may be used to fund licensed children’s institution growth pursuant to Section 56836.18 of the Education Code.”

“12. Of the funds appropriated in Schedule (4) of this item, ~~\$4,072,000~~ *\$2,372,000* shall be used for the purposes of establishing Family Empowerment Centers on Disabilities pursuant to Chapter 690, Statutes of 2001.”

**Item 6110-194-0001**—For local assistance, Department of Education. I reduce this item from \$1,105,000 to \$105,000 by deleting:

- (1) 20.60.101.001-Administrator Training and Evaluation Program (~~\$1,000,000~~),

and by revising Provision 2.

I am reducing the legislative augmentation of \$1,000,000 in support costs for the Administrator Training and Evaluation Program. This reduction is necessary to provide for a prudent General Fund reserve and eliminate the former Administrator Training and Evaluation Program. With this reduction, \$14,336,000 still remains for Principal and Administrator Training and Evaluation Program training activities in programs established by this Administration.

**Item 6110-194-0890**—For local assistance, Department of Education. I reduce this item from \$5,000,000 to \$4,350,000, and delete Provisions 2, 3 and 4.

I am deleting \$250,000 and Provision 2 which would be used for data collection and evaluation related to the effectiveness of professional development programs. While I recognize the importance of evaluating the effectiveness of programs, given many of these programs are relatively new and the scarcity of resources, I believe funds should be focused on providing training.

I am deleting \$400,000 and Provisions 3 and 4 which would earmark these funds for an evaluation of cultural competency training for teachers and provide professional development to substitute teachers, respectively. Both of these programs could be established by pending legislation. I believe it is premature to set aside these funds before the policy merits of the respective related legislation have been decided. In addition, according to the legislation which would establish the substitute teacher training, funding would not be necessary until 2003–04.

**Item 6110-195-0890**—For local assistance, Department of Education. I reduce this item from \$317,526,000 to \$317,026,000 by reducing:

(1) 20.60.280-Improving Teacher Quality Local Grants from \$315,472,000 to \$314,972,000, and by deleting Provision 1.

The reduction in Schedule (1) funding is a technical veto to account for this item over-appropriating the total amount of available federal funds by \$500,000.

I am deleting Provision (1), which specifies the uses of these federal funds. I would have preferred language that would have directed these funds to be used on a priority basis to ensure that class size reduction programs are maintained and teachers receive standards-aligned training. As federal law requires, the State has submitted an application for these funds that specifies their uses; therefore this language is unnecessary.

**Item 6110-197-0890**—For local assistance, Department of Education. I revise this item by deleting Provisions 2(b), 2(c), 2(d), and 2(h), and revising Provision 2(i).

I am deleting Provision 2(b) because this language is unnecessarily restrictive. It would limit the availability of \$3,500,000 to direct grants for programs serving middle and elementary school pupils to provide equitable access to and participation in programs. Analysis has not been performed to indicate the level of need for these types of grants. Furthermore, placing restrictions on these funds would limit the number of slots that could be created to serve additional children.

I am deleting Provision 2(c) because this language would restrict the availability of \$1,000,000 to fund direct grants for family literacy

services for families of students participating in the 21st Century Community Learning Programs. Although I support family literacy programs, this allocation duplicates existing efforts funded through federal Title 3 Literacy funds and other available federal and state funding sources to provide family literacy. Limiting the availability of these funds would restrict the creation of additional before and after school slots.

I am deleting Provision 2(d) because this language is unnecessarily restrictive. It would limit the availability of \$2,500,000 to grants for high school programs. Denying accessibility to these funds to middle and elementary school programs, would restrict the creation of additional slots in an area where there is a known need. I am also deleting Provision 2(h) because the language would establish a program with reimbursement policies that conflict with those contained in existing statute, Article 22.5 (commencing with Section 8483.7) of Chapter 2 of Part 6 of Division 1 of the Education Code.

I am revising Provision 2(i) because this language conflicts with language contained in Provision 2(f) of this Item which requires programs to adhere to daily funding rates pursuant to Article 22.5 (commencing with Section 8482.5) of Chapter 2 of Part 6 of Division 1 of the Education Code.

“(i) Earned but unexpended funds may be carried forward to subsequent years consistent with federal requirements. ~~In year one, the full grant may be retained.~~”

As stated above, this language is unnecessarily restrictive and would result in higher costs per pupil. There is approximately \$14 million in quality applications pending for the existing Before and After School Learning and Safe Neighborhoods Partnership Program. The overall state need, however, is much greater. Given the success of this program in showing consistent patterns of positive results on student achievement, attendance, behavior, and reductions in grade attendance, I would prefer that the 21st Century federal funds be used to expand the existing program rather than creating additional cost pressures.

**Item 6110-200-0001**—For local assistance, Department of Education. I reduce this item from \$19,000,000 to \$2,000,000.

I am reducing the legislative augmentation of \$19,000,000 for Healthy Start Support Services by \$17,000,000. This reduction is necessary to limit program expansions and provide for a prudent General Fund reserve in light of the State’s current fiscal condition. The program level started with this augmentation would cause costs to multiply in future years. This action will have no effect on schools currently operating this program, as full funding for the multi-year grant period has been provided in past budgets.

The funds reduced from this item are reserved for Proposition 98 contingencies in 2002–03.

**Item 6110-205-0001**—For local assistance, Department of Education. I revise this item by deleting Provision 3.

I am deleting Provision 3 of this item, which authorizes the Department of Education to establish a pilot program for allocating this funding for the Elementary School Intensive Reading Program as a block grant for up to 20 districts, rather than through hourly reimbursement for services rendered. This proposed pilot is a significant alteration in the program’s current structure. The proposal

does not contain any reasonable accountability to ensure that students receive necessary remedial services through this program, and may in fact reduce the total hours of service provided to students. Any program change of this magnitude should be considered in policy legislation, including review by legislative policy committees rather than solely through the budget process.

**Item 6110-211-0001**—For local assistance, Department of Education (Proposition 98). I reduce this item from \$49,721,000 to \$35,650,000.

I am reducing this Item for two reasons. First, technical reductions are necessary to reflect both the Legislature's action to shift the calculation methodology for the block grant to appropriations made in the final Budget Act as well as the adjustments made to final school district funding levels, including the deferrals and reductions to categorical programs included in the final version of the Budget, that have the effect of reducing this item's statutory growth calculation. Second, I am reducing the item to reflect my objection to the Legislature's intent to include the Instructional Materials Realignment Program (IMRP) in the block grant. I believe that allowing charter schools to use equivalent funding intended for IMRP purposes in any manner they choose would both undermine the Administration's objective to ensure availability of standards-aligned instructional materials for all students and unnecessarily increase state costs. Charter schools would still be eligible to receive their share of over \$400,000,000 available for IMRP remaining in the Budget.

The funds reduced from this item are reserved for Proposition 98 contingencies in 2002–03.

**Item 6110-223-0001**—For local assistance, Department of Education. I delete this item and Provisions 1 and 2.

I am deleting the legislative augmentation of \$36,000,000 for PERS offset mitigation because the May Revision already provided \$97,000,000 to fund the state's share of PERS costs for school classified employees. As rates increase in the future, the state will fund the entire amount of the employer's share of this cost, and the offset will diminish.

I am also deleting the legislative augmentation of \$42,000,000 for equalization adjustments for school district revenue limit apportionments. Given the subsequent \$406,000,000 augmentation contained in AB 2781 to be provided commencing with 2003–04 for revenue limit equalization, this one-time appropriation should be set aside for Proposition 98 contingencies in light of the State's current fiscal conditions.

The funds reduced from this item are reserved for Proposition 98 contingencies in 2002–03.

**Item 6110-241-0001**—For local assistance, Department of Education. I delete this item and Provision 1.

I am deleting this item, which provides \$150,000 for low-performing high schools, as it inadvertently made an appropriation for local assistance that was intended to provide state operations funding to support a new program to be created in pending legislation. This local assistance appropriation cannot be used for the intended purpose. In addition, I believe it is premature to earmark funding in the Budget until the policy merits of the legislation are decided.

The funds reduced from this item are reserved for Proposition 98 contingencies in 2002–03.

**Item 6360-001-0407**—For support of the Commission on Teacher Credentialing. I revise this item by deleting Provision 6.

I am deleting Provision 6, which would require the Commission to reduce processing times for first-time and new-type credential applications to 25 days. This is inconsistent with current statute that requires credentials to be processed in 60 days. The Teacher Credentialing Service Improvement Project will not be sufficiently complete to allow the Commission to realize significant savings in the staff time required to process credential renewal applications in 2002–03. Consequently, this provision could force the Commission to redirect resources from the processing of credential renewal applications, thereby generating an unacceptable increase in the time required to process these applications. Alternatively, this language could result in the Commission requesting additional funding and positions to meet this timeframe.

**Item 6610-001-0001**—For support of California State University. I reduce this item from \$2,617,173,000 to \$2,616,983,000 by reducing:

(1) Support from \$3,494,437,000 to \$3,494,247,000, and by deleting Provisions 18, 19, and 20.

I am deleting \$190,000 legislative augmentation to conduct a California State University (CSU) Export Delivery Study (\$140,000) and to fund the CSU Centers for Excellence (\$50,000), pursuant to separate legislation. Notwithstanding the potential merits of the subject legislation, it is premature to include funding in the budget for these activities. I am willing to consider the legislation on its merits, and any funding necessary, once it is approved by the Legislature. I am deleting Provisions 18 and 19 to conform to these actions.

I am deleting Provision 20 because it requires the CSU to defer new expenditures for the CMS/Peoplesoft project, prohibits the University from entering into any new agreements needed to maintain the implementation schedule, and delays the completion of the project by one year. This language would increase project costs for the University and would delay the operational efficiencies the University believes will be achieved when the project is completed and delay staff training. I encourage the University to cooperate fully in the audit currently in progress of the project and expect continued adherence to all relevant information technology policies and bid procedures.

**Item 6870-101-0001**—For local assistance, Board of Governors of the California Community Colleges (Proposition 98). I reduce this item from \$2,670,792,000 to \$2,659,792,000 by reducing:

(12) 20.10.070-Matriculation from \$64,307,000 to \$54,307,000; and by deleting:

(12.5) 20.20.015-Faculty and Staff Development (\$1,000,000); and by revising Provision 1.

I am reducing the legislative augmentation for Matriculation by \$10,000,000, and I am also deleting the proposed augmentation of \$1,000,000 to continue the Faculty and Staff Development program. With this action, \$54,307,000 still remains to support Matriculation services. I also note that the general apportionment funding increase of over \$192 million in this Budget is more than \$43 million above the statutory requirement. Therefore, this Budget provides sufficient funds for colleges to sustain matriculation services if they are a priority. Further, funding for the Faculty and Staff Development program

contains little meaningful accountability and represents only a fraction of the funds used by districts for training. I believe this is a significantly lower priority for state assistance than direct classroom instruction. Districts may use discretionary funds, as necessary, to fund these activities on a priority basis. I am revising Provision 1 to conform to this action.

“1. The funds appropriated in Schedules (1), (2), (3), (4), (5), (6), (8), (10), (11), (12), (~~12.5~~) (14), (15), (16), (17), (18), (22), and (25) are for transfer by the Controller during the 2002–03 fiscal year to Section B of the State School Fund.”

The funds reduced from this item are reserved for Proposition 98 contingencies in 2002–03.

**Item 6870-485**—Reappropriation, (Proposition 98) California Community Colleges. I revise this item from \$53,189,000 to \$34,497,000 by deleting Schedule (3).

In order to correct a technical error in the Budget Bill, I am reducing this item by \$9,692,000. I am also deleting the legislative augmentation of \$9,000,000 for Special Services for CalWORKs Recipients. I am supportive of this program as indicated by the \$20,000,000 General Fund restoration I provided for this program in the May Revision, for which local districts will provide an additional \$20,000,000. With this reduction, a total of \$63,000,000, will remain to support CalWORKs recipients attending community colleges.

**Item 6870-486**—Reappropriation, (Proposition 98) California Community Colleges. I delete this item.

I am deleting Item 6870-486, which would provide authority for the Chancellor to reappropriate for specified purposes up to \$20 million in prior year savings from categorical programs in Item 6870-101-0001. Such authority would limit the flexibility of the Administration and Legislature to allocate Proposition 98 Reversion Account funds for future high priority K–14 demands.

**Item 7980-001-0001**—For support of Student Aid Commission. I revise this item by reducing:

- (1) 15-Financial Aid Grants Program from \$12,342,000 to \$12,244,000, and
- (5) Reimbursements from –\$3,195,000 to –\$3,097,000.

I am revising this Item to delete a \$98,000 legislative augmentation for reimbursements from the Student Loan Operating Fund to cover administrative costs for the Assumption Program of Loans for Education related to 1,000 additional awards added as part of an action to suspend the Governor’s Teaching Fellowships for one year. The 2001 Budget Act included \$253,000 for three additional positions to administer this program, conduct a study to assess the administrative process for this and other Specialized Programs, and make recommendations for efficiency measures. The need for additional resources for this purpose has not been justified. In addition, it would be premature to provide additional funding until those recommendations have been made and considered.

**Item 8100-101-0001**—For local assistance, Office of Criminal Justice Planning. I reduce this item from \$45,856,000 to \$45,687,000 by reducing:

- (6) 50.20.352-Youth Emergency Telephone Referral from \$338,000 to \$169,000.

This reduction is necessary to provide for a prudent General Fund reserve for economic uncertainties. With this action, \$169,000 remains to support the Youth Emergency Telephone Referral program. I am revising Provision 3 to make two technical changes to this provision.

- “3. Of the amount appropriated in this item, \$800,000 appropriated in Schedule (20.5) shall be available for competitive grants for the California Innocence Protection Program. The OCJP shall make the funds available for the purpose of assisting convicted persons who are attempting to establish their actual innocence through the use of postconviction DNA testing. Grants shall only be used to represent indigent inmates convicted of a crime in a California court. Applications for funding provided pursuant to this item shall only be received from qualified nonprofit organizations meeting guidelines established by the American Bar Association for operating legal clinics using law students. It is the intent of the Legislature that funds provided to qualifying nonprofit organizations shall be made *available* as soon as possible in the interest of justice and shall be disbursed within 60 days of receipt of an application for funding. For qualified nonprofit organizations receiving funding under this program, at least 25 percent of their total budget for these purposes must come from other sources, which may include in-kind contributions.

Funding for this program shall not be expended for the purpose of court-approved DNA forensic testing under Section 1405 of the Penal Code.

Entities receiving funding under this program shall report to the OCJP the number of the requests received and the number of cases in which any of the following have occurred: (1) a preliminary investigation was conducted, (2) a full investigation was conducted and DNA testing was sought, (3) the appellant was represented in court proceedings or an attempt was made to vacate a conviction, and (4) an appellant’s conviction was vacated or overturned as a direct result of the representation by the entity ~~or attorney~~. The entities shall also provide detailed expenditure reports semiannually and annually on the use of funds provided under this program. These semiannual and annual reports shall also list all staff positions supported by this funding and their compensation. The OCJP shall prepare and submit a report to the Joint Legislative Budget Committee on or before February 1, 2003, on the foregoing information for each entity receiving funding under this program.”

**Item 8100-112-0001**—For transfer by the Controller to the High Technology Theft Apprehension and Prosecution Program Trust Fund. I reduce this item from \$13,518,000 to \$13,300,000.

I am reducing the amount available for transfer to the High Technology Theft Apprehension and Prosecution Program Trust Fund by \$218,000. This is a technical correction to this General Fund transfer



item. The amount shown here reflects the total local assistance program funding, including federal funds, rather than the General Fund transfer portion that is appropriately scheduled in this item.

**Item 8350-001-0001**—For support of Department of Industrial Relations. I reduce this item from \$141,031,000 to \$136,815,000 by reducing:

- (3) 30-Workers' Compensation Administration from \$99,405,000 to \$94,805,000;
- (5) 36-Commission on Health & Safety and Workers' Compensation from \$2,666,000 to \$1,408,000; and
- (20) Amount payable from the Workers' Compensation Administration Revolving Fund (Item 8350-001-0223) from -\$20,992,000 to -\$19,938,000;

and by deleting:

- (38) Amount payable from the Workers' Occupational Safety and Health Education Fund (Item 8350-001-3030) (-\$588,000).

I am deleting the legislative augmentations provided to the Department of Industrial Relations for AB 749-related activities for training grants, workers' compensation studies, and workload in the Division of Workers' Compensation. Although I agree that AB 749 will increase the responsibilities of the department, these augmentations have not been fully justified. AB 749 does not take effect until January 1, 2003, and in light of the state's current fiscal condition, I have instructed the department to absorb the associated workload during the first six months of implementation for these purposes. To the extent that a comprehensive justification based on actual workload needs is available in the future, I would consider funding at that time. I am, however, retaining the \$1 million augmentation included in this item for fraud prevention activities.

**Item 8350-001-0223**—For support of Department of Industrial Relations. I reduce this item from \$20,992,000 to \$19,938,000 to conform to my action in Item 8350-001-0001.

**Item 8350-001-3030**—For support of Department of Industrial Relations. I delete this item.

I am deleting this item to conform to my previous action in Item 8350-001-0001.

**SEC. 9.40**—Proposition 40 Administration Cost Limits. I delete this Control Section.

I am deleting this control section which would restrict administrative expenditures for Proposition 40 bond funds to five percent of budget appropriations for all grant programs and property acquisitions made in the budget year. This is inconsistent with the provisions of Proposition 40, which require all program delivery and administrative costs be paid through the Bond Act. I have submitted an expenditure plan for Proposition 40 that meets current environmental acquisition priorities and is fiscally responsible. This plan sets aside adequate funds to deliver these necessary projects in a timely manner, in accordance with the

intent of the electorate. I am directing all affected agencies and departments to provide for effective program delivery while controlling their administrative costs.

With the above deletions, revisions, and reductions, I hereby approve Assembly Bill 425.

GRAY DAVIS

RECEIPT

I acknowledge receipt this 5th day of September 2002 at 12:45 p.m., of the Governor's statement of the items of appropriation reduced or eliminated from Assembly Bill 425 delivered to me personally by Casey Elliott.

LAWRENCE A. MURMAN  
Assistant Chief Clerk of the Assembly

**Item Veto Message—Assembly Bill No. 2717**

Governor's Office, Sacramento  
September 26, 2002

*To Members of the California State Assembly:*

I am signing Assembly Bill 2717, however, I am reducing the appropriation from the Renewable Resources Investment Fund to \$100,000.

This bill would require the Department of Water Resources to convene a Water Desalination task force to make recommendations related to potential opportunities for the use of seawater and brackish water desalination.

The revenues from the Renewable Resources Investment Fund are below projections and the fund is expected to have a significant shortfall this year. At a time when the state is dealing with a \$24 billion shortfall, any available funds should be used for on-going environmental activities and programs now supported by the General Fund that would otherwise be reduced or eliminated.

Studying the potential opportunities and impediments for the use of water desalination is an important step toward helping the state meet its water needs. Therefore, I am directing the Department of Water Resources to explore funding partnerships with interested local and private entities to accomplish this goal.

Sincerely,

GRAY DAVIS

**Item Veto Message—Assembly Bill No. 52**

Governor's Office, Sacramento  
September 27, 2002

*To Members of the California State Assembly:*

I am signing Assembly Bill 52, however, I am vetoing the \$2.4 million appropriation for the California Environmental Quality Improvement Loan Program and the \$2.4 million appropriation for the Coastal Farmland Preservation program.

Proposition 40 requires funds to be used for *grants* for the preservation of agricultural and grazing lands, including oak woodlands and grasslands. The California Environmental Quality Improvement Loan Program is not a grant program and is therefore ineligible.

Additionally, this bill creates the Coastal Farmland Preservation program at the Department of Conservation. This program is duplicative of the existing California Farmland Conservancy Program and other efforts by the State Coastal Conservancy to protect coastal agricultural and rangeland currently funded through Propositions 12 and 40.

Sincerely,

GRAY DAVIS

**RECEIPT**

I acknowledge receipt this 27th day of September 2002 at 4:55 p.m., of the Governor's statement of the items of appropriation reduced or eliminated from Assembly Bills Nos. 52 and 2717 delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN  
Acting Chief Clerk of the Assembly

**Item Veto Message—Assembly Bill No. 2583**

Governor's Office, Sacramento  
September 29, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2583, which would establish the California Campus Sexual Assault Task Force to develop a uniform system for gathering information pertaining to campus sex crimes and to create a set of model guidelines for addressing these crimes on higher education campuses. The 15-member task force would be required to present a report to the Legislature by April 1, 2004. The bill also appropriates \$125,000 to the Office of Criminal Justice Planning (OCJP) for support of the task force.

Addressing campus sex crimes is a worthwhile endeavor. However, this bill appropriates \$125,000 General Fund at a time when the State is experiencing a severe revenue shortfall. Therefore, I am deleting the funding and directing OCJP to absorb the costs of the task force from within existing resources.

Sincerely,

GRAY DAVIS

## RECEIPT

I acknowledge receipt this 29th day of September 2002 at 10:08 p.m., of the Governor's statement of the items of appropriation eliminated from Assembly Bill No. 2583 delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Item Veto Message—Assembly Bill No. 716**

Governor's Office, Sacramento

September 30, 2002

*To Members of the California State Assembly:*

I am signing Assembly Bill 716 because it highlights the importance of the state's historical and cultural resources and because it appropriates funds specified in Proposition 40. In particular, it is important to disburse the monies that Proposition 40 allocated for San Francisco, Los Angeles and other specific areas in a timely manner that meets the local recreation needs of these communities and the expectations of the voters.

However, with respect to the \$128 million earmarked for the California Cultural and Historical Endowment that this bill seeks to create, I regret that I must delete the monies for this purpose. There are several reasons for this action. First, given the state's fiscal condition, now is not the time to establish a new, permanent bureaucratic entity with broad new duties. Second, the duties of the Endowment as proposed in this measure extend well beyond competitive grant-making responsibilities and would create significant general fund cost pressure. For example, while the comprehensive study the bill would require by January 1, 2005 may be desirable, such a multi-million dollar study could not be funded with bond money.

Moreover, the proposed endowment appears to be significantly redundant and unnecessary given the duties and expertise of the Department of Parks and Recreation, the Office of Historic Preservation (OHP) and the State Historic Resources Commission. In particular, by directing the Endowment to conduct competitive grantmaking for historical preservation purposes, the bill undermines the successful efforts of the OHP and the Commission in disbursing Proposition 12 historical preservation monies. Failure to take advantage of such expertise will lead to unnecessary costs and delays in implementation of competitive grants. For this reason, I am directing the Secretary for Resources to seek \$10 million in the budget to fund an initial competitive grants program to be administered by the Office of Historic Preservation that will build upon the success of its current program.

Additionally, while I applaud the authors for their admirable efforts to craft a high-profile structure for enhancement of historical and cultural resources, I am concerned that the timing of the conference committee and the conference report language did not allow for meaningful discussion among stakeholders. Such stakeholder input is key to ensuring that an effective, efficient and respected process for disbursing Proposition 40 monies is crafted. For this reason, I am directing the

Secretary for Resources to conduct a series of stakeholder meetings during the legislative recess for the purpose of discussing the best approaches for funding historical, cultural and museum projects.

Finally, there are many significant, high-priority state and local cultural and historical projects that should be funded. These include the Department of Parks and Recreation's projects as included in the May Revise—the Statewide Indian Museum, California Heritage Center, the John Marsh home and the Adamson House collection, as well as local assistance funding for the California Academy of Sciences in San Francisco. For this reason, I am directing the Department of Parks and Recreation to utilize \$5 million in Proposition 40 monies for the development of the Statewide Indian Museum. Moreover, the other projects should be directly funded from the cultural and historical monies and I am directing the Department of Finance to include these important projects in my 2003–04 budget.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 30th day of September 2002 at 4:03 p.m., of the Governor's statement of the items of appropriation eliminated from Assembly Bill No. 716 delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Item Veto Message—Assembly Bill No. 1768**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I have signed Assembly Bill 1768, but I am deleting the provision for funding up to \$15,000,000 for the Governor's Security Advisor upon receipt of funding from federal allocations for Homeland Security. Given the uncertainty of the availability of federal funds, it is premature to require that the expenditure be limited to equipment standards placed in statute given that the existing Public Safety Radio Strategic Planning Committee is developing a statewide solution for radio interoperability systems for all first responders. Their standards will assure that California's emergency first responders will have equipment that complies with the statewide interoperability radio standards and that this equipment, subject to federal funding, will provide badly needed equipment for all of the State's emergency personnel in the improvement of public safety.

Use of these funds should be consistent with established communication plans and systems authorized under the California Emergency Services Act including the California Emergency Plan, the California State Mutual Aid Radio System Plan, and other state and local plans providing for multi-discipline radio interoperability. This bill would unnecessarily specify a technology standard that could be overly restrictive. It is my preference that instead of being restrictive, the State in its procurements should maximize the use of business

competition, thereby ensuring reasonable cost to the State and acquisition of proven, established, stable technology and equipment.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 30th day of September 2002 at 4:03 p.m., of the Governor's statement of the items of appropriation eliminated from Assembly Bill No. 1768 delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Item Veto Message—Assembly Bill No. 1634**

Governor's Office, Sacramento

September 30, 2002

*To Members of the State Assembly:*

I am signing Assembly Bill 1634, which would require new curriculum development in nutrition and would create a new school garden grant program.

I certainly share the author's belief in the importance of nutrition education. Many studies have demonstrated that infancy, toddler years, and early childhood are the most important developmental stages for children. During these early years of a child's development, it is essential to establish healthy eating and exercise patterns.

As evidenced by a letter to the Assembly Journal, the author intended that the \$200,000 appropriation contained in this bill would be a subset of an appropriation contained in the Budget Act for similar purposes. While she has committed to carrying cleanup language next year to rectify the error, a more expeditious remedy is for me to strike the \$200,000 appropriation from this legislation.

Lastly, it is my intent that the State Department of Education will develop the nutrition curricula and related best practices from existing departmental resources.

With that understanding, I am pleased to sign this legislation, but am vetoing the \$200,000 appropriation.

Sincerely,

GRAY DAVIS

**Item Veto Message—Assembly Bill No. 2781**

Governor's Office, Sacramento

September 30, 2002

*To the Members of the State Assembly:*

I am signing Assembly Bill 2781. However, I am reducing the portion of the appropriation for school district revenue limit equalization by \$203,000,000 that is based on revenue limits prior to the re-benching of excused absences in 1997-98. I intend to set this amount aside for subsequent legislation that accomplishes the intent of legislation I signed last year (Chapter 155, Statutes of 2001), which established a statewide equalization goal.

Let me be clear. I am fully committed to providing full funding for equalization in the 2003-04 Budget Year. However, I am opposed to the

formula used to determine equalization funding in this bill. By splitting equalization into disparate allocation methods, as proposed by AB 2781, the State does not actually reach an equalized endpoint. Consequently, this bill creates continued pressure to fund further rounds of equalization in future years. It is estimated that an additional \$195 million to \$200 million would still be required to fully equalize revenue limits computed on the basis of current state policy. As mentioned above, I intend to sign subsequent legislation that appropriates up to \$203,000,000 to complete full equalization consistent with the current statutory goal. That subsequent legislation should also delete Section 7 and subdivision (c) of Section 42 of this statute to conform.

Further, I am reducing the appropriation for the Standardized Testing and Reporting (STAR) program by \$800,000 to correct an unintentional overappropriation of the item.

The effect of my actions are reflected as follows:

SEC. 44. The sum appropriated in Item 6110-113-0001 of Section 2.00 of the Budget Act of 2002 is hereby augmented by ~~forty-six million six hundred nine thousand dollars (\$46,609,000)~~ *forty-five million eight hundred nine thousand dollars (\$45,809,000)* and the amount appropriated in Schedule (4) of that item is augmented by ~~forty-five million eight hundred nine thousand dollars (\$45,809,000)~~.

SEC. 51. (a) The amount of ~~four hundred six million dollars (\$406,000,000)~~ *two hundred three million dollars (\$203,000,000)* is hereby appropriated from the General Fund to the Superintendent of Public Instruction for the 2003-04 fiscal year for the following purposes:

(1) Two hundred three million dollars (\$203,000,000) for purposes of Section 42238.44 of the Education Code, to be allocated to school districts on a pro rata basis.

(2) ~~Two hundred three million dollars (\$203,000,000) for purposes of Section 42238.46 of the Education Code, to be allocated to school districts on a pro rata basis.~~

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by this section shall be deemed to be "General Fund revenues appropriated to schools districts," as defined in subdivision (c) of Section 41202 of the Education Code for the 2003-04 fiscal year and be included within the "total allocations to schools district and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XVII B," as defined in subdivision (e) of Section 41202 of the Education Code for the 2003-04 fiscal year.

Sincerely,

GRAY DAVIS

**Item Veto Message—Assembly Bill No. 2838**

Governor's Office, Sacramento  
September 30, 2002

*To the Members of the State Assembly:*

I am signing Assembly Bill 2838, but reducing the appropriation from the Public Utilities Commission Utilities Reimbursement Account from \$445,000 to \$222,500.

This bill requires the Public Utilities Commission (PUC) to act on water utilities' rate applications within specified timelines and allows water utilities to enact interim rates at the rate of inflation when their rate cases are delayed, subject to refunds by the PUC. The bill also requires water utilities to file a rate application with the PUC every three years.

Sincerely,

GRAY DAVIS

**RECEIPT**

I acknowledge receipt this 30th day of September 2002 at 10:58 p.m., of the Governor's statement of the items of appropriation reduced or eliminated from Assembly Bills Nos. 1634, 2781 and 2838 delivered to me personally by Casey Elliott.

HUGH R. SLAYDEN  
Acting Chief Clerk of the Assembly

The following messages from the Governor were received and ordered printed in the Journal:

**Governor's Message—Assembly Bill No. 1833**

Governor's Office, Sacramento  
September 7, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 1833 which (1) revises procedures for payment of claims from locally-funded Maddy Emergency Medical Services Funds (Maddy Fund); (2) requires counties to develop fee schedules and reimbursement methodology; and (3) requires counties to notify physicians and surgeons who provide, or are likely to provide, emergency services in the county of the availability of the Maddy Fund.

I vetoed a similar bill last year (AB 900-Papan) because its contents were amended into the bill at the end of session and not fully vetted. I am signing AB 1833 because it was fully vetted through the legislative hearing process and believe it will assist physicians in alleviating some of the burden of providing uncompensated care.

Sincerely,

GRAY DAVIS



**Governor's Message—Assembly Bill No. 3026**

Governor's Office, Sacramento  
September 7, 2002

*To the Members of the California State Assembly:*

I am signing AB 3026, which will make various technical and policy changes and repeal obsolete code sections or references. Most notably, this bill would allow the State to issue Grant Anticipation Revenue Vehicle (GARVEE) bonds and allow regional transportation authorities to issue such bonds for Toll Bridge Seismic Retrofit Projects, Traffic Congestion Relief Act projects, and the State Highway Operation and Protection Program (SHOPP) projects, without having that borrowing count against their county share of State Transportation Improvement Program (STIP) funds.

While I recognize the additional benefits and flexibility of these federal funds, no official policy has been set regarding the issuance of GARVEE bonds. If GARVEE bonds are issued, I believe that Caltrans should develop a model to track outstanding GARVEE debt and its relationship to future project resources, specifically Obligation Authority and Advanced Construction. I am directing Caltrans, in conjunction with the California Transportation Commission and the Department of Finance, to develop guidelines on the issuance of GARVEE debt and to develop a model to track outstanding GARVEE debt for this purpose.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2002**

Governor's Office, Sacramento  
September 11, 2002

*To the Members of the California State Assembly:*

I am signing AB 2002 which directs the Seismic Safety Commission, in consultation with the Director of the Office of Emergency Services, to establish an Urban Search and Rescue (USAR) Advisory Committee to prepare a strategy, plan, and recommendations to address the resource needs of local USAR units in California.

USAR teams are a vital part of California's public safety infrastructure and the strategies and recommendations developed by this Committee will be a useful tool for both state and local government. Given the current condition of the State's General Fund, I am directing that the report generated by this Committee be completed within the existing resources of the SSC.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2462**

Governor's Office, Sacramento  
September 11, 2002

*To the Members of the California State Assembly:*

I am signing AB 2462, which provides that a child who resides in the home where crimes of domestic violence have occurred may be presumed to have suffered physical injury for the purposes of reimbursement from the Victim of Crime Program.

This measure codifies existing practice of the board, however, I am concerned that the fund is being depleted. Thus, I will undertake to determine what steps can be taken to strengthen the solvency of the fund, including increasing fines and penalties paid by criminals into the Restitution fund.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2324**

Governor's Office, Sacramento  
September 12, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill No. 2324, with the understanding that an after school component of the Before and After School Learning and Safe Neighborhoods Partnership Programs would continue to be required to operate a minimum of three hours per day commencing with the end of the school day and on every regular school day. I am also requesting clean-up legislation to clarify this requirement.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2156**

Governor's Office, Sacramento  
September 13, 2002

*To the Members of the California State Assembly:*

I am signing AB 2156 which, until January 1, 2010, establishes the San Diego River Conservancy to acquire and direct the management of specified public lands in the San Diego River area and prescribes the management, powers, and duties of the conservancy.

Existing law establishes conservancies in order to promote the conservation of the State's resources. The State Legislature has created seven conservancies that acquire, restore and protect undeveloped lands in specific regions of the state. Existing conservancies are explicitly required to comply with Property Acquisition Law (Part 11, commencing with Section 15850, of Division 3 of Title 2 of the Government Code). The importance of Property Acquisition Law is to ensure appropriateness of a transaction and to perform due diligence by the State Public Works Board. This layer of review is there to protect the taxpayers of the state as well as giving conservancies peace of mind when performing high profile real estate transactions. It is this layer of protection that has allowed California to be free of scandal when the state has acquired or sold real property.

I believe creation of the San Diego River Conservancy is appropriate, and therefore I am signing this measure. However, I am requesting the author return next year with a clean up bill requiring the San Diego

River Conservancy to comply with the provisions of Property Acquisition Law and to conform the duties of this conservancy with that of existing conservancies.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2202**

Governor's Office, Sacramento  
September 14, 2002

*To the Members of the California State Assembly:*

Assembly Bill 2202 declares the intent of the Legislature that certain California State University (CSU) students who will be serving the senior population (such as social workers, gerontologists, nurses, physical therapists and psychologists) must complete a curriculum in the field of gerontology, requires the CSU to provide courses and training in the field, and requires that each CSU develop guidelines for gerontology training and a plan for recruiting students into the field. This bill also requires the CSU to submit a report to the Legislature on the establishment of the gerontology curricula established by the bill.

I am signing Assembly Bill 2202 because the CSU indicates that many campuses already offer a gerontology curriculum and that any costs associated with developing the guidelines, recruitment of students and reporting to the Legislature would be absorbable.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2326**

Governor's Office, Sacramento  
September 17, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2326 which requires the Superintendent of Public Instruction (SPI) to form an advisory task force to develop appropriate grade level standards for the mastery of Braille.

I am signing this bill with the understanding that the proposed standards will not be implemented on either a mandatory or a voluntary basis until its fiscal implications are fully understood. I am also directing the State Board of Education not to act upon any proposed standards arising from this measure until its fiscal implications can be weighed against available educational and state resources.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2985**

Governor's Office, Sacramento  
September 17, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2985 which would require the Labor and Workforce Development Agency to conduct an independent study that includes information identifying federal and state resources available to determine the most effective and efficient means of enforcing wage and hour laws.

This bill will help to improve the efficiency of state government through enabling the Labor and Workforce Development Agency to more effectively enforce wage and hour laws and ensure worker protection under existing state law. I am directing the Agency to conduct the study from existing resources.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 1010**

Governor's Office, Sacramento  
September 18, 2002

*To the Members of the California State Assembly:*

I am signing AB 1010, which fulfills a policy goal of this administration that when and wherever possible, existing toll roads should be converted to free roads. This bill will make that happen faster.

AB 1010 would authorize a transfer of ownership of the State Route 91 (SR-91) toll road from a private company to a public entity. The results of traffic and revenue analyses currently underway for Orange County should be considered in approving this transfer. The public entity, the Orange County Transportation Authority (OCTA), who will own and operate the facility, will now be able to allocate any revenues over the cost of debt service to make needed improvements to SR-91. However, it is my expectation that OCTA will have as its goal the lowest possible fees, broadest possible access, and the shortest possible time frame that is responsible to fund the purchase of this franchise and protect the interests of southern California's motorists.

Additionally, with the purchase of the SR-91 toll lanes by OCTA, the "non-compete clause" which precluded any improvements on SR-91 by State and County agencies will no longer be in force. This will allow plans by Orange and Riverside Counties for freeway improvements to proceed expeditiously, and I urge them to do so. The bill also establishes a formal mechanism to promote improved transportation planning between elected officials and transportation planning experts in Orange, Riverside and San Bernardino counties and Caltrans. By signing this measure, commuters should realize both congestion relief and financial relief.

It is time that we put the interests of the traveling public back into the hands of the public agencies whose mission it is to protect them.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 499**

Governor's Office, Sacramento  
September 20, 2002

*To the Members of the California State Assembly:*

I am signing AB 499, which would require the Director of General Services to transfer the title of the administration building (Building 101) on the premises of the California Rehabilitation Center, to the City of Norco.

This transfer will save the State the long-term costs of maintaining an unoccupied building while simultaneously providing a historic landmark for the citizens of Norco to use and enjoy.

I am directing the Director of General Services to enter into a contract with the city of Norco to ensure that all costs related to removal of the perimeter fencing will be borne by the city of Norco. Given the state's \$24 billion deficit, such costs could have a significant impact on the General Fund.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2534**

Governor's Office, Sacramento  
September 20, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2534; however, I am directing the State Water Resources Control Board to ensure that the most meritorious projects are approved for funding.

This bill would create various clean water programs at the State Water Resources Control Board, to improve and protect coastal water quality, reduce storm water runoff pollution, increase control of nonpoint source pollution, improve agricultural water quality, develop local watershed management plans, and implement watershed protection and watershed management projects. The bill would also create an accelerated selection process to allow immediate funding for projects that are already fully permitted. Finally, the bill would provide funding from the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act for these programs and existing programs at the State Coastal Conservancy and the Department of Forestry and Fire Protection.

While I support the concept of expediting projects, it is important to ensure the most meritorious projects are funded with these limited resources, regardless of whether they qualify for an accelerated process. I am directing the State Water Resources Control Board to give careful consideration to *all* project proposals and to approve those that will have the most significant effect on improving water quality in California.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2630**

Governor's Office, Sacramento  
September 20, 2002

*To the Members of the California State Assembly:*

I am signing AB 2630, which would, for a limited time, allow the California Transportation Commission to pay the entire local match requirement for small general aviation airports to secure federal Airport Improvement Program (AIP) grants for airport security. This bill to increase security measures at small airports allows the State to contribute 10% of the program costs, while the federal government pays the remaining 90%.

While I generally favor local match requirements as a way of ensuring that a local project is locally supported and is successful, the potential threat to California's smaller airports and to homeland security generally requires special consideration. Many of our state's smaller general aviation airports simply do not have the operating funds necessary to meet local match requirements for federal AIP grants. At the same time, these airports may, in fact, be the most vulnerable to potential security threats. While I will not support future attempts to eliminate local agency participation in project funding, I am making an exception in this case to ensure continued security for all Californians.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2709**

Governor's Office, Sacramento  
September 20, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2709, which encourages the use of personal testimony related to World War II and the role of the United States in that war.

World War II instruction is already part of existing academic content standards and the author's intent was simply to encourage the use of personal testimony as part of that instruction. Therefore, I am signing the bill with the understanding that the author will introduce legislation to eliminate the potential state mandate.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 885**

Governor's Office, Sacramento  
September 22, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 885, which establishes a distance learning pilot program for a limited number of California public high schools. This pilot program is a pivotal first step in exploring an important new mode of instruction. The potential benefits to expanding internet-based instruction are immense, including more one-on-one communication between teachers and students, increases in technology training to prepare students for the workforce, and improvements in the breadth

and quality of curriculum in urban, small, and remote schools. In pursuing this pilot, California will continue its tradition as a world leader in information technology.

However, I am signing AB 885 with the understanding that the author will introduce legislation at the beginning of the next legislative session to tighten provisions in the bill's funding formula. Specifically, it is my intent, and that of the author, that schools participating in this pilot program are held accountable for providing instructional services equivalent to those that would be provided in a traditional setting, including an assessment of whether the pilot program achieves its goals and assessing the cost of this form of instruction. It is important that the standards for instructional services are both rigorous and consistent across participating schools. I am directing the Secretary for Education and the Department of Finance to assist the author in drafting this clean-up legislation.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 1781**

Governor's Office, Sacramento  
September 22, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 1781, which revises the state's instructional materials grant programs. This bill and the \$400 million provided for the program in the Budget will help ensure that California's students are provided with standards-aligned reading language arts textbooks. However, I am signing the bill with the expectation that the Legislature will approve appropriate cleanup language to address one of the bill's provisions that is too broadly worded.

The instructional materials funding realignment in this bill is intended to ensure that pupils receive basic standards-aligned instructional materials in core curricula areas as expeditiously as possible as well as to increase local flexibility once these basic materials are provided. The current language related to school district certification that pupils have been provided with standards-aligned materials is too vague. As written, this could potentially result in a portion of funds being used to purchase supplementary or non-standards-aligned materials prior to providing basic standards-aligned materials.

Appropriate cleanup language should ensure that priority for use of funding is to provide basic standards-aligned instructional materials for all pupils in the four core curriculum areas, as they become available. In addition, the language should provide the flexibility afforded to school districts by the State Board of Education to use funding for other materials, including supplemental or non-standards-aligned materials, at the percentages specified by the State Board of Education. Finally, the language should clarify that the \$150 million provided in the Budget Act, on a one-time basis, is to be used to defray the costs of the English Language Arts materials, which must be purchased for each pupil by the beginning of the 2003 school year.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2420**

Governor's Office, Sacramento  
September 22, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2420 which would prohibit an HMO from requiring or allowing a doctor group to be at financial risk for certain items, including self-injectable medications and adult vaccines unless the Provider requests to assume the risk in writing during contract negotiations.

I agree with the bill's goal of strengthening the financial solvency of doctor groups. Some have been experiencing significant financial difficulties during the last few years. This may be due, at least in part, on an inability to manage expenses within budgets required by their negotiated rates. HMOs can spread the financial risk over a larger population of enrollees, and thus could be in a better position than the doctor groups to manage budgets for these services. Better management of financial risk helps to ensure continued access to care for HMO consumers.

However, I favor undertaking a more comprehensive analysis of doctor group solvency and quality issues than the approach taken in this bill, and I am concerned that the enactment of this proposal could lead to additional legislative proposals to prohibit the delegation of other services. I am heartened by the fact that the Legislature is intending to have such a comprehensive discussion during the upcoming 2002–2003 legislative session.

Since the bill still allows doctor groups and HMOs to voluntarily agree that the risks associated with these services can be delegated, an approach I endorsed by signing SB 168 in 2000, I will sign this measure into law. I recognize that many doctor groups continue to have financial difficulties that impact consumers' access to care, and the enactment of this legislation may keep some from encountering further financial problems that can cause disruptions in continuity of care.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2996**

Governor's Office, Sacramento  
September 22, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2996, a trailer bill to the 2002–2003 Budget Act. However, one of the provisions in the bill contains an unintended error that occurred when an urgency clause was attached to the bill after it was initially drafted.

The suggested amendments to Vehicle Code Section 14905 enact an increase in the fee for the reinstatement of a driver's license following a suspension or revocation action. The twenty-five dollar increase was supposed to be implemented by the Department of Motor Vehicles on January 1, 2003. When the urgency clause was included in this bill, it had the unintended effect of causing the increase to take effect immediately upon chaptering.

Because the department needs time to modify its programs, and law enforcement agencies must change the information on the notices they



provide to an offender at the time of an arrest, this provision cannot be implemented any earlier than January 1, 2003.

This delay will have no effect on the 2002–2003 budget, as the additional revenue was not intended to be collected until January 1, 2003.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2794**

Governor's Office, Sacramento  
September 23, 2002

*To the Members of the California State Assembly:*

I am signing AB 2794, which will expand the type of sex crimes requiring a defendant to submit to a court-ordered test for the HIV virus, allow the court to order a saliva test for HIV rather than a blood test, and require the inmate to submit to a court-ordered HIV test within 180 days of the date of the conviction.

This bill will close a loophole in existing law and will ensure that victims of sexual assault can have the peace of mind provided by knowing the HIV status of their attacker and, if necessary, to receive early intervention. In addition, the provision allowing the testing to be done on saliva, in addition to blood, will make HIV testing on behalf of crime victims more efficient and less expensive than the current process. According to the Department of Public Health, as well as HIV experts from around the country, the oral saliva test is more expedient than, just as accurate as, and less intrusive than, testing with blood samples.

I encourage District Attorneys to request the use of saliva testing in cases where an order for HIV testing is requested, as authorized by this bill. I also encourage judges to consider ordering saliva testing rather than blood testing. Saliva testing is a more cost effective and efficient method of testing for HIV, which has proven to be as reliable as blood testing. Given the State's current fiscal situation, utilizing the most cost-effective methods to provide services to the public is appropriate.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 80**

Governor's Office, Sacramento  
September 24, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 80 which allows the cities participating in the Magnolia Power Project to aggregate their electricity loads and provide service directly to their residents.

This bill contains a subdivision with legislative intent language regarding a cost-recovery mechanism for the California Department of Water Resources' uncollected costs for power purchases. It is my understanding that nothing in this subdivision requires the California Public Utilities Commission to allocate any cost responsibility for the

Department of Water Resources' long-term power purchase contracts to customer load served by generation constructed for a customer's own use.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 117**

Governor's Office, Sacramento  
September 24, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 117 which allows cities and counties to aggregate their electric loads and provide service directly to their residents.

This bill contains a subdivision with legislative intent language regarding a cost-recovery mechanism for the California Department of Water Resources' uncollected costs for power purchases. It is my understanding that nothing in this subdivision requires the California Public Utilities Commission to allocate any cost responsibility for the Department of Water Resources' long-term power purchase contracts to customer load served by generation constructed for a customer's own use.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2409**

Governor's Office, Sacramento  
September 25, 2002

*To the Members of the California State Assembly:*

I am signing AB 2409 which requires the Office of Emergency Services (OES) to conduct a study of the emergency notification systems in use at California television and radio stations, to determine their 24 hour emergency broadcast capability. However, I am directing that OES, in conjunction with the California Highway Patrol (CHP), conduct this study, and that both entities use existing resources to complete the task outlined by this legislation.

With regard to emergency notification systems in California, OES is responsible for responding to natural disasters, while the CHP has focused its efforts on emergency alerts involving missing persons, among the many important responsibilities that these agencies bear. Therefore, it is important to have the involvement of both agencies in this study.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2907**

Governor's Office, Sacramento  
September 25, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2907 which would establish a "Health Care Providers' Bill of Rights." Specifically, it would prohibit certain provisions in contracts between HMOs and health care Providers and would authorize the Director of the Department of Managed Health Care (Department) to take an enforcement action against a Plan for violating the provisions of this bill. This bill also incorporates similar provisions into the Insurance Code.

This bill, by helping to level the playing field for Providers during contract negotiations with Plans, will help ensure that consumers enrolled in HMOs have continuity of care. Moreover, this bill follows through on a promise I made in a February speech at the California Medical Association's Annual Meeting to create a "Doctors' Bill of Rights" by incorporating the principles that I outlined during that speech. Although this is a significant step in the right direction, I was hopeful that its passage would be coupled with the enactment of a strong continuity of care law along the lines developed by the Department of Managed Health Care and this Administration.

The Department's HMO Help Center operates 24-hours-a-day and seven-days-a-week and has assisted thousands of consumers whose access to health care has been disrupted by the severing of relationships between HMOs and their contracting doctor's groups and hospitals. Many of these terminations are due in large part to bad contracts. Better contracting can result in better outcomes for consumers. And it is for this reason that I am signing this bill. However, while it will take time for this new law to get fully implemented, we must move ahead proactively so that thousands of other consumers are not forced to sever their relationships with doctors that they trust because of HMO/doctor disputes.

Last year, I proposed a comprehensive set of amendments to legislation authored by Assembly Member Thomson (AB 1522) and Senator Speier (SB 103) to ensure continuity of care for all consumers affected by the severing of a contract between an HMO and a Provider. Unfortunately, that legislation did not move out of Conference Committee and pass the Legislature this year.

My Continuity of Care proposal was a continuation of the 1999 Health Care Reforms that we worked on together and I signed into law that put patients first. In order to ensure that patients can keep their doctors for longer periods of time and under more circumstances, I am calling on the Legislature, consumers, HMOs, doctors, hospitals, employers, and other interested parties to work with this Administration and in particular the Department of Managed Health Care to act promptly.

I will not sign a bill that forces California consumers to switch doctors in the middle of their benefit year. HMOs and doctor groups have a choice about whether to renew or terminate a contract. Consumers deserve the same right.

Consumers should be able to stay with their doctors until the effective date of coverage following their next open enrollment period, not to exceed 12 months. Continuation of coverage for only six months would

be confusing for consumers and force many of them to change their doctors during the benefit year. They were promised their doctors when they signed up with an HMO and it is unacceptable for consumers to lose access to these health care professionals.

I look forward to continuing to work with you to ensure greater continuity of care for consumers so that we continue to put patients first and keep them out of HMO/doctor disputes.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 630**

Governor's Office, Sacramento  
September 26, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 630, which would require the Los Angeles Metropolitan Transportation Authority (MTA) to perform a security assessment, once every five years of its own operations and those of other transit agencies in Los Angeles County.

In the interest of public safety, and given this bill's minimal costs, I believe that it is important for one of the country's largest urban transit systems to perform the security assessments required by this bill. Furthermore, the MTA has expressed its willingness to help any municipal transit operators in Los Angeles County who do not have the resources available to perform such an assessment.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 1227**

Governor's Office, Sacramento  
September 26, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 1227, which specifies that the recently revised waiver provisions for minimum time infractions by school districts apply for infractions committed in the 2001–02 fiscal year or thereafter. This bill also requires the time repayment option must be no later than the fiscal year following the year in which the waiver is approved.

In signing this bill I note the waiver repayment provisions may conflict with existing state law that requires a school district to maintain equal amounts of time among similar schools in its district. This should be clarified as an exemption in the law. I encourage school districts and county offices of education to commence the time repayment option as soon as possible after the infraction is discovered. I believe it would be preferable for schools to accelerate the time repayment option within a single year. This will benefit the students who missed the instructional time. Moreover, I am not inclined to sign future legislation waiving penalties for those districts that do not avail themselves of the provisions of this bill.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 1793**

Governor's Office, Sacramento  
September 26, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 1793, which requires the State Department of Education to develop model content standards for physical education. This bill also imposes new duties on the Department to monitor the number of hours of physical education offered to grades 1 to 12.

I believe development of model standards would help schools focus more attention on the physical fitness of students. I commend the author for her continued interest in this important area. However, given the fiscal situation of the State, I am not able to commit any additional resources to this task and expect the Department to make its best efforts within existing resources.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2678**

Governor's Office, Sacramento  
September 26, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2678 because of the tragic circumstances that surrounded the death of Lt. Leonard Estes, a 30-year veteran of the Butte County Sheriff's Department, who was killed in the line of duty on July 26, 2001. I am signing this legislation due to strong support from the community to increase the survivor allowance payable to his widow, and the willingness of Butte County taxpayers to fully fund the cost.

However, I am not comfortable with the precedent that this legislation establishes of retroactively increasing benefits for one person, and I am aware that Butte County is not alone in having failed to contract for this higher survivor allowance.

Most local agencies have not contracted for this particular benefit. I would encourage all agencies to review and update the benefits they provide to their peace officers so that this is the last time this type of legislation is considered.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2704**

Governor's Office, Sacramento  
September 26, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2704, which makes several improvements to the Urban Streams Program at the Department of Water Resources.

I am directing the Department of Water Resources to implement this bill and update the program regulations as necessary using Proposition 40 bond funds earmarked for this program. The Department's General Fund budget will not be augmented for this purpose.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 1173**

Governor's Office, Sacramento  
September 27, 2002

*To the Members of the California State Assembly:*

I am signing AB 1173, which requires the Air Resources Board, by January 1, 2004, to report on the health effects of indoor air pollution, including possible mitigation options for homes, schools and non-industrial workplaces.

In signing this measure, I am also directing the Air Resources Board, and other affected agencies, to implement the provisions of this bill within existing resources.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 1412**

Governor's Office, Sacramento  
September 27, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 1412, which would require the Superintendent of Public Instruction to develop, and the State Board of Education to adopt, model curriculum standards for career-technical education by January 1, 2005. This bill would also require the California State University (CSU) and request the University of California (UC) to develop model academic standards and develop a process by which high schools may obtain approval of their career courses as meeting UC and CSU admissions requirements. Finally, the bill states legislative intent that school districts are not required to make changes in curriculum pursuant to this act.

I fully support encouraging school districts to improve career-technical education through development of voluntary standards and I commend the author for his work in this area. However, I am signing this bill with the understanding that the curriculum standards are to be completed and adopted using federal Perkins Vocational and

Technical Education Act funds currently allocated for state administration. I do not support redirecting for state administrative purposes any federal Perkins funds available for local grants.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2312**

Governor's Office, Sacramento  
September 27, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2312, which establishes an Environmental Justice Small Grant Program within the California Environmental Protection Agency to provide environmental justice grants to local community groups.

This measure empowers local community groups to address public health concerns and strengthens community involvement in the environmental decision making process.

I am directing the Boards and Departments within the California Environmental Protection Agency to allocate sufficient monies from sources other than General Fund to implement this program. This would include funds continuously appropriated to those organizations, including funds established for the cleanup of waste tires, used oil, and water pollution.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 444**

Governor's Office, Sacramento  
September 28, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 444, which would make statutory changes to human service programs administered by the Office of Statewide Health Planning and Development, Department of Alcohol and Drug Programs, Department of Community Services and Development, Employment Development Department, California Workforce Investment Board, Department of Rehabilitation, Department of Child Support Services, and Department of Social Services, primarily to implement the provisions of the Budget Act of 2002. However, I note the following concerns:

I do not support the provision in this bill that would allow counties to set aside up to \$10 million in CalWORKs mental health funding to match federal Title XIX Medicaid funding, beginning in 2003–04. This provision would allow counties to redirect funding that was appropriated in the budget to meet the federal Temporary Assistance for Needy Families Block Grant maintenance-of-effort (MOE) requirement. This redirection would result in the need for additional General Fund resources in future years for the State to meet its MOE requirement.

I also do not support the provision that would provide an adjustment to the foster care group home rate structure to allow the staffing of fewer low-skilled positions in order to increase the pay of higher-skilled staff positions. Any change in staffing and funding levels may adversely

affect the level of services provided at group homes. Furthermore, this adjustment essentially would allow a cost-of-living adjustment (COLA) for certain workers at a time when we are suspending COLA's for many social services programs.

I intend to revisit these issues in the development of the 2003–04 State Budget.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 692**

Governor's Office, Sacramento  
September 28, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 692 because it would restore the January 1, 2003 pass-through date for the Supplemental Security Income/State Supplementary Payment federal cost-of-living adjustment to reflect Legislative intent and the 2002 Budget Act.

However, I do not support the provisions that would implement the California Savings and Asset Project to match savings in California Work Opportunity and Responsibility to Kids participants' Individual Development Accounts. To the extent that special or federal funds could not be used for the purposes specified in this bill, General Fund resources would be needed to fund the California Savings and Asset Project. This program would not become operational without an appropriation by the Legislature or an allocation of Workforce Investment Act (WIA) Discretionary funding. WIA funds cannot be used to implement this program and I do not support the use of General Fund monies for this purpose.

**Governor's Message—Assembly Bill No. 857**

Governor's Office, Sacramento  
September 28, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 857. I commend the authors for their dedication and commitment to the important environmental and long-term planning needs of California.

This bill establishes three specific planning priorities for the state, to be used in determining which state infrastructure projects should be financed. It further requires state agencies, when requesting such financing to state how projects would conform to these priorities. Finally, this measure requires my OPR to establish a protocol for resolving conflicts between state agencies, agency functional plans, or state infrastructure projects.

To allay concerns about the bill's balanced implementation, I am directing OPR to implement the bill's three planning priorities and their effect on the infrastructure plan in a fair and equitable manner and to do so within existing resources. I ask that OPR, with the assistance of all state agencies, prepare the 2003 Environmental Goals and Policy Report and to examine conflicts, which may exist between and within state agencies and their policies and programs.

I remain committed to seeing these important responsibilities through. Further, I am appointing members to the Planning Advisory



and Assistance Council to assist my Administration in the completion of these various tasks and to ensure a comprehensive product, inclusive of local government and regional perspectives.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2217**

Governor's Office, Sacramento  
September 28, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2217. This bill would establish the California Quality Education Commission to, among other things, develop a model for prototype schools and provide information to the Legislature and other policy makers regarding the costs associated with developing schools most likely to produce high quality outcomes.

However, I am concerned about the fiscal impact of establishing the proposed Commission. Therefore, I am signing this bill with the expectation that the Office of the Secretary for Education, the State Board of Education, and the Department of Education will support the Commission from their existing budgets and that the members of the Commission would not be compensated or reimbursed for their participation. In addition, I encourage the Commission to utilize other available resources, including the Legislative Analyst's Office, legislative committees, the Senate Office of Research, and the California Research Bureau.

Further, given the austere financial conditions likely to be facing the State for a number of years, I expect the Commission to limit its recommendations to options that can be funded within the Proposition 98 guarantee and that also preserve current education reform programs and core local instructional resources. Finally, I am requesting that the Commission considers the effectiveness of existing programs and possible efficiencies that would help school districts focus on improving student achievement.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2410**

Governor's Office, Sacramento  
September 28, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2410.

This bill would require the Employment Development Department, in consultation with the Technology, Trade and Commerce Agency, and the California Film Commission (CFC), to report to the Legislature on the economics of the film industry, review the effects of various laws on the industry, and to examine the ethnic diversity of the industry. The bill would also require the CFC to release the number of motion picture starts that occur in California on an annual basis.

In signing this bill, I am directing the affected agencies to implement its provisions within existing resources.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2531**

Governor's Office, Sacramento  
September 28, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2531, which would establish the High School Pupil Success Act to provide eight school districts grants for the purpose of planning and implementing five-year reform efforts at high schools. Priority in funding would be given to districts with high schools in the first and second deciles of the Academic Performance Index.

I have been, and continue to be, a proponent of implementing reforms to improve low-performing schools, as evidenced by my support for the Immediate Intervention/Underperforming Schools Program and the High Priority Schools Grant Program.

However, I am concerned that this bill could obligate the State to provide an indeterminate level of planning and implementation funding of over \$100 million over the five years of this reform effort. Considering the State's current financial situation, it is highly doubtful the State would be able to support this program in future years.

Therefore, I am signing this bill with the understanding that the \$100,000 appropriated from the General Fund in this bill would serve as "seed" money to raise non-State funds and that the planning and implementation phases of the pilot program will only be undertaken to the extent that non-state resources are available.

Further, I am directing the Secretary for Education to ensure that the pilot program will be implemented in a manner so as not to conflict or hamper existing reform efforts through the Immediate Intervention/Underperforming Schools Program or the High Priority Schools Grant Program.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2549**

Governor's Office, Sacramento  
September 28, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2549 with the express understanding that the proponents of this measure have agreed not to seek implementation of this measure before July 1, 2005 through the collective bargaining process.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 746**

Governor's Office, Sacramento  
September 29, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 746 which would allow a non-California resident to file an adoption petition, receive adoption services and finalize the adoption in California. It would also require that a nonresident petitioner's homestudy report be reviewed and endorsed by a California agency to the court as being "substantially commensurate" with California adoption homestudy standards.

While I support efforts to place children waiting to be adopted in loving homes, I also must ensure that adequate protections for the child are in place before an adoption in California is finalized. Therefore, I am directing the CDSS to promulgate regulations for these adoptions that will ensure the protection of involved children by including applicable Interstate Compact for the Placement of Children (ICPC) procedures and criminal background investigations that are commensurate with California's existing standards.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 925**

Governor's Office, Sacramento  
September 29, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 925 which establishes goals for Secretary of the Labor and Workforce Agency to bring adults with disabilities into gainful employment at a rate that is close as possible to that of the general population. This bill requires Local Workforce Investment Boards (LWIBs) with "one-stop" employment centers to ensure access services for persons with disabilities and to the extent permitted by federal law, include disabled persons on their boards. Finally, this bill allows Medi-Cal personal care services to be used in a workplace, as long as the number of hours allowed is no more than they would have been allowed to receive at home.

I am signing this measure with the understanding that the State Department of Social Services will work with local government to develop appropriate guidelines and oversight to ensure that the total number of personal care hours utilized at work are within the total hours that would otherwise be authorized in the home.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 1381**

Governor's Office, Sacramento  
September 29, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 1381.

AB 1381 would revise eligibility criteria for the Governor's Scholarship Programs to allow students who have achieved qualifying scores on the required statewide achievement tests, but do not meet the current program's attendance requirements to qualify for Governor's Scholar Awards and Governor's Distinguished Mathematics and Science Awards. In doing so, this bill will allow migrant students to qualify for these scholarship awards.

I am signing AB 1381 because I believe that it is important to reward high performing students, and these student should not be penalized for attendance disruptions caused by the work schedules of their families. It is imperative that all students are given incentive to excel and acknowledgment when they succeed. It is precisely for these reasons that I established the Governor's Scholarship Programs. In signing this bill, it is my expectation that the Legislature will fully fund the Governor's Scholar Awards Program and Governor's Distinguished Mathematics and Science Awards Program for all eligible students.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 1795**

Governor's Office, Sacramento  
September 29, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 1795 which allows the Kerman Unified School District (KUSD) to extend its repayment period concerning an audit finding.

I note that KUSD has made payments each of the past three years. I appreciate their willingness to fulfill their obligation to the State, while still providing a good education for their students.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2211**

Governor's Office, Sacramento  
September 29, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2211.

This measure will require the Judicial Council to study the policy and the effect of misdemeanor crimes on Communities and to report to the Legislature its findings and recommendations by December 31, 2004.

However, due to the cost to the General Fund, I am requesting that the Judicial Council implement this measure within existing resources.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2314**

Governor's Office, Sacramento  
September 29, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2314, which requires the Chancellor of the California Community Colleges (CCC) to encourage community college districts to standardize all nursing program prerequisites on a statewide basis and to implement articulation agreements with campuses of the California State University to which they send significant numbers of nursing students. It requires the Chancellor of the California State University (CSU) to require that all CSU campuses that maintain nursing education programs standardize nursing program prerequisites and implement articulation agreements with community college districts from which they receive a significant number of nursing students. Both Chancellors would be required to implement the recommendations of the Intersegmental Major Preparation Articulated Curriculum project (IMPAC) by September 1, 2004.

This bill, part of my Nurse Workforce Initiative announced earlier this year, will ease access to nursing education, assure transfer for better educated nurses, and support the faculty direction of academic programs, including articulation.

I am signing this bill with the understanding that this bill requires the implementation of the IMPAC recommendations solely related to nursing programs.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2506**

Governor's Office, Sacramento  
September 29, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2506.

This bill requires the California State Teachers' Retirement System (CalSTRS) to establish a vendor registry where information about tax-deferred retirement investment products will be made available to employees of local school districts, community college districts, and county offices of education. CalSTRS will maintain this registry and investment information on its web site. However, it should be made clear that providing this information is not an endorsement or a validation by CalSTRS of the information provided to them by various vendors. With this understanding, I am signing this measure.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2532**

Governor's Office, Sacramento  
September 29, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2532 which would require the State Board of Education (SBE) to adopt maximum weight standards for elementary and secondary school textbooks. This bill differs from the

vetoed AB 1030 of last year in its simplicity. AB 1030 required: (1) a statewide study of school districts to examine the lack of student locker space on campuses; (2) the weight of hardcover textbooks; and (3) any correlation between students carrying heavy instructional materials in backpacks and spinal damage.

The mere adoption of maximum weight standards by the SDE will not resolve the issues of excessive backpack weight and the long-term health of pupils. Rapid advances in electronic technology demand that we look beyond the present system of providing a set of textbooks to each student. As the SBE accepts the challenge of implementing this legislation, I encourage them to not be constrained by the narrow drafting of AB 2532. The SBE should additionally review the cost/benefit of approving hard cover texts, and they should be mindful of the expected explosive growth of internet based instructional materials and texts on CD ROM.

I note that this bill was drafted to require the study, expected to cost in excess of \$100,000, without a source of funding identified. The state has faced a \$24 billion shortfall and financial pressures will continue. As such, I am directing that this bill be implemented within the existing resources of the State Board of Education.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2750**

Governor's Office, Sacramento  
September 29, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2750, which, beginning with the 2003–04 fiscal year, would adjust the funding formula for adult education in correctional facilities by increasing the maximum average daily attendance (ADA) a school district could claim by 2.5 percent over the previous fiscal year.

I am supportive of ensuring that jail-based adult education, particularly in the areas of domestic violence and substance abuse prevention, is available in the counties that experience the greatest need. I am also aware that the current method for allocating state funding for these programs does not protect providers from short-term enrollment fluctuations and may contribute to overall declines in the number of prisoners served by this program. However, as drafted, this bill provides all school districts, whether they are experiencing enrollment increases or not, a 2.5 percent annual growth entitlement.

I am therefore signing AB 2750 with the understanding that subsequent legislation will be proposed next year that will further refine the funding formula to:

- Establish a base year and methodology to compute the baseline ADA for the program.
- Ensure that additional funding only goes to those programs that experience enrollment growth.
- Ensure that programs with static or declining enrollment are held harmless by providing that their ADA will not be reduced below the base level or their highest adjusted level determined by actual enrollment.

- Eliminate legislative intent language stating that additional adjustments to increase allocations will be provided in a subsequent measure.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2816**

Governor's Office, Sacramento  
September 29, 2002

*To Members of the California State Assembly:*

I am signing Assembly Bill 2816.

This bill requires that when a temporary agency enters into a contract with a licensed contractor to provide the licensed contractor with the services of an individual, the temporary agency must pay the workers' compensation premiums for that individual based on the experience modification of the licensed contractor. This bill also clarifies that the temporary agency shall be solely responsible for workers' compensation for that individual.

Any additional costs in workers' compensation premiums paid by temporary agencies will almost certainly be passed on to contractors with a history of unsafe working conditions. These additional costs to contractors will serve as a strong incentive to improve their worksite safety, thus leading to a subsequent reduction of those costs.

For these reasons, I am supportive of this measure.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 442**

Governor's Office, Sacramento  
September 30, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 442, the Omnibus Health trailer bill, which, among other things, rescinds the 2000–01 Medi-Cal provider rate increases in their entirety, with specified exemptions.

The intent of the Legislature was to rescind the provider rate reductions proposed in the May Revision and maintain those reductions proposed in the January 10 Governor's Budget. However, due to the late enactment of the 2002–03 Budget, the Department of Health Services (DHS) would be unable to implement the partial rate reductions until January 2003. This late implementation of the rate reductions would place the DHS in the position of paying providers rates that are higher than those statutorily authorized. If the rate reductions were implemented, providers would be forced to return overpayments or the DHS would withhold significant payments to make up for the difference. Return of overpayments or significant withholding of payments could cause providers to drop out of the Medi-Cal program, thus reducing access.

For these reasons, I will also be signing AB 3006.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 551**

Governor's Office, Sacramento  
September 30, 2002

*To the Members of the California State Assembly:*

I am signing AB 551 in accordance with the federal prohibition against mixing banking and commerce, as intended by the seminal 1999 law, Gramm-Leach-Bliley (GLB). Before GLB, the U.S. Congress spent several years considering what the national policy should be regarding relationships between commercial companies and financial institutions. The U.S. Congress determined that affiliations between banks and non-financial, commercial companies pose great risks to the safety and soundness of our financial system, can distort credit decisions, and can lead to an aggregation of economic power that can be injurious to consumers. Both Alan Greenspan, current Chairman of the Federal Reserve, and Paul Volcker, former Chairman of the Federal Reserve, shared that view.

The authors of GLB, U.S. Representatives Jim Leach and Tom Bliley, and the current chairman of the U.S. Senate Banking and Commerce Committee, Senator Paul Sarbanes, weighed in with our State Assembly's Committee on Banking and Finance when they were considering AB 551. These Congressional leaders made clear that their intent in passing GLB was to foreclose the mixing of banking and commerce. The senior Counsel for the U.S. Senate Banking and Commerce Committee stipulated to my office that AB 551 is not only consistent with GLB, but more importantly, furthers the underlying objectives of this important law.

Given the recent spate of accounting and balance sheet irregularities in the corporate world, such as Enron, WorldCom, Tyco, the separation between banking and commerce, now more than ever, is critical. In keeping with the intent and objectives of the important national law, Gramm-Leach-Bliley, I am signing AB 551.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 982**

Governor's Office, Sacramento  
September 30, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 982, which establishes three loan repayment programs to be developed and administered collaboratively by the Office of Statewide Health Planning and Development (OSHPD), the Medical Board of California, and the Dental Board of California, with the two Boards using existing fund balances from license fee revenues.

The shortage of health professionals in rural, minority, and low-income areas contributes greatly to California's healthcare crisis. This bill provides a multi-pronged, long-term approach to move between 30–60 physicians and an equal amount of dentists into these areas quickly, to focus medical training programs on placing trainees in underserved areas, and on outreach and promotional efforts to draw more young people toward the medical and dental professionals. I am pleased to be able to join the Medical Board of California, Dental Board



of California in this effort. I am also signing this bill with the understanding that the Boards and OSHPD will implement this bill within existing resources.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 1045**

Governor's Office, Sacramento  
September 30, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 1045, which establishes two separate pilot programs for up to 30 physicians and up to 30 dentists from Mexico to be granted three-year nonrenewable licenses/permits and an additional program for international medical graduates (IMGs). The bill limits pilot program participants' practice of medicine and dentistry to California's areas of unmet health care needs.

California is one of the most diverse states in the nation and has a large population with limited English proficiency (LEP), many of whom are Spanish-speaking. Provider difficulties in understanding a patient's culture and impaired communications between providers and patients are two factors that can affect the delivery of health care and negatively impact outcomes. A substantial portion of California's LEP population live in rural, underserved, and farming communities. According to a recent publication by the Legislative Analyst Office (LAO), the ratio of residents per doctor in these areas is much higher (935 to 1) than in urban communities (460 to 1). The LAO also indicates that one in three rural areas has a shortage of dentists, compared to one in ten urban areas.

This bill would increase the number of culturally and linguistically competent physicians and dentists in California by creating the Licensed Physicians and Dentists from Mexico (LPDM) Pilot Program and a separate pilot program for international medical graduates. The pilot program would be implemented in geographically dispersed, but primarily rural, counties in California that tend to have large rural, Latino, and farm worker populations. This would improve access and health outcomes among California's LEP patients, particularly Spanish-speaking.

To ensure that the pilot programs are not a burden on the general fund, the bill specifies that the programs shall not proceed unless funding is secured from nonprofit philanthropic entities. The LPDM is designed to serve the population most in need of access to culturally and linguistically competent health care by requiring that participants specialize in family practice, internal medicine, pediatrics, and/or obstetrics and gynecology. AB 1045 further specifies that LPDM participants practice in non-profit community health centers.

AB 1045 contains numerous requirements to ensure that participating physicians are well qualified to provide high quality health care. Among these requirements are:

- Licensure, specialty certification, and "good standing" in Mexico;
- Passage of the relevant board review course for U.S. specialty certification;
- For obstetricians and gynecologists, fellowship in good

standing in the American College of Obstetricians and Gynecologists;

- Completion of a six-month orientation addressing medical protocol, community clinic operations, hospital operations and protocol, medical ethics, the California medical delivery system, health maintenance organizations and managed care practices, and pharmacology differences. The orientation must be jointly developed by the National Autonomous University of Mexico and a medical school or facility conducting an approved medical residency training program in California, approved by the Medical Board of California, and completed prior to arrival in the United States;
- Both prior and subsequent to arrival in the United States, successful completion of English as a second language courses to obtain English proficiency commensurate with the level of English spoken at the participating community clinic;
- Completion of 75 units of continuing education credit while in the United States;
- Participation in a supervised six-month externship at the place of U.S. employment and affiliated with a California medical school;
- Assurance that the sponsoring nonprofit community health clinic has medical quality assurance protocols and is either accredited by the Joint Commission on Accreditation of Health Care Organizations (JCAHCO) or has protocols similar to those required by JCAHCO; and
- Provision by the sponsoring nonprofit community health clinic of malpractice insurance coverage.

Quality assurance provisions for dentists participating in the LPDM pilot project include:

- Meet all criteria for licensure in Mexico, including obtaining a minimum grade point average, demonstrating a specified English comprehension and conversational level, and passing an oral interview;
- Completion of a curriculum taught by an instructor affiliated with a California dental school that is approved by the Dental Board of California that includes practical issues in pharmacology, practical issues and diagnosis in oral pathology, clinical applications, biomedical science, clinical history management, special patient care, sedation techniques, and infection control guidelines; and
- Complete continuing education credits as required by the Dental Practice Act while participating in the pilot project.

To ensure that the LPDM pilot project does not, de facto, become permanent, AB 1045:

- Prohibits the temporary licenses/permits from being used as a standard for issuing a license to practice medicine or dentistry in California on a permanent basis; and
- Requires a full evaluation of the LPDM pilot, overseen by the Medical Board of California; the evaluation must

recommend whether the pilot should be continued, expanded, altered, or terminated.

Concerns have been raised that the LPDM pilot project might create a “brain drain” of talented professionals from Mexico. To ensure that this would not be the case, the bill’s sponsors have worked extensively with government and professional school officials in Mexico. The limited term of the licenses or permits to practice in the United States ensures that pilot project participants will not remain and practice in the United States more than three years.

The International Medical Graduate pilot program is intended to facilitate residencies for participants that could lead to their full licensure in California. The bill addresses the difficulty that qualified IMGs experience in obtaining residency slots in California, a prerequisite to California licensure.

- The IMGs must complete a six-month orientation and a one-year residency training program. AB 1045 calls for two residency programs under the auspices of an approved medical school, one in northern California and one in southern California.
- The training institution can transfer IMG participants to an approved residency program after they complete the one-year residency program and meet legally required medical curriculum requirements. If transferred into an approved program, participants must work in nonprofit community health centers or disproportionate share hospitals for at least three years after being fully licensed. The training institution can recommend full licensure to the Medical Board upon the applicant’s successful completion of the one-year residency.
- Participating IMGs must complete the same continuing medical education classes per year as licensed physicians.

AB 1045 is part of a far-reaching package of bills I have signed this year to assist California in meeting its health care workforce needs. This includes AB 982 (Firebaugh) which establishes and funds 2 loan repayment programs for physicians and dentists serving up to 57 providers each; AB 2872 (Thomson) which requires the Medical Board of California to review additional U.S. clinical residency opportunities for U.S. citizen graduates of foreign medical schools; SB 1162 (Polanco) which requires a U.C. assessment of expanding the Charles R. Drew/UCLA Undergraduate Medical Education Program; and AB 2935 (Strom-Martin) which would provide privately-funded scholarships and loan repayments for pharmacists.

A recent report by the California Endowment entitled “Suffering in Silence, A Report on the Health of California’s Agricultural Workers” pointed to a shortage of culturally compatible health care providers in rural areas and that dental care, in particular, was in short supply. This bill is a reasoned approach to addressing the lack of access to preventive primary care and dental services impacting limited-English speaking

population residing in rural and other underserved areas. As a pilot program, I expect the affected Departments and Boards to carefully monitor its implementation, quality of care and effectiveness.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2023**

Governor's Office, Sacramento  
September 30, 2002

*To the Members of the California State Assembly:*

I am signing AB 2023 because I believe that the men and women who prosecute crimes are an integral part of our criminal justice system and, more and more, they put their own safety on the line to protect the public. The evidence of this has mounted in recent years: a prosecutor killed in the courtroom in Washington; a public defender attacked while on duty in Sacramento; a deputy District Attorney found stabbed to death in his home in Kern County just weeks ago.

This legislation is significantly more limited in scope than Senate Bill 1018, which I vetoed last year. I vetoed that bill because I do not support giving the same safety benefits to prosecutors and defenders that is reserved for police and firefighters who face life-threatening danger every day and are required to maintain an enhanced level of physical strength and agility to perform their duties.

Last year's bill, for example, offered the highest retirement formula, 3% at 50, which is reserved for sworn officers and designed to encourage early retirement in order to maintain a force with physical strength and agility. This bill limits the allowable benefit to 3% at 55, which not only encourages prosecutors to stay in the job longer, but also reduces the cost pressures on counties by as much as \$500 million dollars.

This bill also eliminates virtually all of the death and disability benefits available to sworn officers that were in last year's bill, including:

- Safety Death Benefits
- Safety Survivor Benefits
- "4850" Disability Time (up to one year of full paid leave for injuries),
- Industrial Safety Disability
- Workers' Compensation presumptions available to peace officers:

Blood Borne Pathogen

Heart Disease

Cancer

This bill contains none of those benefits. By eliminating these enhanced benefits from the bill, the potential cost to counties is reduced by tens of millions of dollars.

Finally, the benefits in this bill are not automatic, but negotiable through the collective bargaining process. Counties who wish to do so can provide these benefits as local funding permits.

It is my hope that this measure will attract and retain the best and the brightest to the fight against crime.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2596**

Governor's Office, Sacramento  
September 30, 2002

*To the Members of the California Legislature:*

I am signing Assembly Bill 2596 and Senate Bill 1156.

Twenty-seven years ago, California made a promise to the men and women who toil in California's agricultural fields that they would have the right to fight for decent wages and working conditions, just as other workers have had since the passage of the National Labor Relations Act in 1935.

Today, with the signing of these two bills, California will fulfill that promise.

The 1975 law that gave farmworkers the right to be recognized at the bargaining table, the Agricultural Labor Relations Act (ALRA) had a significant impact on the rights, wages and working conditions of California farmworkers. But it is clear that some parts of the system are broken. In nearly 60% of the cases in which a union wins an election, management never agrees to a contract. For example, in one case, the parties have been negotiating since 1975. The appeals process, coupled with a complicated formula for determining damages, often takes so long that the farmworkers can no longer be located by the time the award is made. The bottom line is that too many people who were supposed to benefit from the protections of the ALRA are left without a contract, without a remedy and without hope.

These bills, which were the product of lengthy negotiations between my office and the sponsors in the final days of the legislative session, will offer a blueprint for addressing the most serious failings in the system when negotiations between growers and farmworkers cannot be resolved.

SB 1156 and AB 2596 would require the ALRB in an unresolved labor dispute to provide the parties with a neutral mediator. If they are still unable to reach agreement after 30 days, the mediator will propose the terms of a binding contract. If either party is dissatisfied with that, then the ALRB must approve any final agreement and either party can appeal the decision to the Court of Appeal or the California Supreme Court.

These bills represent a significant improvement over SB 1736 in a number of ways:

- Limited to a pilot program-5 years with a total of 75 cases
- Limited to farms with 25 or more workers
- Applies to first contracts only

- The parties must have attempted to negotiate for one year if the contract was completed before January 1, 2003, or have negotiated for 6 months for contracts entered into after January 1, 2003.
- If the bargaining unit was first certified before January 2003, the employer must have been found to have committed an unfair labor practice if there is to be ALRB supervised mediation

I appreciate the sponsors working with me on this truly historic effort. I look forward to working with all the stakeholders to ensure that this pilot program benefits all parties and forms the basis of a permanent program that will be a model for the nation.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2645**

Governor's Office, Sacramento  
September 30, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 2645, which expands the scope of closed meetings for local government agencies under the Ralph M. Brown Act to include matters involving the security of water and electricity infrastructure and services.

In the wake of the terrorist attacks on September 11, 2001, greater confidentiality for local and state public meetings is warranted when issues of public safety are being discussed. Though I am signing this bill, I am concerned that state agencies cannot meet in closed session to address security issues relating to the state's critical infrastructure. Therefore, I am directing the State and Consumer Services Agency, in consultation with the Office of Emergency Services, to work with the Legislature on legislation that would permit all public entities to meet in closed session when discussing certain security issues that, if revealed, would compromise public safety and the state's critical infrastructure.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 2650**

Governor's Office, Sacramento  
September 30, 2002

*To Members of the California State Assembly:*

I am signing Assembly Bill 2650, which imposes fines for specified instances of extended engine idling at the ports of Long Beach, Los Angeles and Oakland.

However, it is my understanding that this bill does not create a State mandate on local air districts and that this program will be self-funded with no impact to the State General Fund. For this reason, I am signing this measure.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 3000**

Governor's Office, Sacramento  
September 30, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill No. 3000, which is the omnibus General Government trailer bill related to implementation of the Budget Act of 2002–03. However, I am directing the Department of Consumer Affairs, Bureau of Barbering and Cosmetology to implement this bill in a manner that maximizes security for staff and ensures the integrity of the examination process.

In addition, due to the limited resources available following significant reductions to its budget, the Legislature should anticipate a report that reflects the difficulty the Technology, Trade and Commerce Agency will encounter in redirecting personnel to perform the additional tasks required by this bill given the reductions imposed by the budget.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 3006**

Governor's Office, Sacramento  
September 30, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 3006.

Before I took office, California had nearly the lowest reimbursement rate for physicians in the Medi-Cal system of any state in the country. These low reimbursement rates reduced access to medical care by reducing the number of physicians willing to serve Med-Cal patients. In the last three years, we've made substantial efforts to improve reimbursement rates, expand eligibility, and increase the number of people with health coverage.

We've made great progress. More than a million children have health coverage today who did not have coverage three years ago. Fewer seniors and disabled persons have to spend down to poverty before accessing Medi-Cal services, and persons with HIV don't have to wait to develop full blown AIDS to receive coverage.

In this difficult budget year, the Administration and legislative leaders discussed rolling back some of the rate increases approved in recent years. However, any savings that might accrue by signing AB 442, the omnibus health budget trailer bill, and rolling back rates to pre-August 2000 levels would be offset by costs associated with increases in emergency room visits, administrative costs of implementing the rate reductions, and the loss of physicians who would surely leave the Medi-Cal program.

Although next year will be a difficult budget year, this bill maintains California's commitment to improving health care in this state, and demonstrates our support for the physicians who are making these improvements possible.

Sincerely,

GRAY DAVIS

**Governor's Message—Assembly Bill No. 3036**

Governor's Office, Sacramento  
September 30, 2002

*To the Members of the California State Assembly:*

I am signing Assembly Bill 3036. This bill enhances child protection for foster children by requiring guardians and conservators to annually complete and return a status report to the Court. Additionally, the Judicial Council will be responsible for reporting to the legislature the benefits of utilizing the annual status report.

This measure insures that the Court has updated information on the health and whereabouts of a foster child. We have a responsibility to these children to ensure they are not lost in the system.

Sincerely,

GRAY DAVIS



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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE

2001–02 REGULAR SESSION

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# ASSEMBLY JOURNAL

RECESS JOURNAL NO. 14

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**FINAL RECESS**

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Assembly Chamber, Sacramento  
November 30, 2002

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 2001–02 Regular Session was printed while the Assembly was in Final Recess:

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

October 2, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed the following members to the Select Committee on Challenges Facing Non-English Speaking Communities:

Assemblymember Judy Chu  
Assemblymember Rebecca Cohn  
Assemblymember Lynn Daucher  
Assemblymember Ken Maddox  
Assemblymember Joe Nation  
Assemblymember Gloria Negrete McLeod  
Assemblymember Sarah Reyes  
Assemblymember Juan Vargas

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

October 2, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have changed the name of the Select Committee on the Working Poor to the Select Committee on Challenges Facing Non-English Speaking Communities. Assemblymember Jackie Goldberg remains as chair of the committee.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California State Assembly

October 4, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Wilma Chan to replace Assemblymember Kevin Shelley as Majority Leader.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California State Assembly

October 10, 2002

*Mr. E. Dotson Wilson, Chief Clerk*  
*California State Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

RE: Reappointment of Robert B. Steinberg  
to Commission on Health and Safety and Workers'  
Compensation

Dear Mr. Wilson: Please be advised I have reappointed Mr. Robert B. Steinberg to the Commission on Health and Safety and Workers' Compensation. This is a term appointment starting October 10, 2002 and the expiration date is December 31, 2005.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California State Assembly



October 11, 2002

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

RE: Appointment of Jemahl Amen as Alternate

Dear Mr. Wilson: Please be advised I have named Mr. Jemahl Amen to serve as the alternate for my designee, Mr. Henry Dixon, on the California Earthquake Insurance Authority Governing Board and Advisory Panel. This is a pleasure appointment starting immediately.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California State Assembly

October 15, 2002

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

RE: Appointment of Allan S. Boodnick  
to Baldwin Hills Conservancy Governing Board

Dear Mr. Wilson: Please be advised I have appointed Dr. Allan S. Boodnick to the Baldwin Hills Conservancy Governing Board. This is a term appointment starting October 15, 2002 and the expiration date is October 15, 2004. Dr. Boodnick will be replacing Mr. Albert Vera.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California State Assembly

November 6, 2002

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

RE: Appointment of Darrell Steinberg  
to State Allocation Board

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Darrell Steinberg to the State Allocation Board. This is a pleasure appointment starting November 6, 2002. Assemblymember Steinberg will be replacing Assemblymember Firebaugh.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California State Assembly

November 7, 2002

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

RE: Appointment of Marco Firebaugh  
to State Allocation Board

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Marco Firebaugh to the State Allocation Board. This is a pleasure appointment starting November 7, 2002. Assemblymember Firebaugh will be replacing Assemblymember Steinberg.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California State Assembly

November 7, 2002

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

RE: Appointment of Helen Karr  
to California Commission on Aging

Dear Mr. Wilson: Please be advised I have appointed Ms. Helen E. Karr to the California Commission on Aging. This is a term appointment starting November 23, 2002 and the expiration date is November 22, 2005. Ms. Karr will be replacing Ms. Lois Wellington.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California State Assembly

November 7, 2002

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

RE: Appointment of Dorothy M. Tucker  
to State Bar Board of Governors

Dear Mr. Wilson: Please be advised I have appointed Dr. Dorothy M. Tucker to the State Bar Board of Governors. This is a term appointment starting November 7, 2002 and the expiration date is September 1, 2004. Dr. Tucker will be replacing Rabbi Gary Greenebaum.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California State Assembly

November 7, 2002

*Mr. E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

RE: Appointment of Jon McQuiston  
to Hazardous Waste Appeal Board

Dear Mr. Wilson: Please be advised I have appointed Supervisor Jon A. McQuiston to the Hazardous Waste Appeal Board. This is a term appointment starting November 7, 2002 and the expiration date is November 7, 2006. Supervisor McQuiston will be replacing Supervisor Steve Perez.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California State Assembly

November 8, 2002

*Mr. E. Dotson Wilson  
Chief Clerk, California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

RE: Appointment of Tony Strickland to State Allocation Board

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Tony Strickland to the State Allocation Board as the representative for the minority party. This is a pleasure appointment starting November 8, 2002.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California State Assembly

November 15, 2002

*Mr. E. Dotson Wilson  
Chief Clerk, California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

RE: Appointment of Stephanie Landregan  
to Landscape Architect Technical Committee

Dear Mr. Wilson: Please be advised I have appointed Ms. Stephanie Landregan to the Landscape Architect Technical Committee. This is a term appointment starting November 15, 2002 and the expiration date is June 1, 2006. Ms. Landregan will be replacing Mr. David Tasumi.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California State Assembly

November 15, 2002

*Mr. E. Dotson Wilson*  
*Chief Clerk, California State Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

RE: Appointment of Charles Latimer  
to California Commission on Aging

Dear Mr. Wilson: Please be advised I have appointed Mr. Charles Latimer to the California Commission on Aging. This is a term appointment starting November 23, 2002 and the expiration date is November 22, 2005. Mr. Latimer will be replacing Mr. Naresh Kamboj.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California State Assembly

November 15, 2002

*Mr. E. Dotson Wilson*  
*Chief Clerk, California State Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

RE: Appointment of Alban Niles  
to be State Bar Court Judge

Dear Mr. Wilson: Please be advised I have appointed Judge Alban Niles to be a State Bar Court Judge. This is a term appointment starting November 15, 2002 and the expiration date is November 1, 2008. Judge Niles will be replacing Judge Paul Bacigalupo.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California State Assembly

November 22, 2002

*Mr. E. Dotson Wilson*  
*Chief Clerk*  
*California State Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

RE: Appointments to the California Task Force on Youth and  
Workplace Wellness

Dear Mr. Wilson: Please be advised I have appointed the following individuals to the California Task Force on Youth and Workplace Wellness: Assemblymember Hannah-Beth Jackson, Mr. James Garfield as my representative of fitness, Ms. Dianne Harman and Ms. Kathryn Scott as my representatives of education, Dr. Francine Kaufman and Mr. Joel Stevens as my representatives of health and Mr. Ben Midgley as my representative of industry. These are pleasure appointments starting November 22, 2002.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California State Assembly

The following communication was presented by the Chief Clerk and ordered printed in the Journal:

November 21, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that on November 21, 2002, the Assembly Committee on Rules met and approved the following item:

Workplace Violence Prevention Plan (5-0)

Please ensure that this action is printed in the Assembly Journal.

Sincerely,

JOE NATION  
Chair, Joint Rules Committee

The following communications were presented by the Chief Clerk from:

William C. Vickrey, Administrative Director of the Courts, concerning an extension of time in submitting the Report on Complex Civil Litigation Pilot Program to the Legislature and the Governor (Required by Government Code, Section 68617).

Referred by the Speaker to the Committee on Judiciary.

Michael S. Bernick, Director, Employment Development Department, relative to delay in submitting a report on the feasibility of collecting additional data from employers, as required by Supplemental Budget, Item 5100-001-0001.

Referred by the Speaker to the Committee on Budget.

Clothilde V. Hewlett, Interim Director, Department of General Services, dated October 21, 2002, submitting information relative to payment of penalties in 2001-02 Fiscal Year (In accordance with Government Code Section 926.19(e)).

Referred by the Speaker to the Committee on Business and Professions.

Walter Vaughn, Executive Officer, California State Personnel Board, Sacramento, relative to approval of plan to conduct a demonstration project to provide an alternative examination and selection process for the Prison Industry Authority (PIA), pursuant to Government Code Section 19600.

Referred by the Speaker to the Committee on Labor and Employment.

**Proposed Initiatives**

The following communications were presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

**Referendum Title and Summary Referendum Petition  
to Overturn Amendments to Judicial Summary Judgment Procedure  
SA 2002RF0020**

Referred by the Speaker to the Committee on Judiciary.

**REPORTS**

The following reports were presented by the Chief Clerk:

**Department of General Services Quarterly Report on  
Capitol Area East End Complex  
(Pursuant to Government Code Section 8169.5)**

Above report referenced in communication from Clothilde V. Hewlett, Interim Director, Department of General Services, Sacramento, dated September 24, 2002, stating availability of report at DGS website. Referred by Speaker to the Committee on Business and Professions.

**California Integrated Waste Management Board 2001 Annual Report  
(Pursuant to Public Resources Code 40507)**

Above report referenced in communication from Linda Moulton-Patterson, Chair, California Integrated Waste Management Board, dated October 31, 2002, stating availability of report at website. Referred by Speaker to the Committee on Natural Resources.

**Department of Motor Vehicles  
Consulting Services Contract Report 2001-02  
(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from Shamim Kahn, Deputy Director, Department of Motor Vehicles, dated September 5, 2002, referred by the Speaker to the Committee on Transportation.

**Department of the Youth Authority  
Lottery Revenue and Expenditures Annual Report  
(Pursuant to Budget Act 2000, Section 24.60)**

Above transmitted report, together with letter of transmittal from Jerry L. Harper, Director, Department of Youth Authority, dated September 20, 2002, referred by the Speaker to the Committee on Budget.

**Consulting Services Contract Report 2001-02  
(Pursuant to Public Contract Code Section 10369)**

Above transmitted report, together with letter of transmittal from John Connell, Chief Administrative Officer, Department of Financial Institutions, dated July 29, 2002, referred by the Speaker to the Committee on Budget.

**Office of Criminal Justice Planning  
An Evaluation of the Rural Domestic Violence and  
Child Victimization Program Report**

Above transmitted report, together with letter of transmittal from N. Allen Sawyer, Chief Deputy Director, Office of Criminal Justice Planning, dated September 30, 2002, referred by the Speaker to the Committee on Public Safety.

**Office of Criminal Justice Planning  
Operation Revitalization Project Final Report  
(Pursuant to Supplemental Language of the Budget Act of 2002)**

Above transmitted report, together with letter of transmittal from N. Allen Sawyer, Chief Deputy Director, Office of Criminal Justice Planning, dated September 30, 2002, referred by the Speaker to the Committee on Public Safety.

**Quarterly Report on the Status of Compliance with  
the Surface Mining and Reclamation Act  
(Pursuant to Budget Act 2001-02)**

Above transmitted report, together with letter of transmittal from Darryl Young, Director, Department of Conservation, dated September 20, 2002, referred by the Speaker to the Committee on Budget.

**CalWORKs Center-based Pilot Program  
(Pursuant to Budget Act 2002-03)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated September 30, 2002, referred by the Speaker to the Committee on Budget.

**Teenage Pregnancy Prevention Grant Program  
(Pursuant to Senate Bill 1170, Chapter 311, Statutes of 1995)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated September 27, 2002, referred by the Speaker to the Committee on Education.

**Report to the Legislature on  
the Progress and Effectiveness of the Oiled Wildlife Care Network  
(Pursuant to Government Code Section 8670.48(1))**

Above transmitted report, together with letter of transmittal from Robert C. Hight, Director, Department of Fish and Game, dated September 20, 2002, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Disabled Veterans Business Enterprise Report 2001-02  
(Pursuant to Public Contract Code Section 10115.5 and  
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from Chamim Kahn, Deputy Director, Department of Motor Vehicles, dated September 23, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Disabled Veterans Business Enterprise Report 2001–02  
(Pursuant to Public Contract Code Section 10115.5 and  
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from Jack Ehnes, Chief Executive Officer, State Teachers Retirement System, dated September 27, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Final Report on the Health Care Options Project  
(Pursuant to Senate Bill 480, Chapter 990, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Grantland Johnson, Health and Human Services Agency, dated September 19, 2002, referred by the Speaker to the Committee on Health.

**California Film Commission's Film California First Program  
(Pursuant to Government Code Section 15363.73)**

Above transmitted report, together with letter of transmittal from Lon S. Hatamiya, Secretary, Technology Trade and Commerce Agency, dated October 1, 2002, referred by the Speaker to the Committee on Arts, Entertainment, Sports Tourism, and Internet Media.

**Hate Crime in California, 2001 Revised  
(Pursuant to Penal Code Section 13023)**

Above transmitted report, together with letter of transmittal from Chris D. Janzen, Director, Administrative Services Division, Department of Justice, dated October 4, 2002, referred by the Speaker to the Committee on Public Safety.

**Assessing the Health and Condition of  
California's Lands and Natural Resources 2002 Assessment  
(Pursuant to Legislative Analyst's Office)**

Above transmitted report, together with letter of transmittal from Mary D. Nichols, Secretary, Resources Agency, dated September 13, 2002, referred by the Speaker to the Committee on Natural Resources.

**Contracting Report:  
Disabled Veteran Business Enterprise Participation  
(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from Mary D. Nichols, Secretary, Resources Agency, dated August 14, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Internal Affairs Investigator Workload Report  
(Pursuant to Chapter 969, Statutes of 1998)**

Above transmitted report, together with letter of transmittal from Jerry L. Harper, Director, Department of Youth Authority, dated September 13, 2002, referred by the Speaker to the Committee on Public Safety.

**Taxpayer's Bill of Rights  
Annual Report to the Legislature  
(Pursuant to Revenue and Taxation Code Sections 21006(a))**

Above transmitted report, together with letter of transmittal from Gerald H. Goldberg, Executive Officer, Franchise Tax Board, dated October 1, 2002, referred by the Speaker to the Committee on Revenue and Taxation.



**2002 Uniform Codes Manual Changes  
(Pursuant to Assembly Bill 3322, Chapter 1284, Statutes of 1978)**

Above transmitted report, together with letter of transmittal from Marian Wong, Chief Fiscal Systems and Consulting Unit, Department of Finance, dated June 30, 2002, referred by the Speaker to the Committee on Budget.

**Controlled Substances Utilization Review and Evaluation System  
(Pursuant to Health and Safety Code Section 11165)**

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Administrative Services Division, Department of Justice, dated October 2, 2002, referred by the Speaker to the Committee on Public Safety.

**Disabled Veterans Business Enterprise Report 2001-02  
(Pursuant to Military and Veterans Code Section 999.7)**

Above transmitted report, together with letter of transmittal from Don Wallace, Assistant Secretary Finance and Administration, Resources Agency, dated October 9, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Toxic Substances Enforcement Program  
(Pursuant to Health and Safety Code Sections 25173.6 and 25174)**

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Administrative Services Division, Department of Justice, dated October 10, 2002, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Report to the Legislature:  
Approved Mandate Claims January 1, 2002  
through May 31, 2002  
(Pursuant to Government Code Section 17600)**

Above transmitted report, together with letter of transmittal from Paula Higashi, Executive Director, Commission on State Mandates, dated October 10, 2002, referred by the Speaker to the Committee on Budget.

**Crime and Delinquency in California, 2001  
(Pursuant to Penal Code Section 13010(g))**

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Administrative Services Division, Department of Justice, dated October 15, 2002, referred by the Speaker to the Committee on Public Safety.

**Report on Transportation Needs on Route 99  
Between Bakersfield and Sacramento  
(Pursuant to Senate Concurrent Resolution 17, Chapter 84  
Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Janet S. Dawson, Assistant Deputy Director, Division of Legislative and Local Government Affairs, Department of Transportation, dated October 15, 2002, referred by the Speaker to the Committee on Transportation.

**Quarterly Report Concerning the  
Peak Load Reduction Programs  
(Pursuant to Senate Bill 5X, Chapter 7  
Statutes of 2001–02 First Extraordinary Session)**

Above transmitted report, together with letter of transmittal from Robert Pernell, Commissioner and Presiding Member Efficiency Committee, California Energy Commission, dated October 4, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**California State University Report on Utilization of Facilities  
(Pursuant to Supplemental Language of the Budget Act of 2002  
Item 6610-301-0574)**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated October 11, 2002, referred by the Speaker to the Committee on Budget.

**The Epidemiology of Autism in California:  
A Comprehensive Pilot Study  
(Pursuant to Senate Bill 160, Chapter 50, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Robert L. Hendren, Executive Director, UC Davis M.I.N.D. Institute, University of California, Davis, dated October 17, 2002, referred by the Speaker to the Committee on Budget.

**Disabled Veterans Business Enterprise Participation  
Report 2001–02  
(Pursuant to Government Code Section 14840)**

Above transmitted report, together with letter of transmittal from Andrea E. Tuttle, Director, Department of Forestry and Fire Protection, dated October 1, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Annual Legislative Update  
Substance Abuse and Crime Prevention Act of 2000  
(Pursuant to Health and Safety Code Section 11999.9)**

Above transmitted report, together with letter of transmittal from Kathryn P. Jett, Director, Department of Alcohol and Drug Programs, dated November 12, 2002, referred by the Speaker to the Committee on Public Safety.

**Contracting Report Consulting Services  
Fiscal Year 2001–02  
Prison Industry Authority and Prison Industry Board  
(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from Edward S. Alameida, Jr., Director, Department of Corrections, dated October 18, 2002, referred by the Speaker to the Committee on Public Safety.

**Evaluation of the  
Female Offender Treatment and Employment Program  
Preliminary Report  
(Pursuant to Penal Code Section 3054)**

Above transmitted report, together with letter of transmittal from Edward S. Alameida, Jr., Director, Department of Corrections, dated October 8, 2002, referred by the Speaker to the Committee on Public Safety.

**Renewable Energy Program  
Quarterly Report to the Legislature  
July 2002 through September 2002  
(Pursuant to Public Utilities Code, Article 5, Section 445(g))**

Above transmitted report, together with letter of transmittal from John L. Geesman, Commissioner and Presiding Member, Renewables Committee, California Energy Commission, dated October 15, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**2001–02 Fiscal Year Contracting Activity  
Report for Disabled Veteran Business Enterprise (DVBE) Participation  
(Pursuant to Public Contract Code Section 10115.5 and  
Military and Veterans Code Section 999.7)**

Above transmitted report, together with letter of transmittal from Janice Lumsden, Deputy Commissioner, Office of Management and Budget, Business, Transportation, and Housing Agency, dated October 21, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**California Commission on  
Health and Safety and Worker's Compensation  
2001–02 Annual Report  
(Pursuant to Labor Code Section 77(a))**

Above transmitted report, together with letter of transmittal from Christine Baker, Executive Officer, Department of Industrial Relations, dated October 1, 2002, referred by the Speaker to the Committee on Insurance.

**CSU Response to State Investment 2002–03  
Teacher Recruitment Incentive Programs  
(Pursuant to Budget Act 2002)**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated October 17, 2002, referred by the Speaker to the Committee on Budget.

**August 2002 Report of Parole Hearings  
September 2002 Report of Parole Hearings  
(Pursuant to Penal Code Section 3041(d))**

Above transmitted report, together with letter of transmittal from Marvin E. Speed, Executive Director, Board of Prison Terms, dated October 8, 2002, referred by the Speaker to the Committee on Public Safety.

**The Employment Training Panel Strategic Plan 2002–03**

Above transmitted report, together with letter of transmittal from Peter McNamee, Executive Director, Employment Training Panel, dated October 22, 2002, referred by the Speaker to the Committee on Labor and Employment.

**Consulting Services Contract Report 2001–02  
(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from Edward S. Alameida, Jr., Director, Department of Corrections, dated October 21, 2002, referred by the Speaker to the Committee on Public Safety.

**California Housing Finance Agency's  
2001-02 Annual Report  
(Pursuant to Health and Safety Code Section 51005)**

Above transmitted report, together with letter of transmittal from Theresa A. Parker, Executive Director, California Housing Finance Agency, referred by the Speaker to the Committee on Housing and Community Development.

**Report by the Oil Spill Technical Advisory Committee  
(Pursuant to Government Code Section 8670.1)**

Above transmitted report, together with letter of transmittal from Robert C. Hight, Director, Department of Fish and Game, dated October 23, 2002, referred by the Speaker to the Committee on Natural Resources.

**Partial Service Retirement Program  
(Pursuant to Government Code Section 19996.40)**

Above transmitted report, together with letter of transmittal from Marty Morgenstern, Director, Department of Personnel Administration, dated October 24, 2002, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Storm Water Enforcement Act Report  
(Pursuant to Water Code Section 13399.39)**

Above transmitted report, together with letter of transmittal from Celeste Cantu, Executive Director, Water Resources Control Board, dated October 31, 2002, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**California State Lottery Fund:  
Financial Statements, June 30, 2002  
(With Independent Auditors' Report Thereon)  
(Pursuant to Government Code Section 8880.43)**

Above transmitted report, together with letter of transmittal from Patricia Ebehart, Chief, Finance Department, California Lottery Commission, dated October 31, 2002, referred by the Speaker to the Committee on Governmental Organization.

**Contracting Activity Report, STD. 810  
Small Business/Disabled Veteran Business Enterprise  
FY 2001-02  
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from Michael S. Bernick, Director, Employment Development Department, dated October 30, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Dealer's Record of Sale Funds (DROS)  
(Pursuant to Budget Act 2002, Item 0820-001-0460)**

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Administrative Services Division, Department of Justice, dated November 1, 2002, referred by the Speaker to the Committee on Budget.

**California Department of Justice Reports on Medicaid Fraud  
Quarterly Statistical Report**

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Administrative Services Division, Department of Justice, dated November 7, 2002, referred by the Speaker to the Committee on Human Services.

**Disabled Veterans Business Enterprise Participation Goal  
Annual Report for FY2001-02  
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Director, Department of Developmental Services, dated November 4, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Quarterly Hazardous Waste Fee Revenue Report  
(Pursuant to Health and Safety Code Section 25178.1)**

Above transmitted report, together with letter of transmittal from James E. Speed, Executive Director, Board of Equalization, dated November 8, 2002, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Department of Justice Report—  
Federal Energy Regulatory Commission (FERC)  
Supplemental Report of the 2002 Budget Act  
(Pursuant to Item 0820-001-001)**

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Administrative Services Division, Department of Justice, dated October 28, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Program Evaluation Division Quarterly Progress Report  
(July 1, 2002 through September 30, 2002)  
(Pursuant to Supplemental Report of the Budget Act of 2002)**

Above transmitted report, together with letter of transmittal from Michael L. Levy, Acting Chief Deputy Director, Office of Criminal Justice Planning, dated September 30, 2002, referred by the Speaker to the Committee on Public Safety.

**California Exposition and State Fair  
Small Business and Disabled Veterans Business Enterprise Participation  
Contracting and Activity Report  
Annual Report July 1, 2001-June 30, 2002**

Above transmitted report, together with letter of transmittal from Barbra Puthuff, Business Services Officer, California Exposition and State Fair, Sacramento, dated September 20, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Contractors Complaint Report Fiscal Year 2001-02  
(Pursuant to Public Contract Code Section 10262.5)**

Above transmitted report, together with letter of transmittal from Clothilde V. Hewlett, Interim Director, Department of General Services, dated November 12, 2002, referred by the Speaker to the Committee on Business and Professions.

**2002 Surplus Proprietary Lands  
Annual Report to the Legislature  
(Pursuant to Government Code Section 11011)**

Above transmitted report, together with letter of transmittal from Clothilde V. Hewlett, Interim Director, Department of General Services, dated November 19, 2002, referred by the Speaker to the Committee on Natural Resources.

**Seismic Safety Inventory of California Public Schools Report  
(Pursuant to Education Code Section 17317)**

Above transmitted report, together with letter of transmittal from Clothilde V. Hewlett, Interim Director, Department of General Services, dated November 15, 2002, referred by the Speaker to the Committee on Education.

**Olympic Training Center License Plates 2001 Biennial Report  
(Pursuant to Senate Bill 3911, Chapter 706, Statutes of 1990)**

Above transmitted report, together with letter of transmittal from Steven Gourley, Director, Department of Motor Vehicles, dated November 13, 2002, referred by the Speaker to the Committee on Transportation.

**Report on the AIDS Drug Assistance Program  
(Pursuant to Health and Safety Code Section 120968)**

Above transmitted report, together with letter of transmittal from Diana M. Bonta, R.N., Dr. P.H., Director, Department of Health Services, dated November 15, 2002, referred by the Speaker to the Committee on Health.

**LAO Report on  
Conflicts of Interest for External Evaluators  
in the Immediate Intervention/Underperforming Schools Program  
(Pursuant to Senate Bill 1X, Chapter 3, Statutes of 1999-2000  
First Extraordinary Session)**

Above transmitted report, together with letter of transmittal from Elizabeth G. Hill, Legislative Analyst, Legislative Analyst's Office, dated November 15, 2002, referred by the Speaker to the Committee on Education.

**Homicide in California 2001  
(Pursuant to Penal Code Section 13014)**

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Administrative Services Division, Department of Justice, dated November 21, 2002, referred by the Speaker to the Committee on Public Safety.

The following letters of transmittal were presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

Investigative Report I2002-2

November 13, 2002

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: Pursuant to the California Whistleblower Protection Act, the Bureau of State Audits presents its investigative report summarizing investigations of improper governmental activity completed from March 2002 through July 2002.

Respectfully submitted,

ELAINE M. HOWLE  
State Auditor

Above report referred to the Committee on Business and Professions.

California State Auditor

2002-104

November 7, 2002

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning California's charter schools.

This report concludes that oversight at all levels could be stronger to ensure charter schools' accountability. The chartering entities are not effectively monitoring their charter schools and ensuring that these schools meet the agreed-upon student outcomes listed in their charters. The chartering entities' fiscal monitoring of their charter schools is also weak. Without academic or fiscal oversight by the chartering entities, charter schools are not held accountable for improving student learning, meeting their agreed-upon academic goals, or the taxpayer funds that support their operations. Moreover, the chartering entities could not justify the oversight fees they charge their charter schools because they do not track their actual costs of oversight and risk double-charging the State for their oversight costs through mandated cost reimbursement claims.

The Department of Education (department) plays a role in holding the charter schools accountable. However, it does not systematically review the charter schools information that it receives to raise questions with the chartering entities regarding certain charter schools' fiscal or academic practices. Furthermore, to apportion funds to charter schools, the department relies primarily on the certifying signatures of school districts and county offices of education, both of which lack the necessary procedures to ensure that charter schools comply with apportionment requirements. Thus, the department cannot be certain

that the schools receive only the public funds to which they are legally entitled. Finally, although two recently enacted laws, Senate Bill 1709 and Assembly Bill 1994 (Chapters 209 and 1058, Statutes of 2002), attempt to add accountability to the existing charter schools environment, without an increased monitoring commitment on the part of chartering entities and the department, these new laws may not be as effective as they could be.

Respectfully submitted,

ELAINE M. HOWLE  
State Auditor

Above report referred to the Committee on Education.

California State Auditor

2002-107  
October 24, 2002

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning our review of the Office of Criminal Justice Planning's (OCJP) administration of state and federal grants, including the domestic violence program.

This report concludes that OCJP has not fulfilled its responsibilities in administering state and federal grants. Based on our review of its administration of five programs, including the domestic violence program, we noted that OCJP has not adopted guidelines to determine the extent it weighs grant recipients' past performance when competitively awarding funds, nor does it always provide grant applicants the necessary information and time to challenge its award decisions. We also found that OCJP has missed opportunities to seek the guidance of an advisory committee regarding program administration and has not consistently provided oversight to its grant recipients. Moreover, OCJP has spent \$2.1 million during the past three years on activities that culminated in program evaluations of uneven quality, content, and usefulness.

Our review of the domestic violence programs administered by OCJP and the Department of Health Services (DHS) revealed that OCJP decided not to correct an inconsistency in its 2001 request for proposals that resulted in a majority of shelters receiving an increased level of funding, but fewer shelters receiving funding overall. We also discovered that DHS has not established guidelines as to how past performance will be considered when competitively awarding grants and has failed to perform some of its oversight responsibilities such as only completing site visits for 3 of its 91 shelter-based grant recipients.

Lastly, because many of OCJP's and DHS's activities for awarding grants and conducting oversight of shelter-based grant recipients



overlap, the State could improve its provision of domestic violence services by moving toward greater coordination or consolidation of their respective programs.

Respectfully submitted,

ELAINE M. HOWLE  
State Auditor

Above report referred to the Committee on Public Safety.

**ASSEMBLY COMMITTEE HEARINGS  
FINAL RECESS**

*Friday, September 13, 2002*

Select Committee on School Safety, at 10 a.m., in Room 126

*Monday, September 16, 2002*

Higher Education Committee, at 9 a.m., Campus Center Lounge, Pasadena City College, Pasadena

*Thursday, September 19, 2002*

Environmental Safety and Toxic Materials Committee to hold a Joint Hearing with the Select Committee on California Children's School Readiness and Health, at 9 a.m., in Room 447

*Wednesday, September 25, 2002*

Business and Professions Committee, at 1 p.m., Rancho Santiago Community College, Santa Ana

Transportation Committee to hold a Joint Informational Hearing with Senate Transportation Committee, at 9:30 a.m., in Room 4202

Water, Parks and Wildlife Committee to hold a Joint Hearing with the Senate Agriculture and Water Resources Committee, at 10 a.m., Metropolitan Water District Board Room, Los Angeles

*Thursday, September 26, 2002*

Environmental Safety and Toxic Materials Committee, at 10 a.m., in Room 447

Local Government Committee to hold a Joint Informational Hearing with Senate Local Government Committee, at 9:30 a.m., Elihu Harris State Building, Oakland

*Tuesday, October 1, 2002*

Elections, Reapportionment and Constitutional Amendments Committee to hold a Joint Informational Hearing with the Senate Election Committee, at 1 p.m., in Room 444

*Wednesday, October 2, 2002*

Select Committee on Underground Water Quality, at 1 p.m., Cucamonga County Water District Board Room, Rancho Cucamonga

*Thursday, October 3, 2002*

Arts, Entertainment, Sports, Tourism, and Internet Media Committee, at 10 a.m., in Room 4202

*Friday, October 4, 2002*

Aging and Long-Term Care Committee, at 9:30 a.m., at the Civic Center Plaza, Santa Ana

*Monday, October 7, 2002*

Joint Committee on Prison Construction and Operations, at 1 p.m., Los Angeles

*Monday, October 14, 2002*

Select Committee on Earthquake Safety and Preparedness, at 3 p.m., Ukiah Civic Center, Ukiah

*Wednesday, October 16, 2002*

Business and Professions Committee, at 10 a.m., in Room 447

Water, Parks and Wildlife Committee to hold a Joint Informational Hearing with the Senate Agriculture and Water Resources Committee, at 10 a.m., Imperial Irrigation District Board, La Quinta

Select Committee on Gun Violence, at 10 a.m., West Hollywood

Select Committee on Title 1X, at 10 a.m., James West Alumni Center, Los Angeles

*Friday, October 18, 2002*

Aging and Long-Term Care, at 10 a.m., Brea Community Center, Brea

Water, Parks and Wildlife Committee at 10 a.m., Contra Costa Water District, Concord

*Wednesday, October 23, 2002*

Health Committee to hold a Joint Informational Hearing with the Senate Health and Human Services Committee, at 10:30 a.m., San Francisco City Hall, San Francisco

*Friday, October 25, 2002*

Select Committee on Health Access to hold a Joint Hearing with the California Legislative Black Caucus, at 10 a.m., Burbank

*Monday, October 28, 2002*

Joint Committee on Fisheries and Aquaculture, at 9 a.m., Eureka

*Thursday, October 31, 2002*

Utilities and Commerce Committee, at 10 a.m., Fresno

*Tuesday, November 12, 2002*

Committee on Health to hold an Informational Hearing, at 10 a.m., University of California, Los Angeles

*Tuesday, November 19, 2002*

Committee on Health to hold an Informational Hearing, at 9:30 a.m., UC Davis Medical Center, Sacramento

Joint Legislative Sunset Review Committee, at 9 a.m., in Room 112

*Wednesday, November 20, 2002*

Committee on Health to hold a Joint Informational Hearing with Select Committee on California's Children's School Readiness and Health at 10 a.m., Oakland

Joint Legislative Sunset Review Committee, at 9 a.m., in Room 112

*Thursday, November 21, 2002*

Rules Committee, at 11 a.m., in Room 127

Select Committee on Community Colleges/School to Career, Antelope Community College Board Room, Lancaster

**REPORTS OF STANDING COMMITTEES**  
**Committee on Business and Professions**

November 30, 2002

Mr. Speaker: Your Committee on Business and Professions reports the following bills pursuant to the provisions of Joint Rule 62(a):

- Assembly Bill No. 2452
- Assembly Bill No. 2538

CORREA, Chairman

Above bills ordered filed with the Chief Clerk.

**Committee on Governmental Organization**

September 11, 2002

Mr. Speaker: Your Committee on Governmental Organization reports the following bill pursuant to the provisions of Joint Rule 62(a):

- Assembly Bill No. 2518

HORTON, Chairman

Above bill ordered filed with the Chief Clerk.

**Committee on Health**

November 30, 2002

Mr. Speaker: Your Committee on Health reports the following bills pursuant to the provisions of Joint Rule 62(a):

- Assembly Bill No. 2135
- Assembly Bill No. 2316
- Assembly Bill No. 2447

FROMMER, Chairman

Above bills ordered filed with the Chief Clerk.

September 24, 2002

Mr. Speaker: Your Committee on Health reports the following resolution pursuant to the provisions of Joint Rule 62(a):

- Assembly Joint Resolution No. 59

FROMMER, Chairman

Above resolution ordered filed with the Chief Clerk.

**Committee on Human Services**

September 25, 2002

Mr. Speaker: Your Committee on Human Services reports the following bill pursuant to the provisions of Joint Rule 62(a):

- Assembly Bill No. 2088

ARONER, Chairwoman

Above bill ordered filed with the Chief Clerk.

**Committee on Insurance**

October 2, 2002

Mr. Speaker: Your Committee on Insurance reports the following bills pursuant to the provisions of Joint Rule 62(a):

- Assembly Bill No. 1808
- Assembly Bill No. 1809
- Assembly Bill No. 2611

VARGAS, Chairman

Above bills ordered filed with the Chief Clerk.

**Committee on Judiciary**

October 2, 2002

Mr. Speaker: Your Committee on Judiciary reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2245

Assembly Bill No. 2713

CORBETT, Chairwoman

Above bills ordered filed with the Chief Clerk.

October 2, 2002

Mr. Speaker: Your Committee on Judiciary reports the following resolution pursuant to the provisions of Joint Rule 62(a):

Assembly Concurrent Resolution No. 140

CORBETT, Chairwoman

Above resolution ordered filed with the Chief Clerk.

**Committee on Natural Resources**

September 10, 2002

Mr. Speaker: Your Committee on Natural Resources reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 1931

JACKSON, Chairwoman

Above bill ordered filed with the Chief Clerk.

**Committee on Public Safety**

September 26, 2002

Mr. Speaker: Your Committee on Public Safety reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2104

WASHINGTON, Chairman

Above bill ordered filed with the Chief Clerk.

**Committee on Revenue and Taxation**

October 9, 2002

Mr. Speaker: Your Committee on Revenue and Taxation reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2014

CHAVEZ, Chairman

Above bill ordered filed with the Chief Clerk.

**Committee on Transportation**

November 30, 2002

Mr. Speaker: Your Committee on Transportation reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 1911

Assembly Bill No. 2248

Assembly Bill No. 2275

DUTRA, Chairman

Above bills ordered filed with the Chief Clerk.

**Committee on Water, Parks and Wildlife**

October 8, 2002

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2644

CANCIAMILLA, Chairman

Above bill ordered filed with the Chief Clerk.

**Committee on Arts, Entertainment, Sports, Tourism, and Internet Media**

August 19, 2002

Mr. Speaker: Your Committee on Arts, Entertainment, Sports, Tourism, and Internet Media reports the following bill pursuant to the provisions of Joint Rule 62(a):

Senate Bill No. 1851

COHN, Chairwoman

Above bill ordered filed with the Chief Clerk.

**Committee on Agriculture**

September 24, 2002

Mr. Speaker: Your Committee on Agriculture reports the following bill pursuant to the provisions of Joint Rule 62(a):

Senate Bill No. 1610

MATTHEWS, Chairwoman

Above bill ordered filed with the Chief Clerk.

**Committee on Elections, Reapportionment and Constitutional Amendments**

November 30, 2002

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports the following bill pursuant to the provisions of Joint Rule 62(a):

Senate Bill No. 798

LONGVILLE, Chairman

Above bill ordered filed with the Chief Clerk.

**Committee on Governmental Organization**

August 13, 2002

Mr. Speaker: Your Committee on Governmental Organization reports the following bill pursuant to the provisions of Joint Rule 62(a):

Senate Bill No. 1577

HORTON, Chairman

Above bill ordered filed with the Chief Clerk.

**Committee on Health**

September 24, 2002

Mr. Speaker: Your Committee on Health reports the following bills pursuant to the provisions of Joint Rule 62(a):

Senate Bill No. 458

Senate Bill No. 1475

FROMMER, Chairman

Above bills ordered filed with the Chief Clerk.

**Committee on Insurance**

October 2, 2002

Mr. Speaker: Your Committee on Insurance reports the following bill pursuant to the provisions of Joint Rule 62(a):

Senate Bill No. 1678

VARGAS, Chairman

Above bill ordered filed with the Chief Clerk.

**Committee on Transportation**

November 30, 2002

Mr. Speaker: Your Committee on Transportation reports the following bill pursuant to the provisions of Joint Rule 62(a):

Senate Bill No. 1488

DUTRA, Chairman

Above bill ordered filed with the Chief Clerk.





**Committee on Education**

November 30, 2002

Mr. Speaker: Your Committee on Education reports:

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1792 | Assembly Bill No. 2249 |
| Assembly Bill No. 1804 | Assembly Bill No. 2405 |
| Assembly Bill No. 1920 | Assembly Bill No. 2558 |
| Assembly Bill No. 1930 | Assembly Bill No. 2572 |
| Assembly Bill No. 1966 | Assembly Bill No. 2625 |
| Assembly Bill No. 2066 | Assembly Bill No. 2675 |
| Assembly Bill No. 2084 | Assembly Bill No. 2711 |
| Assembly Bill No. 2207 | Assembly Bill No. 2782 |
| Assembly Bill No. 2241 |                        |

Without action.

GOLDBERG, Chairwoman

November 30, 2002

Mr. Speaker: Your Committee on Education reports:

- |                     |                      |
|---------------------|----------------------|
| Senate Bill No. 204 | Senate Bill No. 811  |
| Senate Bill No. 218 | Senate Bill No. 1020 |
| Senate Bill No. 382 | Senate Bill No. 1995 |
| Senate Bill No. 792 |                      |

Without action.

GOLDBERG, Chairwoman

Above bills returned to the Senate.

**Committee on Elections, Reapportionment and Constitutional Amendments**

November 30, 2002

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

- Assembly Bill No. 2665

Without action.

LONGVILLE, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

- Assembly Constitutional Amendment No. 6
- Assembly Constitutional Amendment No. 14
- Assembly Constitutional Amendment No. 21
- Assembly Concurrent Resolution No. 1

Without action.

LONGVILLE, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

- Senate Bill No. 300
- Senate Bill No. 1604
- Senate Bill No. 1978

Without action.

LONGVILLE, Chairman

Above bills returned to the Senate.



November 30, 2002

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Senate Constitutional Amendment No. 7

Without action.

LONGVILLE, Chairman

Above resolution returned to the Senate.

**Committee on Environmental Safety and Toxic Materials**

November 30, 2002

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 2017

Assembly Bill No. 2253

Assembly Bill No. 2226

Assembly Bill No. 2947

Without action.

PAVLEY, Chairwoman

November 30, 2002

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Assembly Joint Resolution No. 22

Without action.

PAVLEY, Chairwoman

November 30, 2002

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 260

Senate Bill No. 261

Without action.

PAVLEY, Chairwoman

Above bills returned to the Senate.

**Committee on Governmental Organization**

November 30, 2002

Mr. Speaker Your Committee on Governmental Organization reports:

Assembly Bill No. 1954

Assembly Bill No. 2599

Assembly Bill No. 2163

Assembly Bill No. 2715

Assembly Bill No. 2278

Assembly Bill No. 2746

Assembly Bill No. 2353

Assembly Bill No. 2941

Assembly Bill No. 2392

Without action.

HORTON, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Governmental Organization reports:

Senate Bill No. 27

Senate Bill No. 1680

Senate Bill No. 35

Senate Bill No. 1700

Senate Bill No. 856

Senate Bill No. 1764

Senate Bill No. 1314

Without action.

HORTON, Chairman

Above bills returned to the Senate.

**Committee on Health**

November 30, 2002

Mr. Speaker: Your Committee on Health reports:

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1771 | Assembly Bill No. 2270 |
| Assembly Bill No. 1786 | Assembly Bill No. 2282 |
| Assembly Bill No. 1801 | Assembly Bill No. 2448 |
| Assembly Bill No. 1826 | Assembly Bill No. 2464 |
| Assembly Bill No. 1896 | Assembly Bill No. 2510 |
| Assembly Bill No. 1919 | Assembly Bill No. 2537 |
| Assembly Bill No. 1921 | Assembly Bill No. 2609 |
| Assembly Bill No. 1976 | Assembly Bill No. 2621 |
| Assembly Bill No. 2117 | Assembly Bill No. 2692 |

Without action.

FROMMER, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Health reports:

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 2712 | Assembly Bill No. 2762 |
| Assembly Bill No. 2744 | Assembly Bill No. 2763 |
| Assembly Bill No. 2748 | Assembly Bill No. 2884 |
| Assembly Bill No. 2755 |                        |

Without action.

FROMMER, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Health reports:

- Assembly Constitutional Amendment No. 5
- Assembly Concurrent Resolution No. 30
- Assembly Concurrent Resolution No. 224

Without action.

FROMMER, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Health reports:

- |                     |                      |
|---------------------|----------------------|
| Senate Bill No. 167 | Senate Bill No. 604  |
| Senate Bill No. 248 | Senate Bill No. 632  |
| Senate Bill No. 306 | Senate Bill No. 687  |
| Senate Bill No. 402 | Senate Bill No. 928  |
| Senate Bill No. 414 | Senate Bill No. 931  |
| Senate Bill No. 418 | Senate Bill No. 977  |
| Senate Bill No. 447 | Senate Bill No. 979  |
| Senate Bill No. 461 | Senate Bill No. 1272 |
| Senate Bill No. 573 | Senate Bill No. 1461 |

Without action.

FROMMER, Chairman

Above bills returned to the Senate.

November 30, 2002

Mr. Speaker: Your Committee on Health reports:

- |                      |                      |
|----------------------|----------------------|
| Senate Bill No. 1638 | Senate Bill No. 1824 |
| Senate Bill No. 1727 | Senate Bill No. 1917 |
| Senate Bill No. 1758 |                      |

Without action.

FROMMER, Chairman

Above bills returned to the Senate.

November 30, 2002

Mr. Speaker: Your Committee on Health reports:  
Senate Joint Resolution No. 23  
Without action.

FROMMER, Chairman

Above resolution returned to the Senate.

November 30, 2002

Mr. Speaker: Your Committee on Health reports the following bill: Died in  
Committee, Concurrence pending:  
Assembly Bill No. 470

FROMMER, Chairman

Above bill ordered filed with the Chief Clerk.

Date of Hearing: November 30, 2002

Mr. Speaker: Your Committee on Health reports:  
Assembly Bill No. 883  
Died in Committee—Concurrence pending.

FROMMER, Chairman

Above bill ordered filed with the Chief Clerk.

**Committee on Higher Education**

November 30, 2002

Mr. Speaker: Your Committee on Higher Education reports:  
Assembly Bill No. 1894  
Assembly Bill No. 1903  
Assembly Bill No. 1924  
Assembly Bill No. 2026  
Assembly Bill No. 2097  
Without action.

Assembly Bill No. 2571  
Assembly Bill No. 2618  
Assembly Bill No. 2808  
Assembly Bill No. 2960

LIU, Chairwoman

November 30, 2002

Mr. Speaker: Your Committee on Higher Education reports:  
Senate Bill No. 434  
Without action.

LIU, Chairwoman

Above bill returned to the Senate.

**Committee on Housing and Community Development**

November 30, 2002

Mr. Speaker: Your Committee on Housing and Community Development reports:  
Assembly Bill No. 1829  
Assembly Bill No. 2298  
Assembly Bill No. 2796  
Without action.

LOWENTHAL, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Housing and Community Development reports:  
Senate Bill No. 262  
Senate Bill No. 498  
Senate Bill No. 622  
Without action.

Senate Bill No. 910  
Senate Bill No. 1564

LOWENTHAL, Chairman

Above bills returned to the Senate.

**Committee on Human Services**

November 30, 2002

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 1837

Assembly Bill No. 2468

Assembly Bill No. 2257

Assembly Bill No. 2489

Assembly Bill No. 2453

Assembly Bill No. 2749

Without action.

ARONER, Chairwoman

November 30, 2002

Mr. Speaker: Your Committee on Human Services reports:

Senate Bill No. 308

Senate Bill No. 1095

Senate Bill No. 1063

Senate Bill No. 1596

Without action.

ARONER, Chairwoman

Above bills returned to the Senate.

**Committee on Insurance**

November 30, 2002

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 1810

Assembly Bill No. 2725

Assembly Bill No. 1978

Assembly Bill No. 2921

Assembly Bill No. 2096

Assembly Bill No. 2946

Assembly Bill No. 2183

Assembly Bill No. 2959

Assembly Bill No. 2586

Without action.

VARGAS, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Insurance reports:

Senate Bill No. 574

Senate Bill No. 1763

Senate Bill No. 834

Senate Bill No. 1861

Senate Bill No. 1128

Senate Bill No. 1972

Senate Bill No. 1705

Without action.

VARGAS, Chairman

Above bills returned to the Senate.

**Committee on Jobs, Economic Development and the Economy**

November 30, 2002

Mr. Speaker: Your Committee on Jobs, Economic Development and the Economy reports:

Assembly Bill No. 1971

Assembly Bill No. 2342

Without action.

ZETTEL, Vice Chair

November 30, 2002

Mr. Speaker: Your Committee on Jobs, Economic Development and the Economy reports:

Assembly Joint Resolution No. 33

Without action.

ZETTEL, Vice Chair

November 30, 2002

Mr. Speaker: Your Committee on Jobs, Economic Development and the Economy reports:

Senate Bill No. 945

Without action.

ZETTEL, Vice Chair

Above bill returned to the Senate.

**Committee on Judiciary**

November 30, 2002

Mr. Speaker: Your Committee on Judiciary reports:

- Assembly Bill No. 1767
- Assembly Bill No. 1775
- Assembly Bill No. 1817
- Assembly Bill No. 1831
- Assembly Bill No. 1884
- Assembly Bill No. 1929
- Assembly Bill No. 1981
- Assembly Bill No. 2265
- Assembly Bill No. 2280

- Assembly Bill No. 2291
- Assembly Bill No. 2329
- Assembly Bill No. 2377
- Assembly Bill No. 2454
- Assembly Bill No. 2517
- Assembly Bill No. 2579
- Assembly Bill No. 2685
- Assembly Bill No. 2756
- Assembly Bill No. 2757

Without action.

CORBETT, Chairwoman

November 30, 2002

Mr. Speaker: Your Committee on Judiciary reports:

- Assembly Bill No. 2870
- Assembly Bill No. 2914

- Assembly Bill No. 2939
- Assembly Bill No. 3039

Without action.

CORBETT, Chairwoman

November 30, 2002

Mr. Speaker: Your Committee on Judiciary reports:

- Assembly Constitutional Amendment No.1
- Assembly Concurrent Resolution No. 231
- Assembly Joint Resolution No. 56
- Assembly Joint Resolution No. 58

Without action.

CORBETT, Chairwoman

November 30, 2002

Mr. Speaker: Your Committee on Judiciary reports the following bill: Died in Committee, Concurrence pending:

Assembly Bill No. 1080

CORBETT, Chairwoman

Above bill ordered filed with the Chief Clerk.

November 30, 2002

Mr. Speaker: Your Committee on Judiciary reports:

- Senate Bill No. 160
- Senate Bill No. 169
- Senate Bill No. 355
- Senate Bill No. 476
- Senate Bill No. 692
- Senate Bill No. 805
- Senate Bill No. 938

- Senate Bill No. 1383
- Senate Bill No. 1452
- Senate Bill No. 1522
- Senate Bill No. 1651
- Senate Bill No. 1698
- Senate Bill No. 1803

Without action.

CORBETT, Chairwoman

Above bills returned to the Senate.

**Committee on Labor and Employment**

November 30, 2002

Mr. Speaker: Your Committee on Labor and Employment reports:

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1796 | Assembly Bill No. 2590 |
| Assembly Bill No. 2029 | Assembly Bill No. 2822 |
| Assembly Bill No. 2319 | Assembly Bill No. 2848 |

Without action.

KORETZ, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Labor and Employment reports:

- Assembly Concurrent Resolution No. 239

Without action.

KORETZ, Chairman

**Committee on Local Government**

November 30, 2002

Mr. Speaker: Your Committee on Labor Government reports:

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1779 | Assembly Bill No. 2411 |
| Assembly Bill No. 1851 | Assembly Bill No. 2439 |
| Assembly Bill No. 1852 | Assembly Bill No. 2515 |
| Assembly Bill No. 1940 | Assembly Bill No. 2641 |
| Assembly Bill No. 2028 | Assembly Bill No. 2658 |
| Assembly Bill No. 2073 | Assembly Bill No. 2863 |
| Assembly Bill No. 2199 | Assembly Bill No. 2882 |
| Assembly Bill No. 2204 | Assembly Bill No. 2896 |
| Assembly Bill No. 2209 | Assembly Bill No. 3046 |
| Assembly Bill No. 2250 |                        |

Without action.

SALINAS, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Local Government reports:

- |                     |                      |
|---------------------|----------------------|
| Senate Bill No. 207 | Senate Bill No. 1243 |
| Senate Bill No. 269 | Senate Bill No. 1871 |
| Senate Bill No. 864 | Senate Bill No. 1939 |

Without action.

SALINAS, Chairman

Above bills returned to the Senate.

**Committee on Natural Resources**

November 30, 2002

Mr. Speaker: Your Committee on Natural Resources reports:

- Assembly Bill No. 1952
- Assembly Bill No. 2221
- Assembly Bill No. 2707

Without action.

JACKSON, Chairwoman

November 30, 2002

Mr. Speaker: Your Committee on Natural Resources reports:

- Assembly Concurrent Resolution No. 101

Without action.

JACKSON, Chairwoman

November 30, 2002

Mr. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 1087  
Senate Bill No. 1733

Without action.

JACKSON, Chairwoman

Above bills returned to the Senate.

**Committee on Public Employees, Retirement and Social Security**

November 30, 2002

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 2137  
Assembly Bill No. 2174  
Assembly Bill No. 2430

Assembly Bill No. 2889  
Assembly Bill No. 2966

Without action.

NEGRETE McLEOD, Chairwoman

November 30, 2002

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Concurrent Resolution No. 55

Without action.

NEGRETE McLEOD, Chairwoman

November 30, 2002

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

House Resolution No. 9

Without action.

NEGRETE McLEOD, Chairwoman

November 30, 2002

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Senate Bill No. 1213  
Senate Bill No. 1892

Without action.

NEGRETE McLEOD, Chairwoman

Above bills returned to the Senate.

**Committee on Public Safety**

November 30, 2002

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 1750  
Assembly Bill No. 1963  
Assembly Bill No. 1987  
Assembly Bill No. 2011  
Assembly Bill No. 2016  
Assembly Bill No. 2021  
Assembly Bill No. 2081  
Assembly Bill No. 2098  
Assembly Bill No. 2099

Assembly Bill No. 2109  
Assembly Bill No. 2147  
Assembly Bill No. 2170  
Assembly Bill No. 2171  
Assembly Bill No. 2222  
Assembly Bill No. 2281  
Assembly Bill No. 2343  
Assembly Bill No. 2348  
Assembly Bill No. 2350

Without action.

WASHINGTON, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Public Safety reports:

- Assembly Bill No. 2407
- Assembly Bill No. 2443
- Assembly Bill No. 2460
- Assembly Bill No. 2480
- Assembly Bill No. 2483
- Assembly Bill No. 2488

- Assembly Bill No. 2513
- Assembly Bill No. 2565
- Assembly Bill No. 2581
- Assembly Bill No. 2733
- Assembly Bill No. 2910
- Assembly Bill No. 3061

Without action.

WASHINGTON, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Public Safety reports:

- Assembly Joint Resolution No. 51

Without action.

WASHINGTON, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Public Safety reports:

- Senate Bill No. 659
- Senate Bill No. 1431
- Senate Bill No. 1541

Without action.

WASHINGTON, Chairman

Above bills returned to the Senate.

November 30, 2002

Mr. Speaker: Your Committee on Public Safety reports:

- Senate Joint Resolution No. 16

Without action.

WASHINGTON, Chairman

Above resolution returned to the Senate.

Date of Hearing: November 30, 2002

Mr. Speaker: Your Committee on Public Safety reports:

- Assembly Bill No. 2764

Died in Committee—Concurrence pending.

WASHINGTON, Chairman

Above bill ordered filed with the Chief Clerk.

**Committee on Revenue and Taxation**

November 30, 2002

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

- Assembly Bill No. 1743
- Assembly Bill No. 1842
- Assembly Bill No. 1844
- Assembly Bill No. 1862
- Assembly Bill No. 1887
- Assembly Bill No. 1897
- Assembly Bill No. 1977
- Assembly Bill No. 2056
- Assembly Bill No. 2164

- Assembly Bill No. 2168
- Assembly Bill No. 2304
- Assembly Bill No. 2358
- Assembly Bill No. 2487
- Assembly Bill No. 2530
- Assembly Bill No. 2557
- Assembly Bill No. 2570
- Assembly Bill No. 2617
- Assembly Bill No. 2636

Without action.

CHAVEZ, Chairman



November 30, 2002

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 2639 | Assembly Bill No. 2702 |
| Assembly Bill No. 2640 | Assembly Bill No. 2720 |
| Assembly Bill No. 2662 | Assembly Bill No. 2804 |
| Assembly Bill No. 2664 | Assembly Bill No. 2809 |
| Assembly Bill No. 2680 | Assembly Bill No. 2844 |
| Assembly Bill No. 2694 | Assembly Bill No. 2878 |
| Assembly Bill No. 2699 | Assembly Bill No. 3052 |

Without action.

CHAVEZ, Chairman

November 30, 2002

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

- Assembly Constitutional Amendment No. 18
- Assembly Concurrent Resolution No. 50
- Assembly Joint Resolution No. 32

Without action.

CHAVEZ, Chairman

November 30, 2002

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

- |                     |                      |
|---------------------|----------------------|
| Senate Bill No. 24  | Senate Bill No. 1082 |
| Senate Bill No. 595 | Senate Bill No. 2082 |
| Senate Bill No. 906 |                      |

Without action.

CHAVEZ, Chairman

Above bills returned to the Senate.

**Committee on Rules**

November 30, 2002

Mr. Speaker: Your Committee on Rules reports:

- Assembly Concurrent Resolution No. 54
- Assembly Concurrent Resolution No. 61
- Assembly Concurrent Resolution No. 106
- Assembly Concurrent Resolution No. 143
- Assembly Concurrent Resolution No. 163
- Assembly Concurrent Resolution No. 184
- Assembly Concurrent Resolution No. 222
- Assembly Concurrent Resolution No. 227
- Assembly Concurrent Resolution No. 244
- Assembly Concurrent Resolution No. 245
- Assembly Joint Resolution No. 46

Without action.

NATION, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Rules reports:

- House Resolution No. 27
- House Resolution No. 43

Without action.

NATION, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Rules reports:

- Senate Concurrent Resolution No. 68
- Senate Joint Resolution No. 32

Without action.

NATION, Chairman

Above resolutions returned to the Senate.

**Committee on Transportation**

November 30, 2002

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 1824  
 Assembly Bill No. 2042  
 Assembly Bill No. 2232  
 Assembly Bill No. 2391  
 Assembly Bill No. 2629

Assembly Bill No. 2716  
 Assembly Bill No. 2765  
 Assembly Bill No. 2814  
 Assembly Bill No. 2824  
 Assembly Bill No. 2904

Without action.

DUTRA, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Transportation reports:

Assembly Constitutional Amendment No. 2  
 Assembly Joint Resolution No. 23

Without action.

DUTRA, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 289  
 Senate Bill No. 787

Senate Bill No. 1491  
 Senate Bill No. 1581

Without action.

DUTRA, Chairman

Above bills returned to the Senate.

November 30, 2002

Mr. Speaker: Your Committee on Transportation reports:

Senate Joint Resolution No. 17

Without action.

DUTRA, Chairman

Above resolution returned to the Senate.

**Committee on Utilities and Commerce**

November 30, 2002

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Assembly Bill No. 1899  
 Assembly Bill No. 1918  
 Assembly Bill No. 2177  
 Assembly Bill No. 2259  
 Assembly Bill No. 2266  
 Assembly Bill No. 2432  
 Assembly Bill No. 2467

Assembly Bill No. 2478  
 Assembly Bill No. 2663  
 Assembly Bill No. 2686  
 Assembly Bill No. 2705  
 Assembly Bill No. 2754  
 Assembly Bill No. 2805  
 Assembly Bill No. 2933

Without action.

WRIGHT, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Assembly Constitutional Amendment No. 7  
 Assembly Concurrent Resolution No. 72

Without action.

WRIGHT, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Utilities and Commerce reports:

House Resolution No. 5

Without action.

WRIGHT, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Utilities and Commerce reports:

- |                      |                      |
|----------------------|----------------------|
| Senate Bill No. 487  | Senate Bill No. 1524 |
| Senate Bill No. 530  | Senate Bill No. 1823 |
| Senate Bill No. 532  | Senate Bill No. 1876 |
| Senate Bill No. 1519 | Senate Bill No. 1885 |

Without action.

WRIGHT, Chairman

Above bills returned to the Senate.

**Committee on Veterans Affairs**

November 30, 2002

Mr. Speaker: Your Committee on Veterans Affairs reports:

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1799 | Assembly Bill No. 2090 |
| Assembly Bill No. 2089 | Assembly Bill No. 2649 |

Without action.

DICKERSON, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Veterans Affairs reports:

- Senate Bill No. 589

Without action.

DICKERSON, Chairman

Above bill returned to the Senate.

**Committee on Water, Parks and Wildlife**

November 30, 2002

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1935 | Assembly Bill No. 2696 |
| Assembly Bill No. 2190 | Assembly Bill No. 2860 |
| Assembly Bill No. 2301 | Assembly Bill No. 2877 |
| Assembly Bill No. 2376 | Assembly Bill No. 2924 |
| Assembly Bill No. 2667 |                        |

Without action.

CANCIAMILLA, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

- Assembly Joint Resolution No. 19
- Assembly Joint Resolution No. 24

Without action.

CANCIAMILLA, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

- |                      |                      |
|----------------------|----------------------|
| Senate Bill No. 116  | Senate Bill No. 1525 |
| Senate Bill No. 586  | Senate Bill No. 1993 |
| Senate Bill No. 712  | Senate Bill No. 2089 |
| Senate Bill No. 1086 |                      |

Without action.

CANCIAMILLA, Chairman

Above bills returned to the Senate.

November 30, 2002

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Senate Joint Resolution No. 45

Without action.

CANCIAMILLA, Chairman

Above resolution returned to the Senate.

Date of Hearing: November 30, 2002

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Assembly Bill No. 307

Died in Committee—Concurrence pending.

CANCIAMILLA, Chair

Above bill ordered filed with the Chief Clerk.

**Committee on Appropriations**

November 30, 2002

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1744  
Assembly Bill No. 1745  
Assembly Bill No. 1751  
Assembly Bill No. 1761  
Assembly Bill No. 1763  
Assembly Bill No. 1780  
Assembly Bill No. 1782  
Assembly Bill No. 1790  
Assembly Bill No. 1811

Assembly Bill No. 1812  
Assembly Bill No. 1815  
Assembly Bill No. 1816  
Assembly Bill No. 1822  
Assembly Bill No. 1827  
Assembly Bill No. 1834  
Assembly Bill No. 1841  
Assembly Bill No. 1849  
Assembly Bill No. 1865

Without action.

STEINBERG, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1869  
Assembly Bill No. 1871  
Assembly Bill No. 1878  
Assembly Bill No. 1885  
Assembly Bill No. 1888  
Assembly Bill No. 1898  
Assembly Bill No. 1922  
Assembly Bill No. 1925  
Assembly Bill No. 1927

Assembly Bill No. 1980  
Assembly Bill No. 1983  
Assembly Bill No. 1991  
Assembly Bill No. 2000  
Assembly Bill No. 2035  
Assembly Bill No. 2039  
Assembly Bill No. 2046  
Assembly Bill No. 2047

Without action.

STEINBERG, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 2053  
Assembly Bill No. 2093  
Assembly Bill No. 2113  
Assembly Bill No. 2116  
Assembly Bill No. 2120  
Assembly Bill No. 2134  
Assembly Bill No. 2151  
Assembly Bill No. 2152  
Assembly Bill No. 2159

Assembly Bill No. 2162  
Assembly Bill No. 2172  
Assembly Bill No. 2185  
Assembly Bill No. 2201  
Assembly Bill No. 2215  
Assembly Bill No. 2220  
Assembly Bill No. 2231  
Assembly Bill No. 2233  
Assembly Bill No. 2234

Without action.

STEINBERG, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Appropriations reports:

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 2236 | Assembly Bill No. 2357 |
| Assembly Bill No. 2237 | Assembly Bill No. 2365 |
| Assembly Bill No. 2243 | Assembly Bill No. 2369 |
| Assembly Bill No. 2262 | Assembly Bill No. 2374 |
| Assembly Bill No. 2272 | Assembly Bill No. 2378 |
| Assembly Bill No. 2288 | Assembly Bill No. 2379 |
| Assembly Bill No. 2335 | Assembly Bill No. 2394 |
| Assembly Bill No. 2340 | Assembly Bill No. 2396 |
| Assembly Bill No. 2341 |                        |

Without action.

STEINBERG, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Appropriations reports:

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 2415 | Assembly Bill No. 2501 |
| Assembly Bill No. 2421 | Assembly Bill No. 2512 |
| Assembly Bill No. 2429 | Assembly Bill No. 2536 |
| Assembly Bill No. 2434 | Assembly Bill No. 2547 |
| Assembly Bill No. 2479 | Assembly Bill No. 2552 |
| Assembly Bill No. 2485 | Assembly Bill No. 2556 |
| Assembly Bill No. 2492 | Assembly Bill No. 2560 |
| Assembly Bill No. 2494 | Assembly Bill No. 2566 |
| Assembly Bill No. 2497 | Assembly Bill No. 2569 |

Without action.

STEINBERG, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Appropriations reports:

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 2585 | Assembly Bill No. 2679 |
| Assembly Bill No. 2591 | Assembly Bill No. 2682 |
| Assembly Bill No. 2595 | Assembly Bill No. 2688 |
| Assembly Bill No. 2605 | Assembly Bill No. 2726 |
| Assembly Bill No. 2627 | Assembly Bill No. 2734 |
| Assembly Bill No. 2633 | Assembly Bill No. 2736 |
| Assembly Bill No. 2635 | Assembly Bill No. 2738 |
| Assembly Bill No. 2654 | Assembly Bill No. 2768 |
| Assembly Bill No. 2661 |                        |

Without action.

STEINBERG, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Appropriations reports:

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 2788 | Assembly Bill No. 2857 |
| Assembly Bill No. 2789 | Assembly Bill No. 2881 |
| Assembly Bill No. 2799 | Assembly Bill No. 2897 |
| Assembly Bill No. 2802 | Assembly Bill No. 2900 |
| Assembly Bill No. 2806 | Assembly Bill No. 2916 |
| Assembly Bill No. 2819 | Assembly Bill No. 2919 |
| Assembly Bill No. 2821 | Assembly Bill No. 2932 |
| Assembly Bill No. 2829 | Assembly Bill No. 2940 |
| Assembly Bill No. 2854 | Assembly Bill No. 2945 |

Without action.

STEINBERG, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 2948  
 Assembly Bill No. 2968  
 Assembly Bill No. 2974  
 Assembly Bill No. 2976  
 Assembly Bill No. 2977

Assembly Bill No. 2980  
 Assembly Bill No. 2983  
 Assembly Bill No. 2986  
 Assembly Bill No. 2991  
 Assembly Bill No. 3043

Without action.

STEINBERG, Chairman

November 30, 2002

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Constitutional Amendment No. 10  
 Assembly Constitutional Amendment No. 13  
 Assembly Constitutional Amendment No. 19  
 Assembly Constitutional Amendment No. 20  
 Assembly Concurrent Resolution No. 124  
 Assembly Concurrent Resolution No. 159

Without action.

STEINBERG, Chairman

Date of Hearing: November 30, 2002

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 376  
 Assembly Bill No. 439  
 Assembly Bill No. 1299

Died in Committee—Concurrence pending.

STEINBERG, Chairman

Above bills ordered filed with the Chief Clerk.

November 30, 2002

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 3  
 Senate Bill No. 8  
 Senate Bill No. 39  
 Senate Bill No. 64  
 Senate Bill No. 74  
 Senate Bill No. 93  
 Senate Bill No. 120  
 Senate Bill No. 196  
 Senate Bill No. 213

Senate Bill No. 224  
 Senate Bill No. 226  
 Senate Bill No. 258  
 Senate Bill No. 276  
 Senate Bill No. 277  
 Senate Bill No. 287  
 Senate Bill No. 331  
 Senate Bill No. 391  
 Senate Bill No. 397

Without action.

STEINBERG, Chairman

Above bills returned to the Senate.

November 30, 2002

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 415  
 Senate Bill No. 451  
 Senate Bill No. 452  
 Senate Bill No. 523  
 Senate Bill No. 543  
 Senate Bill No. 545  
 Senate Bill No. 569  
 Senate Bill No. 606  
 Senate Bill No. 620

Senate Bill No. 643  
 Senate Bill No. 673  
 Senate Bill No. 706  
 Senate Bill No. 709  
 Senate Bill No. 717  
 Senate Bill No. 774  
 Senate Bill No. 785  
 Senate Bill No. 788

Without action.

STEINBERG, Chairman

Above bills returned to the Senate.

November 30, 2002

Mr. Speaker: Your Committee on Appropriations reports:

- |                     |                      |
|---------------------|----------------------|
| Senate Bill No. 790 | Senate Bill No. 1025 |
| Senate Bill No. 810 | Senate Bill No. 1033 |
| Senate Bill No. 820 | Senate Bill No. 1053 |
| Senate Bill No. 821 | Senate Bill No. 1085 |
| Senate Bill No. 850 | Senate Bill No. 1096 |
| Senate Bill No. 859 | Senate Bill No. 1114 |
| Senate Bill No. 865 | Senate Bill No. 1161 |
| Senate Bill No. 874 | Senate Bill No. 1168 |
| Senate Bill No. 935 | Senate Bill No. 1196 |

Without action.

STEINBERG, Chairman

Above bills returned to the Senate.

November 30, 2002

Mr. Speaker: Your Committee on Appropriations reports:

- |                      |                      |
|----------------------|----------------------|
| Senate Bill No. 1228 | Senate Bill No. 1428 |
| Senate Bill No. 1229 | Senate Bill No. 1439 |
| Senate Bill No. 1248 | Senate Bill No. 1474 |
| Senate Bill No. 1260 | Senate Bill No. 1497 |
| Senate Bill No. 1309 | Senate Bill No. 1502 |
| Senate Bill No. 1343 | Senate Bill No. 1503 |
| Senate Bill No. 1344 | Senate Bill No. 1521 |
| Senate Bill No. 1360 | Senate Bill No. 1533 |
| Senate Bill No. 1426 |                      |

Without action.

STEINBERG, Chairman

Above bills returned to the Senate.

November 30, 2002

Mr. Speaker: Your Committee on Appropriations reports:

- |                      |                      |
|----------------------|----------------------|
| Senate Bill No. 1537 | Senate Bill No. 1738 |
| Senate Bill No. 1543 | Senate Bill No. 1750 |
| Senate Bill No. 1548 | Senate Bill No. 1757 |
| Senate Bill No. 1568 | Senate Bill No. 1802 |
| Senate Bill No. 1582 | Senate Bill No. 1805 |
| Senate Bill No. 1602 | Senate Bill No. 1854 |
| Senate Bill No. 1635 | Senate Bill No. 1921 |
| Senate Bill No. 1683 | Senate Bill No. 1942 |
| Senate Bill No. 1702 | Senate Bill No. 1971 |

Without action.

STEINBERG, Chairman

Above bills returned to the Senate.

November 30, 2002

Mr. Speaker: Your Committee on Appropriations reports:

- |                      |                      |
|----------------------|----------------------|
| Senate Bill No. 1996 | Senate Bill No. 2040 |
| Senate Bill No. 2002 | Senate Bill No. 2049 |
| Senate Bill No. 2031 | Senate Bill No. 2050 |
| Senate Bill No. 2033 | Senate Bill No. 2081 |

Without action.

STEINBERG, Chairman

Above bills returned to the Senate.

November 30, 2002

Mr. Speaker: Your Committee on Appropriations reports:

- Senate Constitutional Amendment No. 9
- Senate Concurrent Resolution No. 81

Without action.

STEINBERG, Chairman

Above resolutions returned to the Senate.

**MESSAGES FROM THE SENATE**

Senate Chamber, November 30, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 5	Assembly Bill No. 359
Assembly Bill No. 13	Assembly Bill No. 396
Assembly Bill No. 32	Assembly Bill No. 412
Assembly Bill No. 36	Assembly Bill No. 419
Assembly Bill No. 95	Assembly Bill No. 450
Assembly Bill No. 103	Assembly Bill No. 460
Assembly Bill No. 107	Assembly Bill No. 482
Assembly Bill No. 109	Assembly Bill No. 502
Assembly Bill No. 112	Assembly Bill No. 520
Assembly Bill No. 130	Assembly Bill No. 542
Assembly Bill No. 155	Assembly Bill No. 543
Assembly Bill No. 157	Assembly Bill No. 565
Assembly Bill No. 172	Assembly Bill No. 567
Assembly Bill No. 182	Assembly Bill No. 568
Assembly Bill No. 193	Assembly Bill No. 573
Assembly Bill No. 195	Assembly Bill No. 602
Assembly Bill No. 244	Assembly Bill No. 612
Assembly Bill No. 318	Assembly Bill No. 615
Assembly Bill No. 338	Assembly Bill No. 619
Assembly Bill No. 356	Assembly Bill No. 623

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

Senate Chamber, November 30, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 628	Assembly Bill No. 934
Assembly Bill No. 667	Assembly Bill No. 940
Assembly Bill No. 680	Assembly Bill No. 954
Assembly Bill No. 684	Assembly Bill No. 969
Assembly Bill No. 686	Assembly Bill No. 977
Assembly Bill No. 688	Assembly Bill No. 985
Assembly Bill No. 704	Assembly Bill No. 1005
Assembly Bill No. 713	Assembly Bill No. 1035
Assembly Bill No. 714	Assembly Bill No. 1086
Assembly Bill No. 725	Assembly Bill No. 1092
Assembly Bill No. 777	Assembly Bill No. 1106
Assembly Bill No. 784	Assembly Bill No. 1121
Assembly Bill No. 839	Assembly Bill No. 1125
Assembly Bill No. 849	Assembly Bill No. 1130
Assembly Bill No. 874	Assembly Bill No. 1141
Assembly Bill No. 875	Assembly Bill No. 1154
Assembly Bill No. 882	Assembly Bill No. 1159
Assembly Bill No. 896	Assembly Bill No. 1172
Assembly Bill No. 912	Assembly Bill No. 1190
Assembly Bill No. 924	Assembly Bill No. 1200

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

Senate Chamber, November 30, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 1206	Assembly Bill No. 1348
Assembly Bill No. 1210	Assembly Bill No. 1360
Assembly Bill No. 1229	Assembly Bill No. 1362
Assembly Bill No. 1231	Assembly Bill No. 1384
Assembly Bill No. 1240	Assembly Bill No. 1391
Assembly Bill No. 1244	Assembly Bill No. 1397
Assembly Bill No. 1248	Assembly Bill No. 1398
Assembly Bill No. 1284	Assembly Bill No. 1406
Assembly Bill No. 1293	Assembly Bill No. 1407
Assembly Bill No. 1322	Assembly Bill No. 1418



Assembly Bill No. 1420  
 Assembly Bill No. 1423  
 Assembly Bill No. 1438  
 Assembly Bill No. 1450  
 Assembly Bill No. 1461  
 Assembly Bill No. 1464  
 Assembly Bill No. 1474  
 Assembly Bill No. 1485  
 Assembly Bill No. 1488  
 Assembly Bill No. 1524

Assembly Bill No. 1529  
 Assembly Bill No. 1545  
 Assembly Bill No. 1555  
 Assembly Bill No. 1573  
 Assembly Bill No. 1623  
 Assembly Bill No. 1630  
 Assembly Bill No. 1676  
 Assembly Bill No. 1685  
 Assembly Bill No. 1699  
 Assembly Bill No. 1701

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

Senate Chamber, November 30, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 1708  
 Assembly Bill No. 1726  
 Assembly Bill No. 1747  
 Assembly Bill No. 1754  
 Assembly Bill No. 1756  
 Assembly Bill No. 1764  
 Assembly Bill No. 1778  
 Assembly Bill No. 1787  
 Assembly Bill No. 1791  
 Assembly Bill No. 1798  
 Assembly Bill No. 1800  
 Assembly Bill No. 1806  
 Assembly Bill No. 1807  
 Assembly Bill No. 1832  
 Assembly Bill No. 1839  
 Assembly Bill No. 1843  
 Assembly Bill No. 1845  
 Assembly Bill No. 1853  
 Assembly Bill No. 1861  
 Assembly Bill No. 1882

Assembly Bill No. 1910  
 Assembly Bill No. 1917  
 Assembly Bill No. 1941  
 Assembly Bill No. 1951  
 Assembly Bill No. 1953  
 Assembly Bill No. 1955  
 Assembly Bill No. 1960  
 Assembly Bill No. 1970  
 Assembly Bill No. 2031  
 Assembly Bill No. 2032  
 Assembly Bill No. 2049  
 Assembly Bill No. 2062  
 Assembly Bill No. 2076  
 Assembly Bill No. 2077  
 Assembly Bill No. 2086  
 Assembly Bill No. 2087  
 Assembly Bill No. 2091  
 Assembly Bill No. 2095  
 Assembly Bill No. 2100  
 Assembly Bill No. 2107

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

Senate Chamber, November 30, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 2129  
 Assembly Bill No. 2150  
 Assembly Bill No. 2153  
 Assembly Bill No. 2161  
 Assembly Bill No. 2169  
 Assembly Bill No. 2218  
 Assembly Bill No. 2223  
 Assembly Bill No. 2225  
 Assembly Bill No. 2229  
 Assembly Bill No. 2246  
 Assembly Bill No. 2255  
 Assembly Bill No. 2256  
 Assembly Bill No. 2260  
 Assembly Bill No. 2261  
 Assembly Bill No. 2284  
 Assembly Bill No. 2285  
 Assembly Bill No. 2287  
 Assembly Bill No. 2300  
 Assembly Bill No. 2307  
 Assembly Bill No. 2317  
 Assembly Bill No. 2323  
 Assembly Bill No. 2337  
 Assembly Bill No. 2345

Assembly Bill No. 2349  
 Assembly Bill No. 2371  
 Assembly Bill No. 2372  
 Assembly Bill No. 2373  
 Assembly Bill No. 2375  
 Assembly Bill No. 2381  
 Assembly Bill No. 2383  
 Assembly Bill No. 2389  
 Assembly Bill No. 2416  
 Assembly Bill No. 2418  
 Assembly Bill No. 2419  
 Assembly Bill No. 2446  
 Assembly Bill No. 2455  
 Assembly Bill No. 2463  
 Assembly Bill No. 2465  
 Assembly Bill No. 2476  
 Assembly Bill No. 2490  
 Assembly Bill No. 2503  
 Assembly Bill No. 2505  
 Assembly Bill No. 2520  
 Assembly Bill No. 2523  
 Assembly Bill No. 2543  
 Assembly Bill No. 2545

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

Senate Chamber, November 30, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 2573	Assembly Bill No. 2812
Assembly Bill No. 2577	Assembly Bill No. 2813
Assembly Bill No. 2584	Assembly Bill No. 2820
Assembly Bill No. 2592	Assembly Bill No. 2835
Assembly Bill No. 2614	Assembly Bill No. 2836
Assembly Bill No. 2624	Assembly Bill No. 2847
Assembly Bill No. 2628	Assembly Bill No. 2864
Assembly Bill No. 2660	Assembly Bill No. 2871
Assembly Bill No. 2666	Assembly Bill No. 2876
Assembly Bill No. 2690	Assembly Bill No. 2893
Assembly Bill No. 2693	Assembly Bill No. 2898
Assembly Bill No. 2718	Assembly Bill No. 2901
Assembly Bill No. 2719	Assembly Bill No. 2911
Assembly Bill No. 2730	Assembly Bill No. 2942
Assembly Bill No. 2742	Assembly Bill No. 2956
Assembly Bill No. 2747	Assembly Bill No. 2958
Assembly Bill No. 2761	Assembly Bill No. 2975
Assembly Bill No. 2767	Assembly Bill No. 3051
Assembly Bill No. 2772	Assembly Bill No. 3053
Assembly Bill No. 2775	Assembly Bill No. 3056

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

Senate Chamber, November 30, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 278	Assembly Bill No. 1036
Assembly Bill No. 373	Assembly Bill No. 1846
Assembly Bill No. 483	Assembly Bill No. 2414
Assembly Bill No. 727	Assembly Bill No. 2978
Assembly Bill No. 983	

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

Senate Chamber, November 30, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Concurrent Resolution No. 2  
Assembly Concurrent Resolution No. 3  
Assembly Concurrent Resolution No. 37  
Assembly Concurrent Resolution No. 42  
Assembly Concurrent Resolution No. 48  
Assembly Concurrent Resolution No. 49  
Assembly Concurrent Resolution No. 62  
Assembly Concurrent Resolution No. 65  
Assembly Concurrent Resolution No. 75  
Assembly Concurrent Resolution No. 82  
Assembly Concurrent Resolution No. 83  
Assembly Concurrent Resolution No. 84  
Assembly Concurrent Resolution No. 91  
Assembly Concurrent Resolution No. 114  
Assembly Concurrent Resolution No. 137  
Assembly Concurrent Resolution No. 148  
Assembly Concurrent Resolution No. 149  
Assembly Concurrent Resolution No. 191  
Assembly Concurrent Resolution No. 198  
Assembly Concurrent Resolution No. 200  
Assembly Concurrent Resolution No. 208  
Assembly Concurrent Resolution No. 217  
Assembly Concurrent Resolution No. 226  
Assembly Concurrent Resolution No. 232  
Assembly Concurrent Resolution No. 246  
Assembly Concurrent Resolution No. 247  
Assembly Concurrent Resolution No. 248

- Assembly Joint Resolution No. 2
- Assembly Joint Resolution No. 11
- Assembly Joint Resolution No. 14
- Assembly Joint Resolution No. 36
- Assembly Joint Resolution No. 41
- Assembly Joint Resolution No. 54

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

Senate Chamber, November 30, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

- |  |                        |
|--|------------------------|
| Assembly Bill No. 22                   | Assembly Bill No. 1944 |
| Assembly Bill No. 24                   | Assembly Bill No. 2074 |
| Assembly Bill No. 327                  | Assembly Bill No. 2242 |
| Assembly Bill No. 389                  | Assembly Bill No. 2286 |
| Assembly Bill No. 572                  | Assembly Bill No. 2322 |
| Assembly Bill No. 651                  | Assembly Bill No. 2327 |
| Assembly Bill No. 712                  | Assembly Bill No. 2393 |
| Assembly Bill No. 1096                 | Assembly Bill No. 2491 |
| Assembly Bill No. 1290                 | Assembly Bill No. 2527 |
| Assembly Bill No. 1436                 | Assembly Bill No. 2542 |
| Assembly Bill No. 1500                 | Assembly Bill No. 2677 |
| Assembly Bill No. 1510                 | Assembly Bill No. 2830 |
| Assembly Bill No. 1538                 | Assembly Bill No. 2906 |
| Assembly Bill No. 1622                 | Assembly Bill No. 2926 |
| Assembly Bill No. 1649                 | Assembly Bill No. 2938 |
| Assembly Bill No. 1766                 | Assembly Bill No. 2943 |
| Assembly Bill No. 1813                 | Assembly Bill No. 2961 |
| Assembly Bill No. 1880                 |                        |
| Assembly Concurrent Resolution No. 18  |                        |
| Assembly Concurrent Resolution No. 170 |                        |

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

Senate Chamber, November 30, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

- Assembly Bill No. 353
- Assembly Bill No. 546

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

Senate Chamber, November 30, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

- Assembly Bill No. 1501
- Assembly Bill No. 2070
- Assembly Bill No. 2562

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

Senate Chamber, November 30, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 86  | Assembly Bill No. 1453 |
| Assembly Bill No. 267 | Assembly Bill No. 2927 |

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

Senate Chamber, November 30, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

- Assembly Bill No. 997

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

Senate Chamber, November 30, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 1527  
Assembly Bill No. 3012

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

**MEASURES WHICH DIED ON UNFINISHED BUSINESS—  
CONCURRENCE PENDING**

Assembly Bills Nos. 1058, 1525, 2999, 3001, 3002, 3003, 3019, 557, 3007, 1105, and 1453; Assembly Constitutional Amendment No. 12.

**MEASURES WHICH DIED ON UNFINISHED BUSINESS—  
GOVERNOR'S VETO PENDING**

Assembly Bill No. 2200.

**MEASURES WHICH DIED ON THIRD READING**

Assembly Bills Nos. 2995, 3013, 3014, 3015, 3016, 3017, 3018, 3020, and 3021.

Senate Bills Nos. 1840, 1842, 1843, 1846, 1847, 79, 767, 496, and 1496.

**MEASURES WHICH DIED IN CONFERENCE**

Assembly Bills Nos. 12, 336, 1072, 1430, 1522, 1580, 1600, and 1777.

**MEASURES WHICH DIED ON THE INACTIVE FILE**

Assembly Bills Nos. 1836, 2400, 2247, 2646, 2610, 2071, 2123, 1856, 2951, 2852, and 2160; Assembly Constitutional Amendment No. 3; Assembly Concurrent Resolution No. 165; House Resolutions Nos. 10 and 75.

Senate Bills Nos. 1143, 617, 94, 652, 1912, 1398, 1307, 1916, 1664, 1211, 599, 808, 691, 1618, 806, 110, 11, 1592, and 1583; Senate Concurrent Resolution No. 54; Senate Joint Resolution No. 46.

The following bills died on the inactive file—concurrence pending:

Assembly Bills Nos. 118, 557, 1182, 41, 1138, 433, 979, 507, 1666, and 2141; Assembly Constitutional Amendment No. 8.

The following bills died on the inactive file, in conference:

Assembly Bills Nos. 993, 994, 995, and 996.

**MEASURES WHICH DIED AT DESK**

Assembly Bills Nos. 1762, 1949, 2050, 2054, 2139, 2186, 2213, 2230, 2239, 2302, 2306, 2309, 2318, 2325, 2408, 2426, 2433, 2437, 2445, 2450, 2458, 2482, 2528, 2553, 2564, 2576, 2594\*, 2601, 2602, 2603, 2608, 2613, 2615, 2620, 2622, 2638, 2643, 2684, 2689, 2691, 2697, 2703, 2731, 2737, 2745, 2779, 2786, 2790, 2797, 2810, 2815, 2828, 2840, 2858, 2861, 2918, 2952, 3031, 3037, 3038, and 3058; Assembly Constitutional Amendments Nos. 22, 23, 24, and 25; Assembly Concurrent Resolutions Nos. 94, 121, 122, 167, 171, 182, 201, and 219; Assembly Joint Resolutions Nos. 10, 40, 55, and 62; House Resolutions Nos. 6, 25, 91, and 95.

Senate Bills Nos. 250<sup>†</sup>, 616, 831, 1223, 1261, 1341<sup>†</sup>, 1639<sup>†</sup>, 1662, 1669, 1748, 1837, and 1944<sup>†</sup>; Senate Concurrent Resolutions Nos. 46, 48, and 78; Senate Joint Resolution No. 15.

\* NOTE: Bills withdrawn from enrollment and held at desk.

† NOTE: Bills returned from the Senate and held at desk.

**STATEMENT OF ASSEMBLY EXPENDITURES PRINTED IN JOURNAL**

The following Statement of Assembly Expenditures was ordered printed in the Journal:

*The Honorable Herb J. Wesson, Jr.*

*Speaker of the Assembly*

*State Capitol, Sacramento, California*

Dear Mr. Speaker: Transmitted herewith is the annual report of Assembly expenses. It includes the total expenditures by Member, committee, leadership office, service operation, and overhead according to various categories for the 12-month period ending November 30, 2001. Every expenditure made from the Assembly Operating Fund during this period is accounted for. Additionally, the report includes an itemization, by Member, of per diem expenditures from the General Fund during the same period of time.

It is important to note that this report is compiled on a cash basis. Therefore, the cost of goods and services incurred by a Member during the preceding reporting period but paid for during the current period are included. Furthermore, some goods and services which were received toward the end of this reporting period were not paid for until the beginning of the December 2001–November 2002 reporting period and are, therefore, not included in this expenditure report.

The following indicates the types of expenditures which are included within each classification:

*Staff Salary:* This includes the salaries paid to all employees in the Member's district office as well as those employees who work in the Member's Capitol office, provided they are not committee or leadership office personnel. The salaries of the latter group of employees are included in the specific detail report for each of the respective committee and leadership offices.

All Assembly personnel are classified according to job descriptions approved by the Assembly Rules Committee. The committee has established specific salary ranges for each of the classifications. The salary within a range for a specific employee reflects a combination of years of service in his or her position and his or her own job performance since the amount of annual merit salary increases is based on evaluations of each employee's work. Thus, a Member whose office staff includes employees with substantial Assembly seniority, and/or outstanding records of service, will have a higher total expenditure for salaries than will a Member who employs more junior personnel.

*Member Travel and Per Diem:* Separate totals are shown for in-state travel and out-of-state travel. Most in-state travel expenditures are for attendance at interim committee hearings. Out-of-state travel expenditures are generally for participation in conferences dealing with an issue area pertinent to the legislative specialty of the Member or are for investigative trips.

*Staff Travel:* This category includes the expenditures incurred for the Capitol and district staff traveling for legislative business. It also includes mileage reimbursements to district office personnel. The staff travel expenditures reported by committee, are generally costs incurred in connection with interim committee hearings which are generally held away from Sacramento for the convenience of citizens who wish to provide testimony to the committees.

*Car Lease:* The amount reported in this category is the share of the automotive lease payment made by the Assembly Rules Committee. Assembly policy stipulates that a car will be leased for the legislative use of each Member but that the Assembly will pay only 90% of the monthly lease rate or \$400, whichever is less. The Member must pay the difference from personal funds.

*Car Maintenance:* The costs reported in this category will vary significantly because of the variance in the number of miles driven by the Members. Members in large-sized districts and Members who represent districts wherein air travel between the Capitol and the district is not practical tend to utilize their cars more than other Members. Accordingly, the maintenance costs of such cars is likely to be higher than for others.

*Gas and Oil:* Expenditures in this category are for gasoline and oil supplied to cars and private aircraft for legislative business. These costs, too, vary for the same reasons as those affecting car maintenance.

*Car Rental, Staff and Member:* This expenditure category includes the use of state-owned pool cars and commercial rental cars by both the Member and his/her staff in the course of legislative business.

This category, as listed in the Support Services section of the report, includes, in addition to car rental, the costs of gas, oil, and maintenance for cars utilized by the office of the Sergeant at Arms.

*District Office Rent, Maintenance and Utilities:* Each Member is entitled to rent an office within the district he/she represents so that constituents may have direct access to their legislators. In some of the larger districts, two or three offices are sometimes authorized. Accordingly, Members representing districts in high-rent metropolitan areas or Members representing large districts requiring more than one office will be reported with higher expenditures in this category than will other Members. Costs included in this expenditure item are rent, utilities (except telephone), janitorial service, and incidental maintenance costs.

*Telephone and Telegraph:* All telephone charges (except some equipment installation charges) are reported in this expenditure category. Included are the charges for district office phones, Capitol phones, and mobile phones. Members who will likely have higher charges than many of their colleagues are those representing districts which are either far from the Capitol, or in regions which cover large geographic areas.

*Postage:* The category includes the total amount expended for postage except for the postage utilized in the mailing of legislative mailings authorized under provisions of Proposition 73 of June 1988.

*Communications:* The costs included in this expenditure category are primarily for handling and mailing of legislative mailings authorized under provisions of Proposition 73 of June 1988.

*Furniture and Equipment:* This category includes the purchase, rental, and maintenance of certain furniture and equipment items utilized in the Capitol and district offices of the Members. It does not include the purchase of items which will, during the course of their usefulness, be utilized by a number of Members during succeeding years. Expenditures for items of that description are reported in the Furniture and Equipment category as General Overhead expenditures.

*Office Supplies:* Stationery items, other printing costs charged to the Assembly Operating Fund, general office supplies, and related miscellaneous supplies utilized in the Members' Capitol and district offices are reported in this expenditure category.

*Subscriptions and Publications:* Each Member is authorized to subscribe to the newspapers generally circulated within his/her district and to certain metropolitan daily newspapers. Members representing districts which include many cities and towns will frequently have higher expenditures in this category than will Members representing relatively compact areas. Expenditures for subscriptions and publications incurred by the committees and leadership offices are reported separately. Each committee is authorized to purchase relevant books and to subscribe to periodicals specializing in the subject matter of the committee for which the expenditure is made.

*Miscellaneous Services:* Most of the expenditures shown in the Miscellaneous Services category for the Members are for services such as telephone answering services in district offices and newspaper clipping services. Included in this category for the committee reports are such items as witness expenses, meeting expenses, data-processing costs, and other miscellaneous services.

A number of operational costs incurred by the Assembly are not directly attributable to any of the Members, committees, leadership offices, or support services. Such expenditures are classified as General Overhead and are reported according to the following categories:

*Miscellaneous Salaries:* Accrued vacation payments made to terminating employees, and salaries paid to employees on extended sick leave are reported in this category.

*Employee Benefits:* This expenditure category includes the Assembly's contribution to the OASDI (Social Security) fund, the Public Employees' Retirement System, various health, dental, vision, and life insurance premiums, the Compensation Insurance Fund, unemployment and disability insurance, and any other benefits approved by the Rules Committee.

*Building, Rent, Maintenance and Utilities:* Reported in this expenditure category are construction and remodeling costs and the rent, maintenance, and utilities for offices (other than Members' individual district offices) utilized and paid for by the Assembly outside the Capitol.

*Telephone:* This listing is for the cost of telephone equipment installation in all Assembly offices.

*Furniture and Equipment:* The expenditure indicated in this category is for the purchase, rental, and maintenance of furniture and equipment not reported elsewhere in the report. Most furniture and equipment is considered a capital investment which will be used, through the years, by a number of different Members or other offices and can therefore not be appropriately reported as an expense on behalf of any particular Member or office.

*Office Supplies:* The amount shown in this expenditure category represents office supplies which were purchased by the Assembly for the use of Members and other offices but which were not distributed to any such offices before the end of this reporting period.

*Annotated Codes and Law Books:* Each Member's office and certain other Assembly offices are furnished with Annotated California Codes and certain other law books. The cost of these books is

considered a capital expenditure in the same manner as many furniture and equipment items, and is therefore reported in this General Overhead category.

*Meeting Expenses:* This expenditure category includes certain costs incurred by the Assembly relative to the conduct of Assembly Sessions and Joint Sessions of the Legislature which cannot be readily charged to any other expenditure category, rental costs for some meeting rooms, and some conference registration fees.

*Freight, Moving and Delivery:* This expenditure category includes costs incurred for the transport of furniture, supplies, and other items which are not chargeable to any particular office.

*Other Miscellaneous Services:* The major expenditures reported in this category are for the costs of photography services related to official Assembly publications, vehicle liability insurance, and organization memberships.

*Study Contracts:* From time-to-time the Assembly finds it practical to contract with individuals, firms, universities, and other governmental agencies in order to expand its research capability with respect to specific projects. The costs reported in this category are for payments made under such contracts during this period.

The next report of Assembly expenditures will be for the period between December 1, 2001 and November 30, 2002.

Sincerely,

JOE NATION

Chairman of the Assembly Committee on Rules



TABLE I  
CALIFORNIA STATE ASSEMBLY  
SUMMARY OF EXPENDITURES  
12/1/2000-11/30/2001

	Member Expenditures	Committee Expenditures	Leadership Expenditures	Support Services Expenditures	General Overhead Expenditures	TOTAL EXPENDITURES
Staff Salary .....	\$14,381,671.53	\$15,895,774.03	\$4,268,384.13	\$23,046,662.36	\$2,401,960.53	\$59,994,452.58
Employee Benefits .....	—	—	—	—	13,531,707.12	13,531,707.12
Travel & Per Diem (In-State) .....	504,152.16	—	—	—	—	504,152.16
Travel & Per Diem (Out-of-State) .....	73,657.01	—	—	—	—	73,657.01
Staff Travel .....	310,176.63	150,440.67	55,353.52	282,300.21	—	798,271.03
Car Lease .....	266,773.68	—	—	—	—	266,773.68
Car Maintenance .....	92,116.29	—	—	—	—	92,116.29
Gas & Oil .....	162,552.65	—	—	—	—	162,552.65
Car Rental—Staff & Member .....	19,806.87	25,078.57	4,048.02	123,734.41	—	172,667.87
Building, Rent, Maint., & Util. ....	2,591,372.22	—	—	—	1,295,041.64	3,886,413.86
Office Alterations .....	—	119,314.30	64,120.59	221,363.17	30,962.49	30,962.49
Telephone .....	733,978.27	—	—	—	539,621.73	1,678,398.06
Telegraph .....	—	—	—	—	—	0.00
Postage .....	377,923.11	12,129.43	499.79	50,874.13	—	441,426.46
Communications .....	3,028,268.40	—	—	—	—	3,028,268.40
Furniture & Equipment .....	157,887.55	—	—	1,291,676.99	2,460,772.41	3,910,356.95
Office Supplies .....	297,678.02	43,811.76	45,313.25	237,646.78	313,146.70	937,596.51
Subscriptions, Publ., & Codes .....	134,495.05	25,844.90	22,638.68	88,291.38	41,413.79	312,683.80
Meeting Expenses .....	—	—	—	—	11,765.84	11,765.84
Meeting Expenses (Meals) .....	—	—	—	—	68,371.96	68,371.96
Freight, Moving, & Delivery .....	37,705.81	460.33	142.70	42,727.76	185,298.00	266,334.60
Miscellaneous Services .....	313,625.31	1,761,839.62	74,908.22	2,538,927.04	1,033,110.32	5,722,410.51
Study Contracts .....	—	—	—	—	130,428.60	130,428.60
TOTALS, OPERATING FUND .....	\$23,483,840.56	\$18,034,693.61	\$4,535,408.90	\$27,924,204.23	\$22,043,601.13	\$96,021,748.43
Member Per Diem (General Fund) .....	2,025,056.00	—	—	—	—	2,025,056.00
TOTALS, ALL FUNDS .....	\$25,508,896.56	\$18,034,693.61	\$4,535,408.90	\$27,924,204.23	\$22,043,601.13	\$98,046,804.43

TABLE II A  
Member Expenditures  
12/1/2000—11/30/2001

Member	Staff Salary	Travel & Per Diem (In-State)*	Travel & Per Diem (Out-of-State)*	Staff Travel	Car Lease	Car Maintenance	Gas & Oil
Aanestad.....	\$221,093.04	\$761.85	—	\$4,950.44	\$4,200.00	\$1,036.65	\$2,858.66
Alquist.....	211,837.37	157.08	\$3,320.72	2,290.09	3,858.00	230.62	1,762.66
Aroner.....	201,401.11	2,298.07	4,584.02	754.98	3,769.68	386.02	1,845.57
Ashburn.....	194,638.84	13,951.33	1,141.81	1,667.84	4,200.00	791.35	3,536.05
Bates.....	188,476.12	13,200.35	—	9,161.74	2,000.00	8.50	710.43
Bogh (Effective 4/5/01)	122,629.18	5,447.00	1,127.82	4,840.95	2,450.00	172.35	2,096.55
Briggs.....	214,663.01	10,055.00	—	4,955.97	4,200.00	2,509.03	5,552.01
Calderson.....	209,338.65	10,015.25	2,543.05	3,128.66	2,519.00	1,590.29	2,188.30
Campbell, Bill.....	141,182.39	14,447.00	—	2,719.35	3,367.25	26.71	1,312.14
Campbell, John.....	195,389.99	15,978.00	—	3,886.86	—	44.56	849.43
Cancantilla.....	214,361.64	514.16	—	429.93	3,500.00	141.12	1,414.16
Cardenas.....	140,091.32	9,903.25	—	3,824.89	4,200.00	2,449.46	4,205.23
Cardoza.....	66,232.00	6,117.74	10,030.70	4,735.39	4,200.00	3,239.24	3,959.76
Cedillo.....	201,965.00	16,627.50	584.75	11,167.31	3,692.76	2,239.57	1,042.75
Chan.....	199,055.10	587.70	—	773.42	3,850.00	168.42	1,997.04
Chavez.....	185,278.78	9,801.30	—	1,620.23	3,850.00	303.26	2,394.75
Chu (Effective 5/21/01)	84,881.36	3,003.85	—	2,247.98	1,159.20	—	448.69
Cogdill.....	211,410.16	121.00	—	9,848.46	3,850.00	987.56	3,621.84
Cohn.....	162,194.62	2,959.75	—	8,777.91	3,850.00	526.69	2,849.19
Corbett.....	189,120.13	2,409.93	—	1,636.60	3,942.60	1,171.90	2,693.82
Correa.....	159,229.15	8,378.88	—	2,192.01	2,270.88	2,276.48	2,195.86
Cox.....	190,614.05	363.35	—	1,825.25	—	145.49	1,684.17
Daucher.....	205,538.15	6,972.75	—	3,853.24	3,850.00	1,133.93	813.59
Diaz.....	215,340.85	1,308.73	—	2,065.21	3,150.00	296.06	1,990.82
Dickerson.....	193,859.46	776.85	—	17,246.69	4,019.28	1,791.53	2,551.99
Dutra.....	237,458.22	3,129.91	—	4,583.02	—	—	4,070.36
Firebaugh.....	193,839.82	11,670.29	3,494.73	2,183.00	3,998.88	3,137.55	2,500.36
Florez.....	165,274.72	8,498.63	—	7,592.15	3,563.49	3,233.49	5,738.84
Frommer.....	126,209.35	7,921.92	—	918.88	3,486.50	157.13	829.74
Goldberg.....	226,462.96	6,953.85	—	2,229.70	441.84	441.84	537.32
Harman.....	202,107.72	11,139.00	—	2,158.68	3,850.00	21.98	902.01
Havice.....	207,683.03	7,914.00	—	4,991.72	2,945.04	2,141.27	1,383.60
Hertzberg.....	38,296.87	13,768.00	16,089.96	2,559.26	4,200.00	3,147.92	751.76
Hollingsworth.....	219,382.36	7,677.22	—	3,044.86	2,800.00	592.45	2,406.93
Horton.....	173,100.14	8,910.50	—	2,148.27	2,800.00	52.57	933.12
Jackson.....	164,270.07	7,339.25	—	1,827.20	3,180.84	966.80	829.85
Keeley.....	195,868.00	782.51	191.89	9,966.30	3,887.76	1,260.60	2,214.81
Kehoe.....	114,677.74	6,175.00	7,211.65	3,487.14	1,938.80	—	3,271.95
Kelley.....	237,797.20	6,707.75	984.93	2,539.65	4,173.98	—	1,403.22

Koretz.....	115,304.78	9,569.64	4,595.14	1,900.68	745.41	976.71
La Suer.....	177,890.82	5,898.75	1,801.40	3,260.18	146.86	1,831.69
Leach.....	173,855.89	185.90	2,902.01	4,800.00	915.15	2,041.57
Leonard.....	212,233.60	8,151.10	1,830.34	4,200.00	569.12	1,812.29
Leslie.....	216,417.14	2,420.00	2,355.96	4,200.00	180.23	1,064.16
Liu.....	116,434.10	6,261.26	5,105.48	—	35.62	641.62
Longville.....	233,633.25	6,410.00	1,618.33	4,090.56	2,215.27	1,641.38
Lowenthal.....	203,194.19	5,404.50	2,561.11	3,530.52	3,527.15	1,193.19
Maddox.....	184,024.00	12,725.95	4,113.44	4,200.00	74.37	2,222.67
Maldonado.....	213,014.58	11,003.95	2,536.23	4,200.00	805.79	1,157.47
Matthews.....	124,665.71	649.26	662.17	3,049.86	290.48	1,484.82
Migden.....	181,537.73	1,210.00	663.42	3,577.30	2,093.34	1,971.48
Mountjoy.....	20,863.35	6,505.66	169.50	3,850.00	—	1,353.46
Nakano.....	146,736.52	4,980.71	2,861.93	2,650.68	1,089.84	1,078.90
Nation.....	213,607.74	1,568.93	833.58	3,850.00	428.65	2,502.50
Negrete McLeod.....	137,723.26	9,841.41	4,822.70	3,363.16	8.95	1,046.77
Oropeza.....	213,369.97	6,021.79	1,520.34	3,850.56	89.55	835.33
Pacheco, Robert.....	118,922.60	8,184.60	4,644.79	4,200.00	1,563.07	3,044.60
Pacheco, Rod.....	215,252.67	8,620.25	3,553.16	6,454.21	6,454.21	3,143.17
Papan.....	224,670.71	2,218.00	488.52	4,200.00	940.10	2,570.24
Pavley.....	116,347.58	6,955.25	1,181.64	2,547.82	46.13	883.07
Pescetti.....	157,226.25	5,822.35	4,921.48	4,195.56	1,356.27	1,573.14
Reyes.....	93,661.79	1,974.13	7,744.22	3,630.84	4,196.38	3,014.78
Richman.....	165,098.12	9,148.75	3,334.46	3,850.00	43.85	989.46
Romero (Resigned 3/12/01)	95,143.98	3,048.25	2,534.72	696.24	130.00	586.72
Runner.....	180,167.65	7,610.67	4,081.69	3,787.46	4,776.92	2,877.24
Salinas.....	146,555.50	121.00	4,878.28	2,911.70	2,373.44	3,421.49
Shelley.....	56,329.41	5,324.07	1,186.70	3,851.60	849.92	1,954.23
Simitian.....	204,550.59	—	4,724.70	2,636.00	228.98	1,926.73
Steinberg.....	168,068.40	5,702.25	2,005.19	2,982.24	376.55	1,113.31
Strickland.....	149,871.80	7,857.85	11,125.46	3,873.00	2,205.50	3,542.04
Strom-Martin.....	183,831.43	5,259.37	5,093.78	3,414.46	1,424.03	1,811.72
Thomson.....	213,163.82	7,493.32	4,395.96	4,800.00	710.30	1,608.31
Vargas.....	206,978.04	7,855.24	6,676.33	3,850.00	145.02	2,877.72
Washington.....	223,431.97	12,969.75	1,829.43	4,200.00	1,847.50	2,882.61
Wayne.....	174,153.50	8,409.49	1,128.97	—	17.00	719.53
Wesson.....	224,250.77	14,326.50	3,711.24	4,200.00	677.49	1,176.17
Wiggins.....	208,257.59	1,932.88	3,334.74	3,385.92	1,933.32	1,253.00
Wright.....	224,798.73	5,682.25	2,279.32	4,093.50	—	1,168.46
Wyland.....	209,496.62	5,919.25	5,444.27	—	—	—
Wyman.....	178,980.09	5,047.42	9,694.42	2,290.20	1,402.25	3,757.98
Zettel.....	188,742.20	8,115.60	6,045.54	4,200.00	1,036.35	1,704.79
Retired.....	46,663.42	6,482.36	10,062.29	—	5,346.08	9,321.16
TOTALS.....	\$14,381,671.53	\$504,152.16	\$310,176.63	\$266,773.68	\$92,116.29	\$162,552.65

NOTE: Asterisk (\*) indicates that expenditure includes committee- or leadership-incurred expenses as well as Member-related expenditures.

TABLE II B  
Member Expenditures  
12/1/2000–11/30/2001

Member	Car Rental Staff & Member	Dist. Office Rent, Mnt., Ut.	Telephone	Telegraph	Freight	Postage	Communications
Aanestad.....	—	\$22,738.55	\$7,828.39	—	\$153.35	\$1,331.32	\$7,146.69
Alquist.....	—	25,864.61	7,611.15	—	242.55	12,230.05	1,841.08
Aroner.....	\$177.41	67,763.43	10,377.60	—	72.31	4,191.51	13,211.48
Ashburn.....	1,042.13	35,292.69	4,896.92	—	1,568.17	2,784.45	39,615.21
Bates.....	—	31,340.50	7,147.04	—	401.36	3,004.02	29,122.00
Bogh (Effective 4/5/01).....	237.37	22,960.59	4,951.33	—	422.33	2,053.63	38,926.07
Briggs.....	628.10	38,892.53	13,551.34	—	510.16	5,223.15	8,324.04
Calderon.....	—	46,050.20	6,333.82	—	292.95	5,251.25	5,252.23
Campbell, Bill.....	—	25,601.84	7,369.73	—	292.95	3,939.19	87,182.56
Campbell, John.....	—	38,364.87	3,755.61	—	64.99	2,630.12	51,385.43
Canciamilla.....	—	35,820.21	6,996.07	—	21.08	2,601.09	18,924.85
Cardenas.....	818.52	55,700.51	19,067.05	—	977.19	4,131.33	31,471.48
Cardoza.....	104.77	43,579.25	13,471.46	—	585.75	5,641.81	109,819.83
Cedillo.....	826.17	44,552.83	22,976.40	—	56.35	2,820.80	—
Chan.....	99.36	1,889.12	5,819.45	—	201.08	4,886.68	43,177.45
Chavez.....	—	41,538.60	8,393.24	—	420.48	4,983.85	22,821.83
Chu (Effective 5/21/01).....	—	23,206.49	2,231.14	—	602.69	2,699.92	41,917.73
Cogdill.....	86.53	31,931.23	8,774.09	—	469.86	7,541.62	12,406.66
Cohn.....	—	71,398.97	6,567.01	—	717.66	9,400.64	62,581.66
Corbett.....	—	36,570.90	10,616.60	—	266.38	2,634.01	34,210.56
Correa.....	288.50	23,355.92	6,400.85	—	2,259.82	17,493.24	52,812.62
Cox.....	49.68	36,756.18	3,290.72	—	3.17	7,793.25	24,724.81
Daucher.....	212.14	27,986.06	4,385.96	—	127.64	4,034.66	30,158.56
Diaz.....	315.26	1,061.04	6,157.54	—	125.98	2,605.78	25,040.79
Dickerson.....	212.12	24,086.40	6,652.65	—	34.14	2,446.55	—
Dutra.....	—	32,412.09	8,486.79	—	54.92	1,816.45	31,787.83
Firebaugh.....	1,681.78	45,666.69	11,513.24	—	1,252.45	3,402.26	22,777.27
Florcz.....	857.77	36,653.63	17,984.11	—	1,786.94	2,526.99	28,945.97
Fronmer.....	97.45	39,693.80	11,138.82	—	1,006.48	11,537.18	80,421.32
Goldberg.....	99.36	32,395.11	7,106.47	—	297.74	3,962.94	—
Harman.....	88.69	39,159.91	5,925.36	—	395.25	2,878.85	31,454.24
Havice.....	303.12	41,050.45	9,622.79	—	999.24	7,196.45	21,556.76
Hertzberg.....	96.80	4,591.45	19,730.26	—	2,418.57	16,238.15	130,716.91
Hollingsworth.....	—	28,055.54	9,717.07	—	214.32	3,093.40	19,693.05
Horton.....	168.44	22,819.53	6,377.53	—	134.69	5,254.10	522.41
Jackson.....	—	46,645.13	12,253.54	—	546.69	2,999.69	54,256.60
Keeley.....	615.57	22,494.43	15,605.35	—	153.61	2,151.21	—
Kehoe.....	192.68	38,425.95	4,293.85	—	559.13	2,752.30	63,406.96
Kelley.....	30.96	23,784.17	6,233.21	—	79.56	4,895.68	—

Koretz.....	150.09	42,677.35	8,518.71	317.11	2,494.65	76,513.30
La Suer.....	—	38,861.42	2,316.04	522.76	5,460.86	59,688.97
Leach.....	41.68	35,067.08	6,985.94	90.07	3,088.83	48,924.44
Leonard.....	273.56	32,208.62	14,562.17	503.20	4,178.65	—
Leslie.....	260.78	28,371.21	5,527.59	350.44	2,324.34	30,198.54
Litt.....	90.14	50,720.49	7,072.63	373.42	3,848.16	105,477.69
Longville.....	—	20,452.82	7,975.42	89.17	3,515.38	—
Lowenthal.....	105.86	40,351.72	10,443.97	346.16	2,811.47	17,557.33
Maddox.....	—	32,413.93	5,445.36	605.44	4,567.93	48,666.82
Maldonado.....	114.37	41,196.70	4,581.93	278.08	2,725.60	8,529.88
Matthews.....	—	1,296.24	4,375.50	192.30	2,343.37	100,282.13
Migden.....	—	921.55	10,095.96	383.17	5,402.15	29,835.96
Mountjoy.....	—	32,448.44	4,425.99	402.55	4,441.25	121,542.99
Nakano.....	—	32,171.64	5,165.18	259.56	4,059.22	2,307.56
Nation.....	—	30,929.80	8,743.21	17.65	4,762.47	33,918.88
Negrete McLeod.....	—	24,635.07	11,954.21	420.89	5,123.18	59,285.33
Oropeza.....	231.88	33,748.92	6,520.75	911.76	8,931.52	16,265.45
Pacheco, Robert.....	42.06	42,235.23	11,569.09	229.19	3,008.10	109,678.11
Pacheco, Rod.....	66.29	41,108.58	13,653.55	654.41	5,749.51	14,154.47
Papan.....	221.06	52,327.56	5,933.72	413.46	2,100.91	—
Pavley.....	—	30,195.31	4,158.45	661.18	12,549.40	116,468.98
Pescetti.....	—	19,892.85	3,778.20	16.74	3,510.80	79,276.01
Reyes.....	4,630.47	1,482.95	12,506.34	355.56	21,107.28	102,228.79
Richman.....	45.05	25,846.00	5,263.55	87.54	4,863.91	73,122.41
Romero (Resigned 3/12/01).....	131.99	23,795.62	6,653.39	11.14	4,221.45	6,243.10
Runner.....	272.21	38,846.92	11,222.33	268.37	2,685.77	31,105.51
Salinas.....	—	18,963.09	6,750.21	383.51	1,902.78	72,099.77
Shelley.....	328.85	726.28	22,139.74	316.03	13,110.86	135,902.95
Simitian.....	—	91,067.20	8,200.45	1,612.07	3,955.82	729.37
Steinberg.....	65.53	40,769.86	6,387.72	134.10	3,026.37	7,511.10
Strickland.....	—	20,256.30	8,551.18	1,319.54	5,898.64	70,364.63
Strom-Martin.....	—	21,545.76	6,986.05	409.84	3,080.78	3,625.14
Thomson.....	44.68	36,608.23	8,215.71	83.13	5,030.04	—
Vargas.....	262.22	37,245.98	6,155.11	502.96	2,089.68	—
Washington.....	135.39	44,604.60	11,111.86	345.52	1,412.43	591.03
Wayne.....	—	114.93	7,382.68	480.66	5,530.08	52,833.88
Wesson.....	220.86	37,824.39	9,276.65	225.67	2,093.32	—
Wiggins.....	663.84	18,515.04	11,009.41	250.79	3,729.84	—
Wright.....	1,063.00	1,297.58	8,640.20	417.90	3,191.02	—
Wyland.....	—	32,255.95	5,454.45	110.46	2,666.13	24,378.44
Wyman.....	636.94	34,003.22	8,561.36	207.83	4,765.37	39,218.24
Zettel.....	—	41,196.88	5,088.24	222.57	2,333.19	41,737.29
Retired.....	377.39	12,021.51	43,006.52	1,171.63	—	—
TOTALS.....	\$19,806.87	\$2,591,372.22	\$733,978.27	\$37,705.81	\$377,923.11	\$3,028,268.40

TABLE II C  
Member Expenditures  
12/1/2000–11/30/2001

Member	Furniture & Equipment*	Office Supplies	Subscr. & Publications	Misc. Services	TOTAL	Member Per Diem (Gen. Fund)	TOTAL EXP. (ALL FUNDS)
Aanestad.....	\$353.68	\$1,265.53	\$2,500.76	\$2,252.74	\$280,471.05	\$25,894.00	\$306,365.05
Alquist.....	680.12	3,249.36	1,805.09	11,623.82	288,604.37	26,741.00	315,345.37
Aroner.....	928.30	2,135.43	2,728.44	2,479.35	319,104.71	26,499.00	345,603.71
Ashburn.....	112.50	1,235.43	2,191.10	2,612.07	311,277.89	26,015.00	337,292.89
Bates.....	1,668.49	5,212.67	2,464.60	2,278.36	298,396.18	26,620.00	325,016.18
Bogh (Effective 4/5/01).....	967.51	1,538.50	973.99	11,113.90	211,781.25	15,367.00	227,148.25
Briggs.....	184.70	3,379.41	1,972.48	2,995.23	318,723.98	26,741.00	345,464.98
Calderon.....	1,810.17	3,281.80	3,358.50	1,968.46	303,339.83	26,620.00	329,959.83
Campbell, Bill.....	263.47	3,033.67	855.32	3,644.32	297,780.94	25,047.00	322,827.94
Campbell, John.....	—	1,487.64	1,580.16	1,446.35	316,864.01	26,620.00	343,484.01
Cardenas.....	1,168.41	4,997.07	1,321.16	1,943.86	293,714.81	26,741.00	320,455.81
Cardenas.....	15,423.66	5,689.08	2,813.53	7,684.49	308,450.99	26,741.00	335,191.99
Cardoza.....	1,623.20	7,277.82	9,130.57	8,182.08	297,931.37	26,741.00	324,672.37
Chan.....	788.56	4,681.32	2,064.79	5,464.26	321,551.12	26,620.00	348,171.12
Chan.....	919.22	3,047.75	1,673.89	1,432.05	269,577.73	26,741.00	296,318.73
Chavez.....	774.81	1,369.20	529.58	3,537.94	287,617.85	26,620.00	314,237.85
Chu (Effective 5/21/01).....	2,011.48	2,043.09	985.19	4,775.16	172,213.97	11,011.00	183,224.97
Cogdill.....	640.00	1,193.16	1,025.66	5,941.65	299,849.48	26,620.00	326,469.48
Cohn.....	1,399.11	5,049.18	1,384.89	2,140.60	333,877.88	26,741.00	360,618.88
Corbett.....	2,936.73	4,079.28	1,993.66	2,803.03	294,917.13	26,741.00	321,658.13
Correa.....	546.45	3,160.03	1,179.22	7,049.66	291,089.57	26,741.00	317,830.57
Cox.....	93.38	2,785.17	1,066.46	10,661.79	281,856.92	26,741.00	308,597.92
Daucher.....	812.82	3,198.25	988.65	2,459.93	296,526.33	26,741.00	323,267.33
Diaz.....	857.73	2,886.69	1,323.45	1,800.14	266,326.07	26,741.00	293,067.07
Dickerson.....	985.21	1,706.02	2,037.72	2,673.54	292,867.98	26,741.00	319,608.98
Dutra.....	729.85	3,685.60	2,309.66	7,507.67	295,417.18	26,741.00	322,158.18
Finebaugh.....	800.76	4,699.54	809.62	2,441.26	317,472.50	26,741.00	344,213.50
Florez.....	10,466.79	4,574.61	1,316.45	6,961.55	305,976.13	26,378.00	332,354.13
Fronmer.....	1,911.36	9,461.43	1,285.03	7,469.54	303,545.93	26,741.00	330,286.93
Goldberg.....	9,375.38	3,439.73	574.55	1,622.52	298,414.17	26,741.00	325,155.17
Harman.....	8,288.78	3,566.04	1,886.10	313,309.76	320,183.15	26,741.00	346,924.15
Havice.....	99.72	4,809.48	1,698.24	5,788.24	320,183.15	26,741.00	346,924.15
Hertzberg.....	2,723.88	5,339.37	918.72	10,655.37	272,243.25	26,741.00	298,984.25
Hollingsworth.....	1,134.49	3,863.76	615.87	1,763.55	302,974.87	26,741.00	329,715.87
Horton.....	1,823.54	5,867.93	1,270.28	2,171.19	334,374.24	26,741.00	361,115.24
Jackson.....	1,080.37	2,149.38	2,038.25	3,078.52	304,654.13	26,741.00	331,395.13
Keeley.....	132.94	6,395.60	1,254.93	6,477.15	276,472.40	26,741.00	303,213.40
Keohoe.....	3,039.01	2,732.31	1,722.42	1,849.47	246,565.64	26,741.00	273,306.64
Kelley.....	69.70	839.68	423.26	1,807.52	290,785.54	26,741.00	317,526.54

Koretz.....	1,778.26	4,168.13	1,836.44	6,376.28	277,922.68	26,499.00	304,421.68
La Suer.....	7,935.11	2,679.24	621.43	4,247.36	313,162.89	26,741.00	339,903.89
Leach.....	333.90	1,386.25	792.18	2,026.15	288,437.04	26,741.00	310,178.04
Leonard.....	822.67	1,302.99	2,042.92	1,745.01	288,792.20	25,652.00	314,444.20
Leslie.....	387.43	1,048.17	743.45	1,502.71	295,471.43	25,652.00	321,123.43
Liu.....	746.95	6,657.77	979.63	7,647.93	312,092.89	26,741.00	338,833.89
Longville.....	695.62	3,090.65	1,051.51	2,851.00	289,330.36	26,741.00	316,071.36
Lowenthal.....	3,092.40	3,777.73	1,830.86	2,887.14	302,615.30	26,741.00	329,356.30
Maddox.....	631.94	2,428.70	1,071.30	3,323.22	306,515.07	26,257.00	332,772.07
Maldonado.....	—	1,466.59	1,019.55	1,521.63	294,152.35	25,652.00	319,804.35
Matthews.....	7,220.99	3,606.27	1,522.79	4,420.51	256,362.40	26,741.00	283,103.40
Migden.....	1,764.39	5,437.73	5,147.21	2,854.51	252,895.90	26,741.00	279,636.90
Mountjoy.....	481.17	1,730.69	596.84	3,380.41	302,192.30	26,741.00	328,933.30
Nakano.....	749.91	3,606.42	2,846.15	2,058.16	212,622.38	26,741.00	239,363.38
Nation.....	459.91	1,630.37	1,021.56	507.78	304,783.03	26,378.00	331,161.03
Negrete McLeod.....	2,643.25	5,837.23	2,033.59	2,451.92	273,163.42	26,741.00	299,904.42
Oropeza.....	703.68	3,685.76	1,194.41	2,079.94	301,849.66	26,741.00	328,590.66
Pacheco, Robert.....	550.53	2,207.95	1,147.18	3,540.67	314,767.77	26,257.00	341,024.77
Pacheco, Rod.....	398.40	762.64	1,240.22	2,629.67	323,481.70	26,620.00	350,101.70
Papan.....	1,147.91	3,208.41	1,163.43	2,817.04	306,358.09	25,168.00	331,526.09
Pavley.....	1,781.96	3,628.97	786.37	1,440.95	299,633.06	26,620.00	326,253.06
Pescetti.....	795.43	2,618.22	442.04	3,280.81	283,466.15	—	283,466.15
Reyes.....	2,568.34	6,010.11	1,101.33	3,559.58	270,636.73	26,620.00	297,256.73
Richman.....	424.00	2,484.99	352.28	2,231.51	297,185.88	26,499.00	323,684.88
Romero (Resigned 3/12/01).....	332.57	2,511.67	495.31	1,027.65	147,563.80	8,349.00	155,912.80
Runner.....	769.10	1,534.69	1,466.05	2,028.16	293,500.74	26,015.00	319,515.74
Salinas.....	1,293.90	4,638.09	904.12	4,441.45	271,638.33	26,741.00	298,379.33
Shelley.....	2,518.07	7,971.73	3,129.14	11,850.56	269,490.39	26,741.00	296,231.39
Simonian.....	2,404.30	7,450.84	1,422.91	11,422.91	343,454.79	370,195.79	713,649.58
Steinberg.....	743.90	2,664.38	2,020.85	5,430.57	244,724.32	26,741.00	244,724.32
Strickland.....	1,006.09	2,044.12	979.25	7,107.75	296,003.15	26,257.00	322,260.15
Strom-Martin.....	586.38	4,052.60	3,415.60	4,224.73	249,643.91	26,741.00	276,384.91
Thomson.....	1,520.05	5,914.20	2,285.68	5,455.14	290,584.57	—	290,584.57
Vargas.....	9,984.64	5,809.20	1,680.53	1,983.69	295,672.32	26,015.00	322,413.32
Washington.....	813.74	2,337.64	2,506.12	3,067.87	313,800.93	26,741.00	339,815.93
Wayne.....	671.69	1,560.26	1,168.63	2,378.37	256,549.67	26,741.00	283,290.67
Wesson.....	2,216.17	4,146.66	2,033.99	3,872.19	310,252.07	26,741.00	336,993.07
Wiggins.....	3,906.93	3,652.02	1,942.57	11,809.17	276,133.96	26,741.00	302,874.96
Wright.....	5,468.42	4,126.21	2,309.16	2,586.34	268,082.79	26,620.00	294,702.79
Wyland.....	3,013.47	2,097.33	1,277.26	1,948.94	294,062.57	26,499.00	320,561.57
Wyman.....	1,271.47	1,838.50	943.32	2,948.69	294,869.53	26,620.00	321,489.53
Zettel.....	286.27	5,302.42	481.49	2,426.81	308,919.64	25,773.00	334,692.64
Retired.....	1,339.96	13,234.05	2,176.06	3,539.34	158,900.10	—	158,900.10
TOTALS.....	\$157,887.55	\$297,678.02	\$134,495.05	\$313,625.31	\$23,483,840.56	\$2,025,056.00	\$25,508,896.56

NOTE: Asterisk (\*) indicates that expenditure includes committee- or leadership-incurred expenses as well as Member-related expenditures.

TABLE III  
Committee Expenditures  
12/11/2000–11/30/2001

Committee	Staff Salary	Staff Travel	Car Rental	Postage	Freight	Telephone	Tele-graph	Subscr. & Publications	Office Supplies	Misc. Services	TOTAL EXP.
Aging & Long-Term Care .....	\$215,129.12	\$582.38	—	\$0.55	—	\$1,582.25	—	\$44.40	\$1,441.42	\$751.46	\$219,531.58
Agriculture .....	327,176.92	1,876.88	\$264.24	204.70	—	3,415.98	—	219.31	1,000.03	1,103.84	335,261.90
Appropriations .....	1,188,466.91	4,095.67	524.48	22.61	—	8,155.30	—	—	2,750.52	792.24	1,204,807.73
Banking & Finance .....	275,251.68	448.40	—	19.40	\$16.95	1,569.33	—	1,071.56	—	682.00	279,059.32
Budget .....	1,018,726.48	13,408.36	3,921.25	2,125.26	118.11	12,791.77	—	—	3,358.47	14,256.63	1,068,706.26
* No. 1-Health & Human Services .....	153,189.00	454.50	—	—	—	678.90	—	—	—	204.52	154,526.92
* No. 2-Education Finance .....	144,102.98	859.18	—	—	—	1,733.66	—	3.01	—	48.49	146,747.32
* No. 3-Resources .....	143,177.80	1,191.90	165.24	—	—	1,740.02	—	—	—	1,560.25	147,835.21
* No. 4-State Administration .....	180,419.17	1,748.25	—	—	—	2,073.99	—	—	—	144.89	184,386.30
* No. 5-Information Technology/Transportation .....	145,304.04	3,246.08	1,253.97	—	—	1,525.53	—	—	—	145.47	151,475.09
Business & Professions .....	325,839.10	3,317.75	318.68	8.45	—	2,482.17	—	314.11	877.27	154.89	333,312.42
Education .....	484,627.67	489.67	—	44.27	—	1,628.46	—	225.25	1,576.37	474.07	489,065.76
Elections, Reapportionment & Constitutional Amendments .....	298,759.73	27,912.85	2,853.61	5,284.13	59.90	4,236.15	—	208.60	8,449.45	546,504.47	894,268.89
Energy Costs & Availability (2001–02 First Extraordinary Session) .....	—	—	—	—	—	—	—	—	—	—	0.00
* Energy Oversight .....	—	—	—	—	—	—	—	—	—	1,173,994.82	1,173,994.82
Environmental Safety & Toxic Materials .....	364,263.11	2,707.84	156.00	10.23	24.90	3,880.03	—	2,025.39	2,066.71	184.87	375,319.08
Governmental Organization .....	539,663.83	8,423.22	3,299.87	474.69	200.97	3,727.48	—	832.37	285.89	297.78	557,206.10
* Veterans Affairs .....	80,082.20	911.43	88.81	—	—	1,218.29	—	—	—	—	82,300.73
Health .....	508,126.31	485.70	—	213.02	—	2,738.88	—	396.68	1,284.28	376.02	513,620.89
* Mental Health .....	115,352.66	916.47	—	10.00	—	240.53	—	—	—	35.00	116,554.66
Higher Education .....	247,225.06	991.64	41.68	106.46	—	1,199.56	—	—	2,237.94	546.64	252,348.98
Housing & Community Development .....	370,833.93	2,459.30	298.13	124.55	—	1,874.83	—	402.99	819.94	707.94	377,521.61
Human Services .....	322,771.60	4,225.86	501.18	53.17	—	1,992.94	—	80.40	764.74	2,900.16	333,290.05
Human Services—Vice-Chair .....	70,999.00	—	—	—	—	264.82	—	—	50.15	—	71,313.97
Insurance .....	513,006.50	5,413.47	715.27	31.78	—	3,048.66	—	492.28	238.42	791.21	523,737.59
Jobs, Economic Development & Information Technology .....	286,821.71	879.50	870.83	—	—	2,790.80	—	16.49	585.20	324.67	292,289.20
* Information Technology .....	73,934.64	892.67	263.56	—	—	238.00	—	—	—	200.00	75,548.87
* International Trade .....	125,257.57	892.53	128.46	—	—	1,371.38	—	—	—	—	127,649.94
Judiciary .....	626,899.95	1,192.00	49.68	85.55	—	4,099.00	—	6,701.31	1,584.59	1,480.79	642,092.87
Labor & Employment .....	275,805.01	2,221.00	191.94	950.79	5.95	1,881.34	—	1,141.91	825.46	1,574.24	284,597.64





TABLE III—Continued  
Committee Expenditures  
12/1/2000–11/30/2001

Committee	Staff Salary	Staff Travel	Car Rental	Postage	Freight	Telephone	Tele-graph	Subscr. & Publications	Office Supplies	Misc. Services	TOTAL EXP.
Joint Committee to Develop Master Plan for Education—Kindergarten through University .....	88,008.00	1,469.93	232.29	—	—	93.76	—	—	—	—	89,803.98
Joint Fisheries & Aquaculture .....	74,107.00	305.54	—	—	—	338.51	—	—	—	71.60	74,822.65
Joint Legislative Audit .....	303,390.07	6,677.11	—	237.23	6.95	5,808.81	—	820.16	1,651.40	821.94	319,413.67
Juvenile Justice .....	29,692.50	393.00	55.78	—	—	315.42	—	—	—	—	30,456.70
Legislative Ethics .....	218,270.00	3,356.16	298.07	500.16	—	769.23	—	659.00	—	—	223,852.62
Low Performing Schools .....	71,566.82	—	—	—	—	220.12	—	—	—	48.38	71,835.32
Mobilehomes .....	36,254.59	784.00	—	—	—	97.89	—	—	—	48.38	37,184.86
North Bay Housing & Transportation .....	39,130.36	124.00	—	—	—	—	—	—	—	—	39,254.36
Palliative Care .....	6,466.00	—	—	—	—	—	—	—	—	—	6,466.00
Park & River Restoration .....	82,202.03	—	—	—	—	—	—	—	—	—	82,202.03
Privacy .....	65,089.25	463.45	—	—	—	—	—	—	—	—	65,552.70
Protection of Inland Waterways .....	30,932.00	—	—	—	—	—	—	—	—	—	30,932.00
Rural Economic Development .....	91,552.50	1,266.63	172.40	—	—	1,176.86	—	—	—	145.25	94,313.64
School Safety .....	86,877.36	—	—	—	—	—	—	—	—	—	86,877.36
Transportation Congestion Relief .....	90,231.50	113.60	—	—	—	83.07	—	—	—	—	90,428.17
TOTALS .....	\$15,895,774.03	\$150,440.67	\$25,078.57	\$12,129.43	\$460.33	\$119,314.30	\$0.00	\$25,844.90	\$43,811.76	\$1,761,839.62	\$18,034,693.61

\* Subcommittee of Standing Committee.

TABLE IV  
Leadership Expenditures  
12/11/2000–11/30/2001

Leadership	Staff Salary	Staff Travel	Car Rental	Postage	Freight	Telephone	Tele-graph	Subscr. & Publications	Office Supplies	Misc. Services	TOTAL EXP.
Speaker.....	\$663,787.70	\$24,597.94	\$577.42	\$499.79	\$142.70	\$22,470.25	—	\$22,437.66	\$34,024.83	\$52,818.56	\$821,356.85
Speaker pro Tempore.....	467,925.36	8,272.29	249.08	—	—	5,263.06	—	—	227.30	15,288.00	497,225.09
Asst. Speaker pro Tempore— Keoee.....	159,221.75	134.35	—	—	—	451.07	—	—	—	—	159,807.17
Asst. Speaker pro Tempore— Thomson.....	13,700.33	93.50	—	—	—	16.82	—	—	327.37	—	14,138.02
Chairman, Rules Committee.....	877,586.49	5,916.03	1,228.86	—	—	15,838.94	—	201.02	10,184.35	5,848.57	916,804.26
Member of Rules—Calderon.....	13,455.00	261.40	109.82	—	—	94.67	—	—	—	—	13,920.89
Member of Rules—Frommer.....	83,488.64	695.00	—	—	—	516.93	—	—	—	—	84,700.57
Member of Rules—Horton.....	144,568.73	1,676.79	260.51	—	—	1,284.62	—	—	—	—	147,790.65
Member of Rules—Liu.....	149,702.38	1,346.25	285.60	—	—	210.03	—	—	—	15.88	151,560.14
Member of Rules—Nakano.....	112,369.77	1,052.22	—	—	—	—	—	—	37.92	—	113,459.91
Member of Rules—Nation.....	140,069.31	67.80	—	—	—	352.30	—	—	145.14	—	140,634.55
Democratic Caucus Chair.....	105,540.55	286.03	226.45	—	—	719.50	—	—	340.67	—	107,113.20
Democratic Whip—Chan.....	150,186.04	599.40	—	—	—	1,109.16	—	—	—	—	151,894.60
Democratic Whip—Romero.....	22,108.40	2,200.00	530.31	—	—	162.82	—	—	—	96.98	25,098.51
Majority Floor Leader.....	743,016.45	5,178.31	510.34	—	—	11,827.11	—	—	—	435.66	760,967.87
Asst. Majority Leader—Cedillo.....	9,229.96	—	—	—	—	334.63	—	—	—	48.49	9,613.08
Asst. Majority Leader—Vargas.....	187,811.03	1,510.75	—	—	—	2,809.72	—	—	—	—	192,131.50
Asian Caucus—Chan.....	32,332.50	—	69.63	—	—	—	—	—	—	—	32,402.13
Asian Caucus—Liu.....	16,248.00	184.50	—	—	—	—	—	—	170.81	—	16,432.50
Black Caucus.....	12,398.97	—	—	—	—	—	—	—	—	30.10	12,599.88
Latino Legislative Caucus.....	58,842.00	—	—	—	—	—	—	—	—	—	58,842.00
Local Government Caucus.....	7,280.00	186.50	—	—	—	34.06	—	—	—	—	7,500.56
Republican Latino Caucus.....	18,992.27	—	—	—	—	—	—	—	—	—	18,992.27
Rural Caucus.....	46,188.50	930.50	—	—	—	231.04	—	—	—	145.36	47,495.40
Women's Legislative Caucus.....	32,334.00	163.96	—	—	—	393.86	—	—	—	35.48	32,927.30
TOTALS.....	\$4,268,384.13	\$55,353.52	\$4,048.02	\$499.79	\$142.70	\$64,120.59	\$0.00	\$22,638.68	\$45,313.25	\$74,908.22	\$4,535,408.90

TABLE V  
Support Services Expenditures  
12/1/2000–11/30/2001

	Staff Salary	Staff Travel & Per Diem	Car Rental	Telephone	Tele-graph	Postage	Freight	Furniture & Equip-ment	Office Supplies	Subscr. & Publica-tions	Misc. Services	TOTAL EXP.
Rules Committee .....	\$4,243,266.76	\$64,000.41	\$26,813.91	\$39,534.72	—	\$40,968.68	\$39,886.68	\$398,822.12	\$72,013.24	\$26,509.36	\$428,449.47	\$5,380,265.35
Democratic Caucus .....	8,178,032.41	168,864.62	17,769.41	81,864.93	—	3,415.84	1,952.20	758,151.44	83,071.37	24,358.32	179,112.69	9,496,593.23
Republican Caucus .....	5,997,846.81	30,242.17	5,159.15	52,102.87	—	2,174.81	824.53	19,191.06	21,998.67	26,043.14	174,283.68	6,329,866.89
Reproduction Center .....	859,479.68	—	—	4,045.05	—	429.76	—	57,264.59	13,194.32	—	1,655,782.26	2,590,195.66
Chief Clerk .....	1,451,875.16	92.81	25.60	7,670.06	—	3,235.93	14.85	213.88	8,799.01	3,166.71	22,201.95	1,497,295.96
Sergeant-at-Arms .....	2,123,668.90	19,100.20	73,960.34	34,699.23	—	649.11	49.50	58,033.90	38,570.17	8,213.85	79,096.99	2,436,048.19
Computer Services .....	192,492.64	—	—	1,446.31	—	—	—	—	—	—	—	193,938.95
TOTALS .....	\$23,046,662.36	\$282,300.21	\$123,734.41	\$221,363.17	\$0.00	\$50,874.13	\$42,727.76	\$1,291,676.99	\$237,646.78	\$88,291.38	\$2,538,927.04	\$27,924,204.23

TABLE VI  
General Overhead Expenditures  
12/1/2000–11/30/2001

Miscellaneous Salaries .....	\$2,401,960.53
Employee Benefits .....	13,531,707.12
Building Rent, Maintenance, & Utilities .....	1,295,041.64
Office Alterations .....	30,962.49
Telephone .....	539,621.75
Furniture & Equipment .....	2,460,772.41
Office Supplies .....	313,146.70
Subscriptions, Publications, & Codes .....	41,413.79
Meeting Expenses .....	11,765.84
Meeting Expenses (Meals) .....	68,371.96
Freight, Moving, & Delivery .....	185,298.00
Other Miscellaneous Services .....	1,033,110.32
Study Contracts .....	130,428.60
TOTALS .....	\$22,043,601.13

TABLE VII  
Assembly Operating Fund Transfers  
12/1/2000–11/30/2001

Joint Legislative Budget Committee .....	\$2,629,416.00
TOTALS .....	\$2,629,416.00

**ADJOURNMENT**

At 12 p.m., November 30, 2002, pursuant to the provisions of Article IV, Section 3(a) of the Constitution and Joint Rule 51, the Assembly adjourned *sine die* for the 2001–02 Regular Session of the Legislature.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk



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**APPENDICES TO ASSEMBLY JOURNALS**

2001-2002 REGULAR SESSION

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# California State Assembly

## Appendix No. 1 to Assembly Journal



Standing Rules of the Assembly,  
2001–02 Regular Session

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Assembly Chamber  
January 25, 2001

(Please direct inquiries or requests for additional copies to the Office of the Chief Clerk at 319-2856.)



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# STANDING RULES OF THE ASSEMBLY

2001–02 Regular Session

House Resolution No. 1 (Cardoza)  
(Adopted December 4, 2000, Assembly Journal, p. 52)

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## STANDING RULES OF THE ASSEMBLY

### 2001–02 REGULAR SESSION

#### I. LEGISLATIVE ORGANIZATION

##### Assembly General Officers

1. (a) The general officers of the Assembly are the following:

- (1) Speaker
- (2) Speaker pro Tempore  
Assistant Speaker pro Tempore  
Majority Floor Leader  
Minority Floor Leader
- (3) Chief Clerk  
Sergeant at Arms  
Chaplain

(b) Except for the officers listed in paragraph (2) of subdivision (a), each officer listed in subdivision (a) shall be elected by a majority vote of the duly elected and qualified Members.

(c) The Chief Clerk, subject to the approval of the Committee on Rules, shall determine the names and titles that shall appear on the front page of all publications.

##### Hours of Meeting

2. The Speaker, or, in his or her absence, the Speaker pro Tempore, shall determine the time for convening the session, unless otherwise ordered by a majority vote of the Members present and voting.

##### Speaker to Call Assembly to Order

3. The Speaker, or, in his or her absence, the Speaker pro Tempore, shall, at the hour appointed for meeting, call the Assembly to order.

##### Roll Call and Quorum

4. Before proceeding with the business of the Assembly, both of the following shall be completed:

(1) The roll of the Members shall be called, and the names of those present shall be entered in the Journal. Forty-one Members constitute a quorum.

(2) The presiding officer shall announce the names of all Members who will be absent from that day's session and the reason for their absence.

##### Organization of Assembly

5. For the purposes of the organization of any regular session of the Assembly pursuant to Section 9023 of the Government Code, the person who was the Speaker when the previous regular session adjourned *sine die*, if he or she is reelected to the Assembly, shall be deemed to be the senior member elect.

#### II. RULES

##### Adoption of Standing Rules

6. The adoption of the Standing Rules shall require an affirmative recorded vote of a majority of the duly elected and qualified Members. When once adopted, the Standing Rules shall remain in effect unless suspended or amended as provided in these rules.

**Suspension of Rules**

7. Unless specified otherwise in these rules, any standing rule of the Assembly not requiring more than a majority vote, except Rule 8, may be suspended temporarily by a vote of a majority of the Members of the Assembly. A rule requiring a two-thirds vote may be temporarily suspended by a two-thirds vote of the Members of the Assembly. A temporary suspension shall apply only to the matter under immediate consideration, and in no case may it extend beyond an adjournment.

**Amending Standing Rules**

8. No standing rule of the Assembly may be amended except by a resolution adopted by an affirmative recorded vote of a majority of the duly elected and qualified Members.

**Mason's Manual**

10. In all cases not provided for by the California Constitution, by the Assembly Rules, by the Joint Rules of the Senate and Assembly, or by statute, the authority shall be the latest edition of Mason's Manual.

**III. ORGANIZATION OF COMMITTEES****Standing Committees**

11. Twenty-seven standing committees of the Assembly are hereby created, upon the several subjects, and titled respectively, as follows:

- Aging and Long-Term Care
- Agriculture
- Appropriations
- Banking and Finance
- Budget
- Business and Professions
- Education
- Elections, Reapportionment and Constitutional Amendments
- Environmental Safety and Toxic Materials
- Governmental Organization
- Health
- Higher Education
- Housing and Community Development
- Human Services
- Insurance
- Jobs, Economic Development, and the Economy
- Judiciary
- Labor and Employment
- Local Government
- Natural Resources
- Public Employees, Retirement and Social Security
- Public Safety
- Revenue and Taxation
- Rules
- Transportation
- Utilities and Commerce
- Water, Parks and Wildlife



**Open Meetings**

11.3. (a) Except as otherwise provided in this rule, all meetings of the Assembly or a committee thereof shall be open and public, and all persons shall be permitted to attend the meetings. As used in this rule, “meeting” means a gathering of a quorum of the Members of the Assembly or a committee in one place for the purpose of discussing legislative or other official matters within the jurisdiction of the Assembly or committee. As used in this rule, “committee” includes a standing committee, joint committee, conference committee, subcommittee, select committee, special committee, research committee, or any similar body.

(b) Any meeting that is required to be open and public pursuant to this rule, including any closed session held pursuant to subdivision (c), shall be held only after full and timely notice to the public as provided by the Joint Rules of the Assembly and Senate.

(c) The Assembly or a committee thereof may hold a closed session solely for any of the following purposes:

(1) To consider the appointment, employment, evaluation of performance, or dismissal of a public officer or employee, to consider or hear complaints or charges brought against a Member of the Legislature or other public officer or employee, or to establish the classification or compensation of an employee of the Assembly.

(2) To consider matters affecting the safety and security of Members of the Legislature or its employees, or the safety and security of any buildings and grounds used by the Legislature.

(3) To confer with, or receive advice from, its legal counsel regarding pending or reasonably anticipated litigation, or whether to initiate litigation, when discussion in open session would not protect the interests of the Assembly or committee regarding the litigation.

(d) A caucus of the Members of the Assembly that is composed of members of the same political party may meet in closed session.

(e) A closed session may be held pursuant to paragraph (3) of subdivision (c) under any of the following circumstances:

(1) An adjudicatory proceeding before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator, to which the Assembly or a committee, Member, or employee thereof is a party, has been initiated formally.

(2) Based on existing facts and circumstances, a point has been reached where, in the opinion of the Assembly or a committee thereof, on the advice of its legal counsel, litigation against the Assembly or a committee, Member, or employee thereof is reasonably anticipated.

(3) Based on existing facts and circumstances, the Assembly or a committee thereof has decided to initiate, or is deciding whether to initiate, litigation.

(4) To confer with, or receive advice from, its legal counsel and negotiator prior to the purchase, sale, exchange, or lease of real property by or for the Assembly or a committee thereof regarding the price and terms of payment for the purchase, sale, exchange, or lease.

(f) Prior to holding a closed session pursuant to paragraph (3) of subdivision (c), the presiding officer of the Assembly or the chair of the committee, as appropriate, shall state publicly which paragraph of subdivision (e) is applicable. If the closed session is held pursuant to paragraph (1) of subdivision (e), the presiding officer or chair shall state the title of or otherwise specifically identify the litigation to be

discussed, unless the presiding officer or chair states that to do so would jeopardize the ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize the ability of the Assembly or the committee to conclude existing settlement negotiations to its advantage. If the closed session is held pursuant to paragraph (4) of subdivision (e), the notice of the closed session shall identify the real property that the negotiations may concern and the person with whom the negotiations may take place.

(g) The legal counsel for the Assembly or the committee shall prepare and submit to the Assembly or the committee a memorandum stating the specific reasons and legal authority for the closed session. If the closed session is held pursuant to paragraph (1) of subdivision (e), the memorandum shall include the title of or other identification of the litigation. If the closed session is held pursuant to paragraph (2), (3), or (4) of subdivision (e), the memorandum shall set forth the existing facts and circumstances on which the closed session is based. The legal counsel shall submit the memorandum to the Assembly or the committee prior to the closed session, if feasible, or, in any case, not later than one week after the closed session. The memorandum shall be exempt from disclosure under the Legislative Open Records Act contained in Article 3.5 (commencing with Section 9070) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code.

(h) For purposes of paragraph (3) of subdivision (c), “litigation” includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

(i) For purposes of this rule, all expressions of the lawyer-client privilege other than those provided in this rule are hereby abrogated. This rule is the exclusive expression of the lawyer-client privilege for the purposes of conducting closed-session meetings pursuant to this rule.

(j) Disclosure of a memorandum required under this rule shall not be deemed a waiver of the lawyer-client privilege provided for under Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

#### **Conference Committee Meetings**

11.4. No Member may participate in a meeting of a conference committee considering any bill that is not open to the public.

#### **Assembly Investigating Committees**

11.5. (a) The standing committees of the Assembly created pursuant to Rule 11, with the exception of the Committee on Rules, are hereby constituted Assembly investigating committees and are authorized and directed to ascertain, study, and analyze all facts relating to any subjects or matters which the Committee on Rules shall assign to them upon request of the Assembly or upon its own initiative.

(b) Each of the Assembly investigating committees shall consist of the members of the standing committee on the same subject as most recently constituted. The chairperson and vice chairperson shall be the chairperson and vice chairperson of the standing committee. Vacancies occurring in the membership of the committee shall be filled by the appointing authority.

(c) Each committee and any subcommittee, and its members, shall have and exercise all the rights, duties, and powers conferred upon

investigating committees and their members by law and by the Joint Rules of the Senate and Assembly and the Standing Rules of the Assembly as they are adopted and amended from time to time, which rules are incorporated herein and made applicable to the committee or subcommittee and their members.

(d) In order to prevent duplication and overlapping of studies between the various investigating committees herein created, no committee may commence the study of any subject or matter not specifically authorized herein or assigned to it unless and until prior written approval thereof has been obtained from the Committee on Rules.

(e) The Committee on Rules shall provide for the expenses of the above committees and their members and for any charges, expenses, or claims they may incur under this rule, to be paid from the Assembly Operating Fund and disbursed, after certification by the Chairperson of the Committee on Rules or his or her authorized representative, upon warrants drawn by the Controller upon the State Treasury.

#### **Membership of Standing Committees**

12. The Speaker shall determine the size, and appoint the membership and the chairperson and vice chairperson, of all standing committees and subcommittees. In appointing Members to serve on committees, the Speaker shall consider the preferences of the Members.

#### **Committee on Rules**

13. There is a Committee on Rules, which shall act as the executive committee of the Assembly. The committee shall consist of the chairperson, who shall be a Member selected by the Speaker, and seven other members, four to be selected by the Speaker and three, including the vice chairperson of the committee, to be selected by the Minority Floor Leader. One alternate member of the Committee on Rules shall be selected by each party leader. Members and alternates so selected shall remain in office until their successors are selected as provided for in these rules. The Speaker or the Minority Floor Leader may designate any member of their respective parties in lieu of or in addition to the alternate member to fill a temporary vacancy.

An alternate member may serve when a committee member of the same political party is absent. No regular member of the Committee on Rules may simultaneously serve as a chairperson of any standing committee.

All meetings of the Committee on Rules that are required to be open and public shall be held in a room of appropriate size, and audio or video transmission of those meetings shall be provided.

#### **Organization of Party Caucuses**

13.1. Within two days after the general election held in November of each even-numbered year, the caucus of the political party having the greatest number of Members in the Assembly, and the caucus of the political party having the second greatest number of Members, each shall meet for the purpose of selecting their officers for the next regular session. The rules and procedures of each caucus shall be determined by that caucus, but may not be inconsistent with these rules.

**Powers of the Committee on Rules**

14. (a) The Committee on Rules shall have the following powers:

(1) To refer each bill and house resolution to a committee, as provided by these rules.

(2) To appoint all employees of the Assembly not otherwise provided for by statute. It shall have authority to terminate, to discipline, to establish, and to modify the terms and conditions of employment of, or to suspend, with or without pay, any employee of the Assembly.

(3) To make studies and recommendations designed to promote, improve, and expedite the business and procedure of the Assembly and of the committees thereof, and to propose any amendments to the Rules deemed necessary to accomplish these purposes.

(4) To adopt additional policies or requirements regarding the use of cameras and other recording equipment at committee hearings or Assembly floor sessions.

(5) To contract with other agencies, public or private, as it deems necessary for the rendition and affording of those services, facilities, studies, and reports to the committee that will best assist it to carry out the purposes for which it is created.

(6) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of these rules and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(7) To report its findings and recommendations to the Legislature and to the people from time to time and at any time.

(8) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of these rules.

(9) To make available to the Assembly, or to any Assembly or joint committee, or to any Member of the Assembly assistance in connection with the duties of the committee or other legislative matters as the personnel under direction of the committee or its other facilities permit.

(10) To make available to and furnish to the Assembly, and to Assembly investigating committees created at this session and to each of the members thereof, clerical, secretarial, and stenographic help as may be reasonably necessary for the Assembly to carry out its work, and for the committees and each of the members thereof, to make and carry on the studies and investigations required by or of them by the resolutions creating the committees, and for these purposes to employ additional stenographic and secretarial assistants as may be necessary, assign, reassign, and discharge these assistants and prescribe amounts, times, and methods of payment of their compensation. The committee shall allocate annually an amount for the operation of each investigating committee, which shall constitute the annual budget of the committee.

(b) During the times as the Assembly is not in session, the committee is authorized and directed to incur and pay expenses of the Assembly not otherwise provided for that the committee determines are reasonably necessary, including the repair, alteration, improvement, and equipping of the Assembly Chamber and the offices provided for the Assembly in the State Capitol and the Capitol Annex.

(c) The committee shall allocate sufficient moneys from the Assembly Operating Fund to support the Assembly's share of joint operations.

(d) The chairperson of the Committee on Rules shall appoint a Chief Administrative Officer of the Assembly, subject to the ratification of the Committee on Rules, who shall have duties relating to the administrative, fiscal, and business affairs of the Assembly that the committee shall prescribe. The Chairperson of the Committee on Rules or a majority of the membership of the Committee on Rules may terminate the services of the Chief Administrative Officer at any time. Notwithstanding the foregoing, the Speaker may appoint a temporary chief administrative officer for up to 90 days following the beginning of the session.

(e) The committee on Rules shall provide for the publication of a compilation of the photographs of accredited press representatives.

(f) The Committee on Rules may delegate powers to the Speaker by a majority vote of the membership of the committee.

**Subcommittee on Sexual Harassment Prevention and Response**

14.5. (a) The Subcommittee on Sexual Harassment Prevention and Response is hereby created as a subcommittee of the Committee on Rules. The subcommittee shall be composed of a total of six members, with the following four members appointed by the Chairperson of the Committee on Rules: two members of the Committee on Rules from the political party having the greatest number of Members in the Assembly and two members of the Committee on Rules from the political party having the second greatest number of Members. The two members from the political party having the second greatest number of Members shall be appointed from a list of nominees that the vice chairperson of the committee provides to the chairperson. The co-chairs of the Assembly Legislative Ethics Committee also shall be members of the subcommittee. The Chairperson of the Committee on Rules shall designate one of the members of the subcommittee to serve as chair of the subcommittee.

(b) The subcommittee shall formulate and recommend to the Committee on Rules procedures for the handling of any complaint of sexual harassment lodged against a Member of the Assembly or an Assembly employee. Those recommendations shall be submitted to the Committee on Rules no later than 30 days following the adoption of this rule.

(c) Following the submission of the recommendations pursuant to subdivision (b), the chair of the subcommittee may cause the subcommittee to convene to review and recommend further changes in procedures as subsequent events may require.

**Committee on Rules**

15. The Committee on Rules shall continue in existence during any recess of the Legislature and after final adjournment and until the convening of the next regular session, and shall have the same powers and duties as while the Assembly is in session. In dealing with any matter within its jurisdiction, the committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which rules are incorporated herein and made applicable to the Committee on Rules and its members.

**Operating Fund Report**

15.5. The Committee on Rules shall annually prepare a report to the public of expenditures as required by Section 9131 of the Government Code.

**Independent Audit of Operating Funds**

15.6. The Committee on Rules shall annually contract for an independent audit of the revenues and expenditures, for each fiscal year, from the Assembly Operating Fund. The organization performing the audit shall be selected by a majority of the membership of the Committee on Rules. The contract for the audit shall be awarded through a competitive bidding procedure. The audit shall be prepared in a manner and form to be determined by the organization performing the audit, and shall be consistent with generally accepted accounting principles.

The audit shall be completed and made available to the public within 180 calendar days following the completion of the fiscal year for which the audit is performed.

**Performance Audit**

15.7. In addition to the annual financial audit required by Rule 15.6, the Committee on Rules shall contract for an audit of the administrative operations of the Assembly each session. The administrative departments to be audited shall be determined by the Committee on Rules. An organization performing an audit pursuant to this rule shall be selected by a majority of the membership of the Committee on Rules. A contract for an audit shall be awarded through a competitive bidding procedure. Audits shall be prepared in a manner and form to be determined by the organization performing the audit, and shall be consistent with generally accepted accounting principles.

All findings and recommendations reported by an auditing firm shall be made available to Members and to the public.

**Rules Committee Resolutions**

16. The Committee on Rules, acting unanimously by appropriate resolution, on behalf of and in the name of the Assembly, may extend congratulations, commendations, sympathy, or regret to any person, group, or organization, and may authorize the presentation of suitably prepared copies of these resolutions to the persons concerned and to their relatives.

**Assembly Operating Fund**

17. The Committee on Rules is the committee identified in Section 9127 of the Government Code. The balance of all money in the Assembly Operating Fund, including money now or hereafter appropriated, except the sums that are made available specifically for the expense of designated committees or for other purposes, is hereby made available to the Committee on Rules for any charges or claims it may incur in carrying out the duties imposed upon it by these rules or by Assembly or concurrent resolution. The money made available by this rule includes the unencumbered balances of all sums heretofore made available to any Assembly or joint committee by the Assembly, upon the expiration of that committee, and shall be expended as provided in these rules.

**Expenditures**

18. No Member or committee may incur any expense except as authorized pursuant to these rules or the Joint Rules of the Senate and Assembly, or as authorized by the Assembly or the Committee on Rules.

The Committee on Rules shall provide, by rules and regulations, for the manner of authorizing expenditures by Members, committees, officers, and employees of the Assembly that are not otherwise authorized by law, these rules, or the Joint Rules of the Senate and Assembly. These rules and regulations shall incorporate a provision whereby construction, alteration, improvement, repair, or maintenance of real or personal property, and the purchase of supplies and equipment, shall be governed by competitive bidding. Further, the rules and regulations shall provide for the payment of expenditures, as authorized by these rules and regulations, from the Assembly Operating Fund upon certification of claims therefor to the Controller by the Committee on Rules or its authorized representative.

No Member may be reimbursed for travel outside the State of California without prior approval of the Speaker or the Committee on Rules.

**Rules and Regulations Governing Committees**

20. All claims for expenses incurred by investigating committees of the Assembly shall be approved by the Committee on Rules, or its authorized representative, before the claims are presented to the Controller.

All proposed expenditures, other than expenditures of the funds of an investigating committee, shall be approved by the Committee on Rules or its authorized representative before the expenses are incurred, unless the expenditure is specifically exempted from this requirement by the resolution authorizing it.

No warrant may be drawn in payment of any claim for expenses until the approval of the Committee on Rules, or its authorized representative, has been obtained in accordance with this rule.

The Committee on Rules shall adopt rules and regulations governing the awarding of any contract by an investigating committee, and rules and regulations limiting the amount, time, and place of expenses and allowances to be paid to employees of Assembly investigating committees or other Assembly committees.

These rules may provide for allowances to committee employees in lieu of actual expenses.

Mileage is an allowance to a committee employee in lieu of actual expenses of travel. When travel is by private conveyance, mileage shall be allowed only to the operator of, and not to passengers in, a private vehicle. Claims for mileage by private conveyance must be accompanied by the license number of the vehicle and the names of state officers and employees riding as passengers.

Copies of all rules and regulations adopted pursuant to this rule shall be distributed to the chairperson of every investigating committee and of any other Assembly committee that has employees.

**Fees for Witnesses**

21. Each witness summoned to appear before the Assembly or any of its committees shall be reimbursed at a rate set by the Committee on Rules.

**Assembly General Research Committee**

22. (a) The Assembly General Research Committee is hereby continued as a permanent factfinding committee pursuant to Section 11 of Article IV of the California Constitution. The committee is allocated all subjects within the scope of legislative regulation and control, but may not undertake any investigation that another committee has been specifically requested or directed to undertake. The Assembly General Research Committee may act through subcommittees appointed by the Speaker in consultation with the Committee on Rules, and each of these subcommittees may act only on the particular study or investigation assigned by the Speaker in consultation with the Committee on Rules to that subcommittee. Each subcommittee shall be known and designated as a select committee. The Speaker is the Chairperson of the Assembly General Research Committee and may be a voting member of any subcommittee. Each member of the Assembly General Research Committee is authorized and directed to receive and investigate requests for legislative action made by individuals or groups, and to report thereon to the full committee. The Committee on Rules is authorized to allocate to any subcommittee from the Assembly Operating Fund those sums that the Committee on Rules deems necessary to complete the investigation or study conferred upon that subcommittee. The Committee on Rules shall further allocate, from time to time, to the Assembly General Research Committee from the Assembly Operating Fund those sums that are necessary to permit the Assembly General Research Committee and the members thereof to carry out the duties imposed on them. The committee has continuous existence until the time that its existence is terminated by a resolution adopted by the Assembly, and the committee is authorized to act both during and between sessions of the Legislature, including any recess.

(b) The committee and its members shall have and exercise all the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly and the Standing Rules of the Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to the committee and its members.

(c) The committee has the following additional powers and duties:

(1) To contract with other agencies, public or private, for the rendition and affording of services, facilities, studies, and reports to the committee as the committee deems necessary to assist it to carry out the purposes for which it is created.

(2) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this rule and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(3) To report its findings and recommendations to the Legislature and the people from time to time.

(4) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this rule.



**Assembly Legislative Ethics Committee**

22.5. (a) The Assembly Legislative Ethics Committee is hereby created. The committee shall consist of six Members of the Assembly, appointed by the Speaker. Notwithstanding any other rule of the Assembly, three members of the committee shall be from the political party having the greatest number of Members in the Assembly and three members shall be from the political party having the second greatest number of Members. Any temporary or permanent vacancy on the committee shall be filled within 10 days by a member from the same political party. All appointments, including appointments to fill permanent or temporary vacancies, of members from the political party having the second greatest number of Members in the Assembly shall be made from a list of nominees that the Minority Floor Leader provides to the Speaker. The Speaker shall designate one member of the committee from the political party having the greatest number of Members in the Assembly and one member of the committee from the political party having the second greatest number of Members to serve as co-chairs of the committee. The Speaker shall designate one of the co-chairs to serve as the presiding officer at any meeting or hearing conducted by the committee.

If a verified complaint is filed against a member of the committee, the Speaker shall temporarily replace the member with a Member from the same political party, who shall serve until the complaint is dismissed or the Assembly takes final action on the complaint, whichever occurs first.

(b) The provisions of this rule, and of Rule 11.5 related to investigating committees, shall apply to the committee and shall govern its proceedings.

Prior to the issuance of any subpoena by the committee with respect to any matter before the committee, it shall, by a resolution adopted by the committee pursuant to a vote in accordance with subdivision (n), define the nature and scope of its investigation in the matter before it.

(c) Funds for the support of the committee shall be provided from the Assembly Operating Fund in the same manner that those funds are made available to other committees of the Assembly.

(d) (1) The committee shall have the power, pursuant to this rule and Article 3 (commencing with Section 8940) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, to investigate and make findings and recommendations concerning violations by Members of the Assembly of any provision of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code or of any other provision of law or legislative rule that governs the conduct of Members of the Assembly, hereafter collectively referred to as "standards of conduct."

(2) The committee may, on its own action pursuant to a vote in accordance with subdivision (n), initiate an investigation of a Member of the Assembly.

(e) Any person may file with the committee a verified complaint in writing, which shall state the name of the Member of the Assembly alleged to have violated any standard of conduct, and which shall set forth the particulars thereof with sufficient clarity and detail to enable the committee to make a determination. The person filing the complaint thereafter shall be designated the complainant.

If a verified complaint is filed with the committee, the committee promptly shall send a copy of the complaint to the Member of the Assembly alleged to have committed the violation complained of, who thereafter shall be designated the respondent.

No complaint may be filed with the committee after the expiration of 12 months from the date the alleged violation is discovered or three years from the date of the alleged violation, whichever occurs first.

(f) (1) If the committee determines that the verified complaint does not allege facts, directly or upon information and belief, sufficient to constitute a violation of any standard of conduct, it shall dismiss the complaint and so notify the complainant and respondent.

(2) (i) If the committee determines that the verified complaint does allege facts, directly or upon information and belief, sufficient to constitute a violation of any standard of conduct, the committee promptly shall investigate the alleged violation and if, after this preliminary investigation, the committee finds that reasonable cause exists for believing the allegations of the complaint, it shall fix a time for a hearing in the matter, which shall be not more than 30 days after that finding. The committee may, however, seek an extension of this period, not to exceed an additional 30 days, which may be granted by a majority vote of the Committee on Rules.

(ii) If, after preliminary investigation, the committee does not find that reasonable cause exists for believing the allegations of the complaint, the committee shall dismiss the complaint. In either event, the committee shall notify the complainant and the respondent of its determination.

(3) The committee shall make its determination under paragraph (1) or (2) of this subdivision, pursuant to a vote in accordance with subdivision (n), not later than 90 days after first receiving a complaint that satisfies subdivision (e). The committee may, however, seek an extension, not to exceed 30 days, which may be granted by a majority vote of the membership of the Committee on Rules. If the committee has requested a law enforcement agency to investigate the complaint or if the committee knows the complaint is being investigated by a law enforcement agency, the time limits set forth in this subdivision shall be tolled until the investigation is completed.

(4) The committee's determination under paragraph (1) or (2) of this subdivision shall be stated in writing, with reasons given therefor, and shall be provided to the Assembly, and, in any case concerning an alleged violation of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, shall be provided to the appropriate law enforcement agency. This written determination is a public record and is open to public inspection.

(5) Any deliberations of the committee from the time of receipt of a complaint until it decides to dismiss the complaint or to set a hearing shall not be open to the public unless the respondent requests a public meeting.

(g) After the complaint has been filed, the respondent shall be entitled to examine and make copies of all evidence in the possession of the committee relating to the complaint.

(h) If a hearing is held pursuant to subdivision (f), the committee, before the hearing has commenced, shall issue subpoenas and subpoenas duces tecum at the request of any party in accordance with Chapter 4 (commencing with Section 9400) of Part 1 of Division 2 of

Title 2 of the Government Code. All of the provisions of that chapter, except Section 9410 of the Government Code, shall apply to the committee and the witnesses before it.

(i) At any hearing held by the committee:

(1) Oral evidence shall be taken on oath or affirmation.

(2) Each party shall have these rights: to be represented by legal counsel; to call and examine witnesses; to introduce exhibits; and to cross-examine opposing witnesses.

(3) The hearing shall be open to the public.

(j) Any official or other person whose name is mentioned at any investigation or hearing of the committee, and who believes that testimony has been given that adversely affects him or her, shall have the right to testify or, at the discretion of the committee, to testify under oath relating solely to the material relevant to the testimony regarding which he or she complains.

(k) The committee shall have 15 days following the hearing within which to deliberate and reach its final determination on the matter as follows:

(1) If the committee finds that the respondent has not violated any standard of conduct, it shall order the action dismissed, shall notify the respondent and complainant thereof, and, in cases concerning an alleged violation of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, shall transmit a copy of the complaint and the fact of dismissal to the appropriate law enforcement agency. The complaint and the fact of dismissal transmitted pursuant to this paragraph are public records and open to public inspection.

(2) If the committee finds that the respondent has violated any standard of conduct, it shall state its findings of fact and submit a report thereon to the Assembly. This report shall be accompanied by a House Resolution, authored by the committee, which shall be introduced at the Chief Clerk's desk and then referred by the Committee on Rules to the Ethics Committee. The House Resolution shall include a statement of the committee's findings and the committee's recommendation for disciplinary action. Within seven days, the committee shall adopt the final form of the House Resolution and report it to the Assembly for placement on the Daily File. The committee also shall send a copy of those findings and report to the complainant and respondent, and, in cases concerning an alleged violation of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, shall report thereon to the appropriate law enforcement agency. The report submitted pursuant to this paragraph is a public record and open to public inspection.

After the receipt of a copy of the committee's final report and House Resolution, the Assembly expeditiously shall take appropriate action with respect to the respondent.

(l) The filing of a complaint with the committee pursuant to this rule suspends the running of the statute of limitations applicable to any violation of any standard of conduct alleged in the substance of that complaint while the complaint is pending.

(m) The committee shall maintain a record of its investigations, inquiries, and proceedings. All records, complaints, documents, and reports filed with or submitted to or made by the committee, and all records and transcripts of any investigations, inquiries, or hearings of

the committee under this rule shall be deemed confidential and shall not be open to inspection, without the express permission of the committee, by any person other than a member of the committee, or an employee of the committee or other state employee designated to assist the committee, except as otherwise specifically provided in this rule. The committee may, by adoption of a resolution, authorize the release to the Attorney General or a district attorney of the appropriate county of any information, records, complaints, documents, reports, and transcripts in its possession that are material to any matter pending before the Attorney General or that district attorney. All matters presented at a public hearing of the committee and all reports of the committee stating a final finding of fact pursuant to subdivision (k) shall be public records and open to public inspection. Any employee of the committee who divulges any matter that is deemed to be confidential by this subdivision shall be subject to discipline by the Committee on Rules.

(n) The committee may take any action authorized by this rule only upon the vote of not less than two members from the registered political party having the greatest number of Members in the Assembly and two members from the registered political party having the second greatest number of Members. Any vacancy on the committee does not reduce the votes required to take action.

(o) The committee may render advisory opinions to Members of the Assembly with respect to the standards of conduct and their application and construction. The committee may secure an opinion from the Legislative Counsel for this purpose or issue its own opinion. Any committee advisory opinion shall be prepared by committee members or staff and shall be adopted by the committee pursuant to subdivision (n).

(p) The committee shall conduct, at least semiannually, an orientation course on the relevant statutes and regulations governing official conduct. The curriculum and presentation of the course shall be established by the Committee on Rules.

Pursuant to Section 8956 of the Government Code, the committee shall conduct, at least annually, an orientation course on the relevant ethical issues and laws relating to lobbying. The committee shall impose fees on lobbyists for attending this course at an amount that will permit the participation of lobbyists to the fullest extent possible.

At least once each biennial session, each Member of the Assembly and each designated employee of the Assembly shall attend one of these courses.

#### **Printing of Committee Reports**

23. All requests for the printing of reports of Assembly committees shall be referred to the Committee on Rules. The Committee on Rules shall determine the number of copies needed and whether the report shall be printed in the Journal. In no event may more than 1,000 copies of any committee report be authorized by the Committee on Rules on the first printing, exclusive of the Journal copies if the report is to be printed therein, unless the Committee on Rules finds and determines that there is a special need for that report in greater numbers.

Upon determination by the Committee on Rules that additional copies of an Assembly committee report are required at any time following the first printing of the authorized number of copies, the

Committee on Rules may authorize one or more additional printings in the numbers found by it to be necessary and may make funds available therefor.

No Assembly committee report may contain more than 100 pages, including the front and back cover thereof and any appendix, unless a greater number of pages has been approved and authorized by the Committee on Rules.

#### **Assembly Employees**

24. Every employee who works for a committee of the Assembly or a subcommittee of a committee, for a Member of the Assembly, for the Chief Clerk's office, or for the Sergeant at Arms, is an employee of the Assembly. All employees of the Assembly serve at the pleasure of the Assembly and the terms and conditions of their employment may be modified, or their employment may be terminated at will, at any time and without notice, by the Committee on Rules.

Every applicant for employment by the Assembly shall prepare a formal application for employment on forms prescribed by the Committee on Rules. The application shall include a statement of his or her present employment, his or her employment during the preceding two years, and other pertinent information that the Committee on Rules may require. The application shall be certified under penalty of perjury, and any willful false statement or omission of a material fact shall be punishable as perjury. If the application discloses any fact that indicates that the applicant has a personal interest that would conflict with the faithful performance of his or her duties, the applicant shall not be employed. All applications shall be retained in the records of the committee.

Every employee shall complete the Assembly ethics course in the first six months of his or her employment. Thereafter, every employee shall take the course in the first six months of every legislative session.

Every employee shall, within the first six months of every legislative session, take a course on sexual harassment prevention. The content of the course shall be determined by the Committee on Rules and shall include the Assembly's policy on sexual harassment prevention and response.

No employee may engage in any outside business activity or outside employment that is inconsistent, incompatible, or in conflict with his or her functions or responsibilities as an employee of the Assembly. Any employee who engages in any outside business activity or employment that is in any way related to his or her functions or responsibilities as an employee shall promptly notify the Committee on Rules of that business activity or employment.

#### **Assembly Proceedings**

25. Accredited press representatives may not be excluded from any public legislative meeting or hearing and may not be prohibited from taking photographs of, televising, or recording the committee or house hearings, subject to the following conditions:

- (1) This rule shall extend to all public legislative meetings.
- (2) Lights shall be used only when cameras are filming, and, when possible, proceedings in hearing rooms and the Chamber shall be filmed without lights.
- (3) Every effort should be made to set up filming equipment before hearings or sessions begin.

(4) The committee chairperson or the Speaker shall be notified, as far in advance of the proceedings as possible, that recordings and television cameras will be present and filming.

(5) To the extent practical, flash cameras shall not be used.

(6) Photographs shall be taken in an orderly and expeditious manner so as to cause the least possible inconvenience to the committee or to the Members in the Chamber.

#### **IV. ASSEMBLY FUNCTIONS**

##### **A. Duties of Assembly Officers**

###### **Duties of the Speaker**

26. (a) The Speaker shall possess the powers and perform the duties prescribed as follows:

(1) To preserve order and decorum; he or she may speak to points of order in preference to the other Members, rising from his or her chair for that purpose.

(2) To decide all questions of order subject to appeal to the Assembly by any Member. On every appeal, the Speaker shall have the right to assign the reason for his or her decision.

(3) To name any Member to perform the duties of the Speaker, except that any substitution may not extend beyond adjournment.

(4) To have general direction over the Assembly chamber and rooms set aside for the use of the Assembly, including the rooms for use by Members as private offices.

(5) To allocate funds, staffing, and other resources for the effective operation of the Assembly.

(6) To appoint the membership of all standing and special committees, and their respective chairpersons and vice-chairpersons. The Speaker has approval power over the appointment of subcommittees of those standing and special committees.

(7) To establish a schedule of meetings of standing committees or subcommittees and to approve special meetings at a time different from the scheduled time.

(8) To have general control and direction over the Journals, papers, and bills of the Assembly.

(9) To act as Chairperson of the Committee of the Whole.

(10) To order the Lobby and Gallery cleared whenever he or she deems it necessary.

(11) To authenticate by his or her signature, when necessary or required by law, all bills, memorials, resolutions, orders, proceedings, writs, warrants, and subpoenas issued by order of the Assembly.

(b) The Speaker shall be ex officio member of all Assembly and joint committees with all of the rights and privileges of that membership, except the right to vote. In counting a quorum of any of those committees, the Speaker shall not be counted as a member.

(c) The Speaker shall, at each regular session, appoint a Member of the Assembly to serve on the Judicial Council pursuant to Section 6 of Article VI of the California Constitution.

**Funerals and Other Ceremonies and Events**

27. The Speaker may designate any one or more of the Members of the Assembly as the representatives of the Assembly to attend funerals and other ceremonies and events in appropriate circumstances. The Members so designated shall receive their expenses as provided in Joint Rule 35.

**Selection of Officers**

28. (a) The Speaker shall appoint all nonelected officers of the Assembly except the Minority Floor Leader.

(b) The Minority Floor Leader shall be selected by the caucus of the political party having the second greatest number of Members in the Assembly.

**Duties of the Speaker pro Tempore**

29. The Speaker pro Tempore shall perform those duties assigned by the Speaker, including the responsibility of presiding over sessions of the Assembly and advising the Members on parliamentary procedures of the house.

**Majority Floor Leader**

30. It shall be the duty of the Majority Floor Leader to make those appropriate motions, points of order, or other arrangements that may be necessary to expedite the proceedings of the Assembly, and he or she shall be responsible for the presentation of all matters that relate to the order of business, and to the promotion of harmony among the membership.

**Caucus Chairpersons**

31. The chairperson of the caucus of the political party having the greatest number of Members in the Assembly, and the chairperson of the caucus of the political party having the second greatest number of Members in the Assembly, shall perform those duties that are prescribed by their respective party caucuses.

**Chief Clerk**

32. The Chief Clerk of the Assembly shall have the following duties, powers, and responsibilities:

(a) To be charged with the responsibility of the keeping of the bills, papers, and records of the proceedings and actions of the Assembly and to have charge of the publication and distribution of those publications related thereto.

(b) To supervise Assembly employees who are engaged in duties related to subdivision (a).

(c) To act as Parliamentarian of the Assembly and to advise the officers of the Assembly and the Committee on Rules on parliamentary procedure and the Rules of the Assembly when called upon to do so.

(d) To prepare all bills, resolutions, histories, journals, and related publications for printing.

(e) To refuse to permit any bills, papers, or records to be removed from his or her office or out of his or her custody, except upon duly signed receipts from persons authorized.

(f) To mail, before the commencement of each regular session of the Legislature, to each Member a blank form on which the Member may indicate his or her committee preferences. Accompanying the blank form shall be mailed a stamped envelope addressed to the Chief Clerk

of the Assembly for returning the form. After their receipt, all those communications shall be held by the Chief Clerk of the Assembly and the information contained in the forms shall be forwarded to the Speaker.

(g) To perform other duties that are prescribed by law or the Committee on Rules.

(h) To make technical changes in measures and amendments pending before the Assembly. The Chief Clerk shall notify the Speaker and the author of the measure of any such change.

(i) To compare all bills, ordered or considered engrossed by the Assembly, with the engrossed copies thereof; before they pass out of the possession of the Assembly, to see that each engrossed bill is a true copy of the original, with those amendments that may have been made thereto; and to see that all engrossed bills are reported back in the order in which they were ordered engrossed.

(j) To assist the Committee on Rules, upon its request, in recommending the reference of bills to the appropriate standing committee.

The Assistant Chief Clerk shall have the powers and perform the duties of the Chief Clerk during his or her absence.

#### **Sergeant at Arms**

33. The Sergeant at Arms shall have the following duties, powers, and responsibilities:

(a) To attend the Assembly during its session, preserve order, announce all official messengers, and serve all process issued by authority of the Assembly and directed by the Speaker; the Sergeant at Arms shall receive actual expenses for himself or herself, or for an assistant, incurred in executing any process.

(b) To see that no person is admitted to the Assembly Chamber except in accordance with these rules.

(c) To have general supervision over the Assistant Sergeants at Arms and be responsible for their official acts and their performance of and regular attendance upon their duties.

(d) To execute all commands of the Speaker.

(e) To perform all other duties pertaining to his or her office as prescribed by law or Assembly rule.

The Chief Assistant Sergeant at Arms shall have the powers and perform the duties of the Sergeant at Arms during his or her absence.

#### **Filling Interim Vacancies—Assembly Elected Officers**

34. In the event a vacancy in any office, except Speaker, elected by the membership of the Assembly occurs during joint recesses, the Committee on Rules shall fill the office until the session reconvenes. If a vacancy occurs in the office of the Speaker during a joint recess, the Committee on Rules shall notify the membership within 15 days from the time the vacancy occurs and shall call a caucus of the membership of the Assembly for the purpose of filling the vacancy. This caucus shall be held at the State Capitol within 30 days from the time the vacancy occurs. Notice of the caucus shall be in writing and shall be mailed not less than 10 days prior to the meeting of the caucus. If the Committee on Rules fails to act within 15 days from the time the vacancy in the office of Speaker occurs, the Chief Clerk of the Assembly shall act in its place, following the procedure set forth in this rule. Any person selected to fill



any vacancy pursuant to this rule shall hold the office until the session reconvenes.

An affirmative recorded vote of a majority of the duly elected and qualified Members shall be required for the selection by the Assembly caucus of a person to fill a vacancy pursuant to this rule. The procedure for selecting the Speaker at the caucus shall be the same as the procedure required for the election of the Speaker at a session.

## **B. Printing**

### **Authority for Printing**

35. The State Printer may not charge any printing or other work to the Assembly other than as provided by law or Assembly rule, except upon a written order signed by the Chief Clerk of the Assembly or the Chief Administrative Officer of the Assembly. All invoices for printing furnished to the Assembly shall be itemized and rendered by the State Printer within 30 days after completion of the printing. When necessary, the Chief Clerk of the Assembly or the Chief Administrative Officer of the Assembly may order certain printed matter completed in advance of its regular order by the issuance of a rush order.

### **Ordering of Printing**

36. The Chief Clerk is authorized to order, and shall have the responsibility for ordering, the printing of bills, resolutions, journals, daily files, histories, and related documents.

The Chief Clerk of the Assembly, or the Chief Administrative Officer of the Assembly, shall order other printing as directed or authorized by the Committee on Rules, and the written order for that printing shall be countersigned by the Speaker or a person designated by the Speaker. The Chief Clerk of the Assembly or the Chief Administrative Officer of the Assembly shall also order other printing as directed or authorized by resolution or motion of the Assembly.

### **Printing Assembly History and Legislative Handbook**

37. During the session, the Chief Clerk shall cause to be printed and placed upon each Member's desk, prior to convening on Monday of each week, a complete history showing all actions taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening between the issuance of each Weekly History, there shall be printed a Daily Supplemental History showing only actions taken upon any measure since the issuance of the preceding Weekly History.

The Chief Clerk of the Assembly shall, as soon as practicable, in each even-numbered year, commence to compile a legislative manual or handbook, pursuant to Section 9740 of the Government Code.

## **V. LEGISLATIVE PROCEDURE**

### **Order of Business**

40. (a) The order of business of the Assembly shall be as follows:
1. Roll Call
  2. Prayer by the Chaplain
  3. Reading of the Previous Day's Journal
  4. Presentation of Petitions
  5. Introduction and Reference of Bills
  6. Reports of Committees

7. Messages From the Governor
8. Messages From the Senate
9. Motions and Resolutions
10. Business on the Daily File
11. Announcements
12. Adjournment

(b) With the exception of Special Orders of Business, the Speaker may determine that a different order of business will result in a more expeditious processing of the business of the Assembly by ordering resolutions honoring an individual or an organization, introductions, and adjournments in memory of individuals to be taken up in a different order than that listed in subdivision (a).

#### **Pledging of Allegiance to the Flag**

41. At each session, following the prayer by the Chaplain, the Members of the Assembly and its officers and employees present in the Assembly Chamber shall pledge their allegiance to the Flag of the United States of America. The Speaker shall invite guests present in the Assembly Chamber to join in the pledge of allegiance to the Flag of the United States of America.

#### **Reading and Correcting Journals**

42. (a) The reading of the Journal of the previous day may be dispensed with, on motion, by a majority vote of the Members present and voting.

(b) All journals of the Assembly shall be corrected by the Minute Clerk and delivered to the Chief Clerk.

(c) A motion to correct any day's Journal or to print a letter in the Journal shall always be in order and shall require a majority vote of the Members present and voting.

#### **Presentation of Petitions**

43. Whenever petitions, memorials, or other papers are presented by a Member, a brief statement of the contents thereof may be made verbally by the introducer. Petitions are not debatable and shall be filed, or referred to a committee as the Speaker shall determine. Receipt of that presentation and its disposition shall be noted in the Journal.

Upon receipt of a petition for the impeachment of any person subject to impeachment by the Legislature, the Speaker shall, without comment or debate, forthwith refer the petition to committee.

#### **Messages From the Governor**

44. Messages from the Governor shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed in the Journal unless otherwise ordered by an affirmative recorded vote of 54 or more Members.

#### **Messages From the Senate**

45. Messages from the Senate shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed in the Journal. The Committee on Rules shall refer each bill to a committee, unless upon a motion the Assembly, by an affirmative recorded vote of 41 or more Members, shall refer it to some other committee. The action to refer a bill shall not be debatable. The reference shall be entered in the Journal. Assembly bills that have been passed without amendment by the Senate shall be ordered to enrollment.

An Assembly bill amended by the Senate shall be placed upon the unfinished business file but shall not be eligible to be acted upon until it is on the unfinished business file for one legislative day, except that when the Assembly bill is placed upon the unfinished business file during the last two legislative days preceding (1) the January 31 bill passage deadline specified by Section 10 of Article IV of the California Constitution, (2) the scheduled commencement of the interim study recess, or (3) the scheduled commencement of the final recess as specified by the Joint Rules of the Senate and Assembly, it may be acted upon immediately.

#### **Presentation of Guests or Memorials in the Assembly**

45.5. These rules do not prohibit the Speaker or Speaker pro Tempore from permitting the introduction of a special guest or guests. A request that a session of the Assembly adjourn in memory of a person shall be made in writing. The request shall be read by the presiding officer immediately prior to adjournment.

#### **A. Bills and Resolutions**

##### **Bills Defined**

46. (a) The word “bill,” as used in these rules, includes a constitutional amendment, a concurrent resolution, and a joint resolution, except as otherwise specifically provided.

(b) A concurrent resolution and a joint resolution, other than a resolution ratifying proposed amendments to the United States Constitution and a resolution calling for a constitutional convention, shall be treated in all respects as a bill except as follows:

- (1) It shall be given only one formal reading.
- (2) It shall not be deemed a bill within the meaning of subdivision (a) of Section 8 of Article IV of the California Constitution.

##### **Introduction and Reference of Bills**

47. Each bill shall be signed by each Member who is an author or coauthor of the bill before it is introduced. If any bill is introduced that does not contain the signature of its author or coauthor, the bill, on motion of the Member whose name appears thereon without that signature, shall be stricken from the file by an affirmative recorded vote of 41 or more Members. In each legislative session, on the first day when bills are introduced under “Introduction and Reference of Bills,” the roll shall be called from A to Z and, as each Member’s name is called, the Member may introduce one bill, constitutional amendment, or concurrent or joint resolution. After this roll call, the preprint bills shall be introduced in numerical order.

After the introduction of preprinted bills, and subject to the provisions of the Joint Rules of the Senate and Assembly, any Member desiring to introduce a bill, constitutional amendment, or concurrent or joint resolution may at any time during a session send the same to the Chief Clerk’s desk.

When received at the Chief Clerk’s desk it shall, under the proper order of business, be numbered, read the first time, printed, and referred to a standing committee, and a copy thereof shall be placed upon the desk of each Member before final passage.

All bills, constitutional amendments, and concurrent or joint resolutions introduced before the standing committees of the Assembly

are appointed shall be referred to committee, the references to take effect when the committees are appointed.

Any committee may introduce a bill germane to any subject within the proper consideration of the committee in the same manner as any Member. No committee bill may be introduced unless it contains the signatures of a majority of all of the members, including the chairperson, of the committee. If all of the members of a committee sign the bill, at the option of the committee chairperson the committee members' names need not appear as authors in the heading of the printed bill.

#### **Bills Authored by a Former Member**

47.1. Whenever the author of a bill in the Assembly is no longer a Member of the Legislature, upon a request of a committee or current Member of the house in which the bill was introduced, the Assembly Committee on Rules may authorize that committee or Member to be the author of that bill. Absent that authorization, no action may be taken by a committee or the Assembly with respect to a bill authored by a former Member.

#### **Limitation on the Introduction of Bills**

49. (a) A Member may introduce not more than 30 bills in the regular session.

(b) This rule does not apply to a constitutional amendment, any type of resolution, or a bill introduced by a committee pursuant to Rule 47.

(c) This rule may be suspended with respect to a particular bill by approval of the Committee on Rules.

#### **Reference of Bills to Committee**

51. Except as otherwise provided in this rule, the Committee on Rules shall refer each bill to a committee by a majority vote of the membership of the committee, unless upon a motion the Assembly, by an affirmative recorded vote of 41 or more Members, shall refer it to some other committee. A motion to refer a bill shall not be debatable, except as to the propriety of the motion, and it shall not open the main question to debate.

The Committee on Rules may require that, if a bill is reported out of the committee to which it has been referred, it shall be re-referred to another committee that shares jurisdiction of the subject matter of the bill.

#### **Spot Bills**

51.5. A bill that upon introduction makes no substantive change in or addition to existing law, and would not otherwise affect the ongoing operations of state or local government, except a bill stating legislative intent to make necessary statutory changes to implement the Budget Bill, may not be referred to a committee by the Committee on Rules. If the author subsequently proposes to the Committee on Rules to make substantive changes in the bill as introduced, the Committee on Rules may refer the bill to a committee, together with the proposed changes for consideration as author's amendments. A vote on passage of the bill may not be taken, however, until the bill with its amendments, if adopted, has been in print for at least 15 days.

**Delivery of Bills to State Printer**

52. After introduction and first reading, all bills shall be delivered to the State Printer.

**Introduction of House Resolutions**

53. All house resolutions shall be numbered and shall be referred to the appropriate committee by the Committee on Rules.

Each house resolution shall be signed by each Member who is an author or coauthor of the house resolution before it is introduced.

**Resolutions by Member**

54. A concurrent resolution or a house resolution may be introduced relating to a present or former state or federal elected official or a member of his or her immediate family. Other resolutions for the purpose of commendation or congratulation of any person, group, or organization, or for the purpose of expressing sympathy, regret, or sorrow on the death of any person, shall be prepared as a Rules Committee Resolution and presented to the committee for appropriate action.

The Committee on Rules may approve exceptions to this rule for house resolutions. The Chief Clerk may not accept for introduction any house resolution that is contrary to this rule unless it is accompanied by the approval of the Committee on Rules.

**B. Standing Committee Functions**

**Standing Committee Rules**

55. Subject to the Joint Rules of the Senate and Assembly, the Rules of the Assembly shall govern the conduct of all committee and subcommittee meetings.

**Meetings of Standing Committees and Subcommittees**

56. All standing committees and subcommittees shall meet at the hour and place provided by the schedule established by the Speaker, unless permission for a different hearing time is granted by the Speaker. No committee or subcommittee may meet during any session of the Assembly, nor may any Member of the Assembly attend a conference committee meeting on any bill during any session of the Assembly without first obtaining permission from the Assembly.

When an unscheduled meeting of a standing committee or subcommittee has been so ordered, the meeting shall convene in an area that is readily accessible to the public and the Assembly shall take care that every effort is made to inform the public that a meeting has been called. An unscheduled meeting of a committee or subcommittee shall not be held in the Assembly Chamber.

No bill may be set for hearing, nor may any notice thereof be published by any Assembly committee or subcommittee, until the bill has been referred to the committee or subcommittee. Nothing in this paragraph shall prevent a committee or subcommittee from acting with regard to a bill referred to it where the only action taken is to cause the bill to be reported to the Assembly with the recommendation that amendments be adopted and the bill be reprinted as amended and re-referred to the committee or subcommittee.

The several standing committees and subcommittees and their chairpersons may adopt a procedure under which bills are scheduled for hearing on the basis of like subject matter groupings.

**Committee Analyses**

56.5. Except as otherwise provided in this rule, each standing committee and subcommittee shall prepare an analysis of every bill it has set for hearing, which shall be available to the public in the office of the committee or subcommittee one working day prior to the date on which the hearing is to be held. In the case of a special meeting, or a meeting of the Committee on Appropriations or the Committee on Budget, or their subcommittees, the analysis shall be available to the public at the beginning of the hearing. No question concerning a committee's compliance with this rule with regard to any bill shall be in order following a vote on passage of the bill in that committee. As used in this rule, a "working day" is any day on which a house file is published.

A copy of each committee analysis shall be transmitted by the committee secretary to the Assembly Floor Analysis Unit at the same time it is made available to the public.

**Committee Consultants: Floor Analyses**

56.6. Except as otherwise provided in this rule, the consultants of a standing committee or subcommittee are responsible for monitoring bills assigned to their respective committee or subcommittee throughout the entire legislative process. Except for resolutions and bills on the Consent Calendar, a consultant of the appropriate standing committee shall prepare, in a timely fashion, an analysis of every bill on third reading or the unfinished business file, and of any amendment to a bill that is on the Assembly floor, as directed by the Assembly Floor Analysis Unit.

The committee consultant who prepares the analysis shall transmit a copy of the completed analysis to the Assembly Floor Analysis Unit. The Assembly Floor Analysis Unit is responsible for final editing for grammar and format of all floor analyses.

**Consent Calendar**

56.7. If the chairperson of a committee or subcommittee, in advance of a hearing, proposes to recommend any bills for consideration on the Consent Calendar without hearing testimony on those bills in committee, a list of those bills shall be made available to the public at the same time as the committee analysis required under Rule 56.5.

**Committee Quorum**

57. Except as otherwise provided in this rule, a majority of the membership of any standing committee shall constitute a quorum for the transaction of its business, including the decision to recommend the adoption of any amendments to any bill. A majority of the membership of the committee, or a subcommittee thereof, shall be required to report a bill out of the committee or subcommittee, respectively. Any vacancy on a standing committee shall not reduce the votes required to take action on a bill in that committee.

Whenever a member is disqualified pursuant to Joint Rule 44 or the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code) from voting or taking any other action related to the passage, defeat, or amendment of a bill in committee, that disqualification shall be treated the same as a vacancy. The member shall advise the chairperson of a disqualification, and the chairperson

shall announce which members are so disqualified at the commencement of the hearing on the bill.

#### **Reconsideration**

57.1. After a committee has voted on a bill, reconsideration may be granted only one time. Pursuant to subdivision (a) of Joint Rule 62, reconsideration may be granted within 15 legislative days or prior to the interim study joint recess, whichever occurs first. A vote on reconsideration may not be taken without the same notice required to set a bill for hearing unless that vote is taken at the same meeting at which the vote to be reconsidered was taken and the author is present. No action taken by a committee may be reconsidered except by a majority vote of the membership of the committee.

#### **Bills Reported Back to Assembly**

58. All committees shall act upon bills referred to them as soon as practicable, and when acted upon each bill shall be reported back to the Assembly forthwith; the chairperson of each committee is charged with the observance of this rule. The chairperson of each committee shall, insofar as practicable, report back bills in the same order as they were acted upon by the committee.

#### **Appropriations Suspense File**

58.2. The Committee on Appropriations may maintain a suspense file, to which bills may be referred by vote of a majority of the members of the committee present and voting, pending further consideration by the committee. A bill may be taken off the suspense file and heard, upon two days' notice published in the file, by a vote of a majority of the members of the committee present and voting. A bill removed from the suspense file for the purpose of amendment only, pursuant to Rule 68, shall be re-referred to the committee and shall be placed on the suspense file pending further consideration by the committee.

#### **Voting in Committee**

58.5. When a standing committee or subcommittee takes action on a bill, including reconsideration, the vote shall be by roll call vote only. All roll call votes taken in a standing committee or subcommittee shall be recorded by the committee secretary on forms provided by the Chief Clerk of the Assembly. The record of a roll call vote shall show, for each proposal voted upon: all votes for and against, all members absent, and all members not voting. The chairperson of each standing committee or subcommittee shall promptly transmit a copy of the record of the roll call votes to the Chief Clerk of the Assembly, who shall cause the votes to be published in an appendix to the Journal on a monthly basis.

The committee secretary of each standing committee or subcommittee shall promptly transmit a copy of the record of the roll call votes to the Assembly Floor Analysis Unit.

A member may submit a written explanation of his or her vote, absence, or failure to vote on any bill or resolution, and that explanation shall be printed in the appendix to the Journal in the appropriate place, provided that no explanation may exceed 50 words in length.

At the request of the author or any member of the committee, the committee shall hold the roll open on any Assembly bill until the adjournment of the committee meeting. At no time may a bill be passed out by a committee without a quorum being present.

This rule shall not apply to any of the following:

- (a) Adoption of author's amendments to a bill.
- (b) Withdrawal of a bill from a committee calendar at the request of an author.
- (c) Return of bills to the house where the bills have not been voted on by the committee.
- (d) Votes of subcommittees of the Committee on Budget when considering the Budget Bill.
- (e) Votes of the Committee on Rules when referring bills to committees.

**Subject Matter of Bill Recommended for Interim Study**

59. Whenever it is the decision of a standing committee that a bill referred to that committee shall not be given a do-pass recommendation, but that the subject matter of the bill should be referred for study, that standing committee shall retain the bill in its possession and report its recommendation to the Assembly that the subject matter of the bill be referred to the Committee on Rules for that committee's assignment of the subject matter to an appropriate committee.

Nothing in this rule shall be construed to prohibit a committee from subsequently reporting the bill to the Assembly with a do-pass or do-pass as amended recommendation or from reporting it out of committee without further action on the final day of the session.

**Committee Chairperson as Author**

60. No chairperson of a standing committee shall preside at a committee hearing to consider a bill of which he or she is the sole author or the lead author, except that the Chairperson of the Committee on Budget may preside at the hearing of the Budget Bill by the Committee on Budget.

**Reports of Committees**

61. Specially prepared reports of standing and special committees shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed in the Journal unless otherwise ordered by the Speaker or a majority vote of the Members present and voting.

When a report of a joint legislative committee is delivered to the Assembly Desk, the Speaker shall refer it to a standing committee for review and appropriate action.

**Constitutional Amendments**

62.5. All constitutional amendments shall be referred to the policy standing committee having jurisdiction of that subject matter and, upon being reported out of that committee, shall be re-referred to the committee having constitutional amendments within its jurisdiction.

**C. Passage of Bills**

**Daily File**

63. There shall be printed an Assembly Daily File for each legislative day. The following listing shall constitute the order of business on the Daily File:

- 1. Special Orders of the Day
- 2. Second Reading, Assembly Bills
- 3. Second Reading, Senate Bills
- 4. Unfinished Business



5. Third Reading, Assembly Bills

6. Third Reading, Senate Bills

All bills on the Daily File shall be called for consideration, provided Rule 58 has been complied with in the order of their listing, unless otherwise ordered by unanimous consent or an affirmative vote of two-thirds of the Members present. All scheduled committee hearings, together with the list of bills to be heard, shall be published in the Daily File.

**Copies of Bills for Action on Floor**

64. No bill may be considered or acted upon on the floor of the Assembly unless and until a copy of the printed bill as introduced, and a printed copy of each amended form of the bill, have been placed upon the desks of the Members.

**Second Reading of Bills**

66. All bills shall be read by title the second time in the order of their appearance upon the second reading file. Upon second reading, Assembly bills reported without amendments shall be ordered engrossed, and Senate bills reported without amendments shall be ordered to third reading. All bills reported out of committee shall be placed on the second reading file for the next legislative day, and may not be read a second time until the next legislative day under that order of business. As used in this rule, "bill" does not include a joint or concurrent resolution, but does include a constitutional amendment.

**Bills Requiring General Fund Appropriation**

66.6. Until the Budget Bill has been enacted, the Assembly may not send to the Governor for consideration any bill appropriating funds for expenditure during the fiscal year for which the Budget Bill is to be enacted, except emergency bills recommended by the Governor or appropriations for the salaries and expenses of the Legislature.

**Passage of Budget Bill**

66.7. (a) No subcommittee of the Committee on Budget may meet until the Chairperson of the Committee on Budget establishes in writing the General Fund appropriations limit for each subcommittee.

(b) Between the date upon which a committee on conference of the Budget Bill is appointed and the date the Assembly adopts the report of the conference committee, the Chairperson of the Committee on Budget shall provide weekly written reports to the Members on the progress of the conference committee deliberations. The weekly report shall detail all major resolved and outstanding issues before the conference committee on the Budget Bill.

No Budget Bill may be voted upon on the floor of the Assembly unless it does all of the following:

(1) Balances expenditures with anticipated revenues.

(2) Provides for a General Fund reserve of not less than 3 percent of the total of all General Fund appropriations made in the Budget Bill for the fiscal year, or provides for a reserve of not less than 1 percent and a specific plan to phase in a reserve of at least 3 percent within three years. The percentage of the General Fund reserve shall be calculated by dividing the reserve of the General Fund by estimated revenues of the General Fund for the fiscal year. The phase-in plan shall be contained in another bill or in a section of the Budget Bill and shall have detail

sufficient to instruct future sessions of the Legislature regarding the manner in which the 3 percent reserve requirement is to be met.

(3) Is based upon no external borrowing by the state other than borrowing that the enacted Budget Bill or other statute would require to be repaid during that fiscal year.

#### **Committee Amendments**

67. Committee amendments reported with bills shall be considered upon their second reading, and the amendments may be adopted by majority vote of the Members present and voting. Assembly and Senate bills amended on second reading by committee amendment shall be ordered reprinted and returned to the second reading file. Assembly bills so amended shall be engrossed after printing.

Committee amendments reported with bills shall be prepared, or approved as to form, by the Legislative Counsel. Five copies of the committee amendments to Assembly bills and five copies of the committee amendments to Senate bills shall be delivered to the Chief Clerk's desk.

The Chief Clerk shall cause to be transmitted to the Assembly Floor Analysis Unit a copy of each committee report and committee amendment, unless the committee report or committee amendment is relative to a joint, concurrent, or house resolution.

Adoption of amendments to any bill in the Assembly prior to third reading, other than by a roll call, shall not preclude subsequent consideration in committee, or on the third reading by the Assembly, of the bill, those amendments, or any part thereof.

#### **Author's Amendments**

68. Upon request of the author of a bill, the chairperson of the committee to which the bill has been referred may, by his or her individual action taken independently of any committee meeting, cause the bill to be reported to the Assembly with the recommendation that amendments submitted by the author be adopted and the bill be reprinted as amended and re-referred to the committee.

Notwithstanding any other rule, a bill to be amended pursuant to this rule may not be placed on the second reading file for the adoption of those amendments.

#### **Vote on Passage of Bill as Amended**

68.5. Except as otherwise provided in this rule, a vote on passage of any bill in a standing committee or subcommittee shall be taken only when the bill is in print, including any previously adopted amendments to the bill. A vote on passage of an amended bill, when the amended form of the bill is not in print, may be taken only if the sole effect of the amendment is to add coauthors to the bill or if the committee determines that the effect of the amendment upon the bill can be readily understood by all of the members and audience present at the hearing. In that circumstance, any member may require that the amendments be in writing at the time of their adoption.

#### **Bill Analysis Prior to Third Reading**

68.6. No bill may be considered on third reading unless and until an analysis of the measure has been distributed by the Assembly Floor Analysis Unit and placed upon the desks of the Members, unless otherwise ordered by the Speaker.

As used in this rule, “bill” does not include a joint or concurrent resolution, but does include a constitutional amendment.

**Analysis of Conference Committee Amendments**

68.7. No report of a conference committee on any bill, other than the Budget Bill, that recommends the substantive amendment of a bill may be considered unless and until an analysis of the proposed amendment has been distributed by the Assembly Floor Analysis Unit and placed upon the desks of the Members, unless otherwise ordered by the Speaker.

**Printing of Conference Committee Reports**

68.8. No conference report may be heard by the Assembly until it has been in print for two days prior to being taken up by the house.

**Conference Committee: Substantial Policy Change**

68.9. (a) No conference committee on any bill, other than the Budget Bill or a bill that is making statutory changes to implement the Budget Bill, may approve any substantial policy change in any bill if that substantial policy change has been defeated in a policy committee of the Assembly within the current legislative session. For purposes of this rule, the most recent action of a policy committee with regard to a substantial policy change shall be deemed the only action taken when the policy committee has taken inconsistent actions with respect to a substantial policy change.

(b) For purposes of subdivision (d) of Joint Rule 29.5, the term “heard” means that a printed bill with substantially similar language was before the appropriate committee and taken up at a regular or special hearing of the committee during the current legislative session; or that an amendment, which was drafted and given a request number or approved as to form by the Legislative Counsel, was before the committee and taken up at a regular or special hearing of the committee.

**Amendments From the Floor**

69. (a) Any Member may move to amend a bill during its second or third reading, and that motion to amend may be adopted by a majority vote of the Members present and voting.

No amendments to a bill offered from the floor, except committee amendments reported with bills, amendments offered with a motion to amend and re-refer a bill to committee, amendments deleting any number of words, or amendments previously printed in the Journal, shall be in order unless and until a copy of the proposed amendments has been placed upon the desks of the Members. A copy of a bill that has been amended only to add coauthors to the bill is not required to be placed upon the desks of the Members if both the Speaker and Minority Leader grant an exemption.

Amendments offered from the floor during a bill’s second or third reading shall be prepared, or approved as to form, by the Legislative Counsel.

Before debate five copies of the proposed amendment to Assembly bills, and five copies of the proposed amendments to Senate bills, shall be delivered to the Chief Clerk’s desk. One copy of the proposed amendment shall be transmitted by the Chief Clerk to the Assembly Floor Analysis Unit. Bills so amended upon second or third reading shall be reprinted and re-engrossed. The Chief Clerk shall order printed

as many copies of all amended bills as he or she may determine to be necessary.

(b) (1) Amendments from the floor during a bill's second or third reading that would make a substantive change in the bill shall be submitted to the Chief Clerk's desk by 5:00 p.m. or the time of adjournment, whichever is later, the business day before the start of session on the legislative day at which they are to be considered.

(2) Upon receipt of the proposed amendments by the Chief Clerk, an analysis shall be prepared by the committee of origin in conjunction with the Assembly Floor Analysis Unit, and a copy of that analysis shall be distributed to each Member's desk prior to the beginning of debate on adoption of the proposed amendments, unless otherwise ordered by the Speaker.

(3) As used in this subdivision, "bill" does not include a joint or concurrent resolution, but does include a constitutional amendment.

(c) Paragraph (1) of subdivision (b) does not apply to (1) amendments to a bill taken up without reference to file, (2) amendments to a bill to add or delete an urgency clause, (3) amendments to a bill that are identical to other amendments submitted to the Chief Clerk's desk in accordance with the requirements of this rule, (4) amendments to the Budget Bill or to a bill that is making statutory changes necessary to implement the Budget Bill, or (5) amendments to a bill to make the bill contingent upon the enactment of another bill, or to incorporate one or more statutory amendments proposed in another bill to avoid superseding those amendments.

(d) Any bill amended on the second or third reading file shall be ordered reprinted and returned to the third reading file, and may not be acted on by the Assembly until the bill, as amended, has been on the Daily File for one calendar day. This subdivision shall not apply to a bill that is amended to add or delete an urgency clause or to a bill that is amended to make statutory changes to implement the Budget Bill.

(e) No motion to amend a bill on the second or third reading file, other than committee amendments reported pursuant to Rule 57, shall be in order on (1) the last two legislative days preceding the January 31 bill passage deadline specified by Section 10 of Article IV of the California Constitution or (2) the last three legislative days preceding the scheduled commencement of the interim study recess or the scheduled commencement of the final recess as specified by the Joint Rules of the Senate and Assembly. Paragraph (2) may be suspended temporarily by two-thirds vote of the Members present and voting.

#### **Consideration of Political Reform Act Bills**

69.1. Pursuant to Section 81012 of the Government Code, any bill that would amend the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code) may not be passed until, 12 days prior to being considered for passage, the bill in its final form has been delivered by the Chief Clerk to the Fair Political Practices Commission for distribution to the news media and to every person who has requested the commission to send a copy of any such bill to him or her.

**Electronic Distribution of Bills,  
Conference Reports, Amendments, and Analyses**

69.5. Subject to subdivision (b) of Section 8 of Article IV of the California Constitution, any requirement that bills, conference reports, amendments, or an analysis be placed on the desks of the Members shall include electronic distribution of the same information to the desk of the Members through the Assembly Floor System, unless otherwise ordered by the Speaker.

**Consideration of Bills Re-referred to Committee**

70. Whenever a bill that has been amended and re-referred to committee is reported out by that committee, it shall be placed on the second reading file and may not be transferred therefrom to the third reading file until the following day.

**Uncontested Bills**

71. No bill may be placed on the Assembly Consent Calendar unless it has met the requirements of Joint Rule 22.1 with respect to each Assembly standing committee to which the bill has been referred.

**Consideration of Concurrent and Joint Resolutions**

73. A concurrent or joint resolution may be amended by a majority vote of the Members present and voting. The ayes and noes may not be called upon the adoption of concurrent resolutions, except those authorizing expenditures of money, unless regularly demanded, or required by statute or the California Constitution.

**Adoption of Resolutions**

74. Any resolution upon which a roll call vote is demanded shall require an affirmative recorded vote of 41 or more Members for adoption.

The adoption of any resolution authorizing the expenditure of money shall require an affirmative recorded vote of 41 or more Members.

**Printing of Resolutions**

75. When any previously printed house resolution is before the Assembly for adoption, it shall be printed in the Journal only if amendments to it have been adopted, in which case it shall be printed as amended. In the absence of those amendments, house resolutions before the Assembly for adoption shall be referred to by day and page of the Journal as printed upon introduction. For the purposes of this rule, the adding of a coauthor shall not be deemed an amendment.

**Concurrence in Senate Amendments**

77. It shall require the same affirmative recorded vote to concur in any Senate amendment to an Assembly bill as the vote required by the California Constitution for the passage of the bill. A vote on concurrence may not be taken until the bill has been on the unfinished business file for one calendar day, except that when the bill is placed upon the unfinished business file during the last two legislative days preceding (1) the January 31 bill passage deadline specified by Section 10 of Article IV of the California Constitution, (2) the scheduled commencement of the interim study recess, or (3) the scheduled commencement of the final recess as specified by the Joint Rules of the Senate and Assembly, it may be acted upon immediately. The vote on concurrence shall be deemed the vote upon final passage of the bill.

Senate amendments to Assembly bills may not be concurred in unless and until an analysis of the measure has been distributed by the Assembly Floor Analysis Unit and a copy placed upon the desks of the Members, unless otherwise ordered by the Speaker. As used in this rule, “bill” does not include a joint or concurrent resolution, but does include a constitutional amendment.

#### **Digest of Bills Amended in Senate**

77.1. Whenever the Senate amends and passes an Assembly bill, the Legislative Counsel shall, within one day after the bill is passed by the Senate, prepare and transmit to the Chief Clerk and the Speaker a brief digest summarizing the effect of the Senate amendment. Upon receipt from the Legislative Counsel, the Chief Clerk shall cause the digest to be printed in the Daily File immediately following any reference in the file to the bill covered by the digest.

#### **Substantially Amended Bills**

77.2. If the analysis of an amendment adopted on the floor discloses that the amendment makes a substantial substantive change to a bill as passed by the last committee of reference, the bill, as amended, may be referred by the Speaker to the appropriate committee.

A bill that was previously reported from a policy or fiscal committee of reference in compliance with Joint Rule 61 is not subject to the deadlines in Joint Rule 61 if the bill is subsequently referred to a policy or fiscal committee pursuant to this rule.

If the digest to an Assembly Bill that has been returned to the Assembly by the Senate for concurrence in Senate amendments discloses that the Senate has made a substantial substantive change in the bill as first passed by the Assembly, the bill may be referred by the Speaker to the appropriate committee.

#### **Inactive File**

78. Whenever a bill has been passed twice on the third reading file on two successive legislative days, it shall be placed forthwith upon a special file to be known as the inactive file. A bill also may be placed on the inactive file at the request of the author. When a bill has been placed on the inactive file, it may be returned to the third reading file by request of the author. Notice of the request to return the bill to the third reading file shall be published one day in advance in the Assembly File. The bill, when returned to the third reading file, shall then be placed at the foot of the third reading file.

When a bill, placed on the inactive file from the second reading file or the unfinished business file, is removed from the inactive file, it shall be returned to the foot of the second reading file or the unfinished business file, respectively, in the next published Daily File.

#### **Engrossing and Enrolling Bills**

79. The Engrossing and Enrolling Clerk shall engross and enroll all bills that come to his or her hands for that purpose, in compliance with the provisions of Section 9503 of the Government Code, and in the order of time in which the same shall be acted upon by the Assembly.

After final passage by both houses, any Assembly bill not amended by the Senate shall be ordered by the Speaker forthwith to be enrolled, as provided in Sections 9508 and 9509 of the Government Code. The

Chief Clerk shall report both the day and hour each enrolled bill is presented to the Governor, which report shall be entered in the Journal.

## **VI. PARLIAMENTARY PROCEDURE**

### **A. Motions and Questions**

#### **Precedence of Motions During Debate**

80. When a question is under debate or before the Assembly, no motions shall be received but the following, which shall take precedence in the order named:

- First—To adjourn;
- Second—To recess to a time certain;
- Third—To lay on the table;
- Fourth—For the previous question;
- Fifth—To set as a special order;
- Sixth—To postpone indefinitely;
- Seventh—To refer to or to re-refer;
- Eighth—To amend.

#### **Questions of Order Decided Without Debate**

81. All incidental questions of order, arising after a motion is made for any of the questions named in Rule 80 and pending that motion, shall be decided by the Speaker without debate, whether on appeal or otherwise.

#### **Appeal From Decision of the Speaker**

82. Any Member may appeal from a decision of the Speaker without waiting for recognition by the Speaker, even though another Member has the floor. No appeal is in order when another is pending, or when other business has been transacted by the Assembly prior to the appeal being taken. Upon the appeal being seconded, the Speaker may give his or her reasons for the decision, and the Member making the appeal may give his or her reasons for the appeal, and the Speaker forthwith shall put one of the following questions to the Assembly:

- (1) “Shall the decision of the Speaker be sustained?”
- (2) “Shall the decision of the Speaker be overruled?”

An appeal cannot be amended and yields only to a motion to recess or adjourn, or to lay on the table, or a question of personal privilege. If an appeal is laid on the table, that action shall have no effect on the pending question.

An appeal cannot be debated when relating to indecorum, the transgression of rules, or the priority of business. A majority vote of the Members present and voting shall decide any appeal. In the event of a tie vote, the appeal is lost.

#### **Speaker Explains Order of Business**

83. The Speaker may, on his or her own motion or the motion of any Member, explain the order of business when the motion pending before the Assembly is not debatable. That explanation may not consume more than two minutes.

**To Adjourn**

84. A motion to adjourn is not debatable and cannot be amended, and is always in order, except: (a) when another Member has the floor; (b) when the Assembly is voting; or (c) during a call of the Assembly. The name of any Member moving an adjournment, and the hour at which the motion was made and adjournment taken, shall be entered in the Journal. A motion to adjourn shall be adopted by a majority vote of the Members present and voting.

When a motion to adjourn is made and seconded, it shall be in order for the Speaker, before putting the question, to permit any Member to state to the Assembly any fact relating to the condition of the business of the Assembly which would seem to render it improper or inadvisable to adjourn. That statement may not occupy more than two minutes and is not debatable.

An affirmative recorded vote of a majority of the duly elected and qualified Members is required to adjourn any session of the Assembly *sine die*.

**To Recess to a Time Certain**

85. A motion to recess to a time certain shall be treated the same as a motion to adjourn, except that the motion is debatable when no business is before the Assembly, and can be amended as to the time and duration of the recess. It yields only to a motion to adjourn.

**To Lay on the Table**

86. A motion to lay on the table is not debatable and cannot be amended.

A motion to table a bill, constitutional amendment, or concurrent or joint resolution is adopted by an affirmative recorded vote of 41 or more Members.

Any motion to lay on the table, if carried by 41 or more votes, carries with it the main question and everything that adheres to it, except that a motion to lay an amendment on the table, if adopted, does not carry with it a bill, constitutional amendment, or concurrent, joint, or house resolution.

A motion to lay an amendment on the table is adopted by a majority vote of the Members present and voting.

A motion to lay on the table cannot be applied with respect to reconsideration.

**The Previous Question**

87. The previous question shall be put only when demanded by five Members, and its effect, when sustained by a majority vote of the Members present and voting, shall be to put an end to all debate and bring the Assembly to a vote only on the question then pending, except that the proponent of the matter pending shall be allowed not more than five minutes to close the debate.

**Motion to Set Special Order**

88. A motion to set any matter before the Assembly as a special order of business is adopted by an affirmative recorded vote of 54 or more members. The motion is debatable only as to the propriety of setting the main question as a special order of business, and may be amended only as to the time.



**Motion to Postpone to a Time Certain**

89. A motion to postpone to a time certain shall be deemed and treated as a motion to set as a special order.

**Motion to Postpone Indefinitely**

90. The making of a motion to postpone indefinitely any bill, motion, or amendment opens the main question to debate. If the motion to postpone indefinitely prevails by an affirmative recorded vote of 41 or more Members, the main question may not be acted upon again during the session.

**Motion to Amend**

91. A motion to amend may itself be amended, but no “amendment to an amendment” may be amended. A motion to substitute shall be deemed to be a motion to amend and shall be considered the same as an amendment.

Only one substitute is in order when an amendment is pending. A motion to amend or to substitute is debatable, except where the main question to be amended is not debatable. Any motion to amend may be adopted by a majority vote of the Members present and voting.

A motion to amend that is decided in the negative is not again in order on the same day, or at the same stage of proceeding. The fact that a motion to amend by striking out certain words is decided in the negative does not preclude a motion to amend by adding words, or a motion to amend by striking out and inserting words, except that in no case may a further amendment be substantially the same as the one rejected.

Subject to the above provisions of this rule and Rule 69, a motion to amend is in order during the second or third reading of any bill.

**Amendment To Be Germane**

92. No amendment to any bill, other than a bill stating legislative intent to make necessary statutory changes to implement the Budget Bill, whether reported by a committee or offered by a Member, is in order when the amendment relates to a different subject than, is intended to accomplish a different purpose than, or requires a title essentially different than, the original bill.

No motion or proposition on a subject different from that under consideration may be admitted as an amendment.

No amendment is in order that changes the original number of any bill.

No Member may be added or deleted as an author or coauthor of a bill or resolution without his or her consent.

**Consideration of Motions**

93. No motion, whether oral or written, may be adopted until it is seconded and distinctly stated to the Assembly by the Speaker.

**Motions in Writing**

94. Upon request of the Speaker, all motions shall be reduced to writing and shall be read to the Assembly by the Speaker before being acted upon.

**Withdrawal of Motions**

95. After a motion is stated by the Speaker, or a bill, resolution, or petition is read by the Chief Clerk, it is in the possession of the Assembly.

**Motion to Withdraw or Re-refer Bills**

96. (a) A motion to withdraw a bill or resolution from committee, or to re-refer a bill or resolution from one committee to another committee, may be made during the regular order of business. A motion to re-refer may be debated only as to the propriety of the reference, and shall require an affirmative recorded vote of 41 or more Members.

(b) No bill or resolution may be withdrawn from committee and placed upon the file, unless a motion to withdraw has been heard by, and has been approved by a majority vote of, the Committee on Rules. This subdivision does not apply to a bill in a fiscal committee that has been amended so as not to require its reference to a fiscal committee, as indicated by the Legislative Counsel's Digest.

(c) A motion to continue a motion to withdraw a bill or resolution from committee shall require a majority of those members present and voting. No motion to withdraw a motion to withdraw shall be in order.

**Re-reference of Measures on File**

97. A motion to re-refer a bill or resolution that is on the Assembly Daily File to committee may be made during the regular order of business. The motion is debatable only as to the propriety of that reference and shall require an affirmative recorded vote of 41 or more Members.

**Bills Stricken From File**

98. A motion to strike from the file any bill or resolution requires an affirmative recorded vote of 41 or more Members. That bill or resolution may not be acted upon again during the session.

**Motion to Rescind Action or Expunge Record**

99. Previous to the approval of the Journal by the Assembly, any action may be rescinded and its record ordered expunged by the affirmative recorded vote sufficient to take that action originally, except that no action may be rescinded and the record expunged by a vote less than an affirmative recorded vote of 41 or more Members. No motion to rescind the action and expunge the record may be made twice on the same proposition.

A motion to rescind is not in order on any matter upon which a vote to reconsider has previously been taken in the Assembly.

Whenever any action of the Assembly is rescinded and its record ordered expunged, the record of the action expunged may not appear in any form whatsoever, except that the record of the proceedings on the motion to rescind and expunge shall appear in the Journal as and when printed.

**Reconsideration of Vote**

100. (a) A motion to reconsider a vote on the next legislative day shall be made on the same day the vote to be reconsidered was taken. No motion to reconsider shall be adopted unless it receives an affirmative recorded vote of 41 or more Members. A motion to reconsider may be voted on without a second.

A motion to reconsider a vote shall be made by a Member voting on the question, and shall take precedence over all motions, except a motion to adjourn. Upon that motion being made, the matter to be reconsidered forthwith shall be placed upon the unfinished business file, and no further action may be taken prior to the next legislative day.

When a motion to reconsider has once been made, the motion is the property of the Assembly. When reconsideration is granted, the matter to be reconsidered shall be before the Assembly in the same status it had prior to the vote being reconsidered.

(b) (1) Interim Study Recess:

No motion to reconsider the vote whereby amendments are concurred in on Assembly bills, the vote whereby a Senate bill is passed and returned to the Senate, or the vote whereby a conference committee report is adopted is in order on the last two legislative days preceding the interim study recess.

A motion to reconsider the vote whereby amendments are refused concurrence on Assembly bills, the vote whereby Senate bills are refused passage, or the vote whereby a conference committee report is refused adoption is in order on the last legislative day preceding the interim study recess. The motion may be taken up before the end of that legislative day.

As used in this paragraph, “bill” does not include a joint or concurrent resolution.

(2) January 31—Even-numbered Year:

No motion to reconsider the vote whereby an Assembly bill is passed to the Senate is in order on the last two legislative days preceding January 31 of the even-numbered year.

A motion to reconsider the vote whereby an Assembly bill is refused passage on its third reading is in order on the last legislative day preceding January 31 of the even-numbered year. The motion shall be taken up before the end of that legislative day.

As used in this paragraph, “bill” does not include a Senate bill, a constitutional amendment, or a joint or concurrent resolution.

(3) Spring or Summer Recess:

No motion to reconsider the vote whereby a bill is passed is in order on the last two legislative days preceding the Spring or Summer Recess as established by the Joint Rules of the Senate and Assembly.

(4) Deadline for Passage by House:

No motion to reconsider the vote whereby an Assembly bill is passed to the Senate is in order on the last two legislative days preceding the last day for the Assembly to pass a bill introduced in the Assembly, as set forth in the Joint Rules of the Senate and the Assembly.

As used in this paragraph, “bill” does not include a Senate bill, a constitutional amendment, or a joint or concurrent resolution.

(5) Final Recess:

No motion to reconsider the vote whereby a bill is passed is in order on the last two legislative days preceding the final recess.

A motion to reconsider the vote whereby a bill is defeated is in order on the day of the final recess. The motion shall be taken up before the end of that legislative day.

(c) Any Member voting on any matter may move to take up on the same day the motion, previously made by another Member, to reconsider the vote on that matter. A motion to take up on the same day a motion to reconsider the vote on a bill shall require an affirmative recorded vote of at least 41 Members. A motion to take up on the same day a motion to reconsider the vote on any motion, amendment, Assembly resolution, or proposition other than a bill shall require an affirmative vote of a majority vote of the Members present and voting. The motion to take up the reconsideration on the same day shall take

precedence over the motion to reconsider and, upon demand of any Member, the motion to take up the reconsideration on the same day shall be put to an immediate vote. If the motion to take up the reconsideration on the same day is adopted, the motion to reconsider shall be the next order of business before the Assembly.

(d) A second motion to reconsider the same question is not in order, nor is a motion to reconsider reconsideration in order.

(e) A motion to continue a motion to reconsider shall require a majority vote of those Members present and voting.

#### **Call of Assembly**

101. After the roll has been called, and prior to the announcement of the vote, any Member may move a call of the Assembly. The Members present may order a call of the Assembly by a majority vote of the Members present and voting, and the Speaker shall immediately order the Sergeant at Arms to lock all doors and direct the Chief Clerk to prepare a list of absentees as disclosed by the last roll call. The list of absentees shall be furnished to the Sergeant at Arms, whereupon no Members shall be permitted to leave the Assembly Chamber except by written permission of the Speaker, and no person may be permitted to enter except Members, Senators, or officers, or employees of the Legislature in the official performance of their duties.

Each Member who is found to be absent, and for whom no leave of absence has been granted, shall be forthwith taken into custody wherever found by the Sergeant at Arms, his or her assistants, or any person designated by the Sergeant at Arms, including members of the California Highway Patrol, and sheriffs or their deputies, and brought to the Assembly Chamber.

No recess or adjournment may be taken during a call of the Assembly. Additional business may be conducted and calls placed regardless of the number of calls in effect. A call of the Assembly may be dispensed with at any time upon a majority vote of the Members present, that action to become effective upon the completion of the roll call and the announcement of the vote upon the matter for which the call was ordered, unless, prior to the announcement of the vote, the call is continued by a majority vote of the Members present.

#### **Division of Question**

102. Any Member may call for a division of the question, and the Speaker shall order the question divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition would remain for the decision of the Assembly. This rule does not apply to an individual bill or resolution.

### **B. Voting**

#### **Members Voting**

104. Every Member in the Assembly Chamber when a roll call is required shall record his or her vote openly and without debate, unless the Assembly excuses that member by a majority vote of the Members present and voting.

No Member may operate the voting switch of any other Member, except that a Member presiding at the time of a roll call, who is not the Speaker or the Speaker pro Tempore, may direct another Member on the floor to operate the voting switch of the presiding Member, and any Member so presiding, including the Speaker and the Speaker pro

Tempore, may also operate the voting switches at the rostrum of the Speaker and the Speaker pro Tempore, at their direction.

The name of any Member who refuses to vote as required by this rule, after being requested by the Speaker to do so, shall be entered in the Journal, together with a statement that he or she was present and did so refuse to vote. Any Member who refuses so to vote may, if he or she so desires, and immediately after the announcement of the vote, submit a written explanation of the failure to vote and that explanation shall be printed in the Journal, provided that no explanation may exceed 50 words in length.

In addition to the entry of his or her name in the Journal, any Member who refuses so to vote when required, and who has not been excused from doing so, may, immediately after the announcement of the vote, at the discretion of the Speaker or upon demand of any Member, be summoned to appear before the bar of the Assembly for public censure by the Speaker or by any Member designated by the Speaker. Censure of a Member as provided by this rule does not constitute a bar to proceedings for his or her expulsion from the Assembly pursuant to Section 5 of Article IV of the California Constitution.

A Member may submit a written explanation of his or her vote on any bill or house resolution, and that explanation shall be printed in the Journal immediately following the vote, provided that no explanation may exceed 50 words in length.

A Member, prior to adjournment on the same legislative day, in the absence of any objection, may instruct the Chief Clerk to add his or her vote to any previously announced vote that had been taken during his or her absence, so long as the outcome of the vote is not thereby changed. The Chief Clerk shall record any vote additions or vote changes in the order signed by the Members at the Clerk's desk.

#### **Ayes and Noes**

105. The ayes and noes shall be recorded by the electrical voting system on the final passage of all bills, when an affirmative recorded vote of 41 Members or any vote above that number is required, when demanded by three Members, or when ordered by the Speaker. The names of the Members so voting shall be entered in the Journal.

#### **Voting and Vote Changes**

106. When once begun, voting may not be interrupted, except that, before the vote is announced, any Member may have the total pending vote flashed on the visible vote recorder. Prior to the announcement of the vote, the presiding officer shall instruct the Chief Clerk to record verbal votes from Members not at their desks. Any Member may move a call of the Assembly after the completion of the roll. A Member, prior to adjournment on the same legislative day, and in the absence of any objection, may instruct the Chief Clerk to change his or her recorded vote after the vote is announced, so long as the outcome of the vote is not thereby changed. The Chief Clerk may record any vote change only after the Member making the change has announced it to the Assembly.

#### **Tie Vote**

107. In case of an equal division, or tie vote, the question shall be lost.

**VII. MEMBERS' DECORUM AND PRIVILEGES****Order in Speaking to Questions**

108. When a Member desires to address the Assembly, the Member shall rise from his or her seat and respectfully address himself or herself to "Mr. Speaker" or "Madame Speaker." Upon being recognized, the Member may speak, confining himself or herself to the question under consideration. When two or more Members rise at the same time, the Speaker shall designate the Member who is entitled to the floor.

No Member may speak more than once during the consideration of any one question on the same day and at the same stage of proceeding, except that the author of a bill or resolution or the mover of a question shall have the right to open and close the debate thereon. No Member may be allowed to speak more than five minutes to open and five minutes to close the debate on any question, including amendments, and no Member other than the author or the mover of the question may be allowed to speak more than five minutes thereon. No Member may yield to any other Member the time for which he or she is entitled to speak on any matter.

**Motions**

109. When a Member desires to make a motion, the Member shall obtain recognition as provided in Rule 108. Upon being recognized, the Member shall open by stating his or her motion, except in the case of a nomination, and in any other case may not speak to the merits of the motion at that time, but shall confine his or her remarks to those necessary to explain the motion. If the motion is in order and is seconded, it shall be stated to the Assembly by the Speaker. If the motion is debated, the Member who made it shall then be entitled to recognition to open the debate on the motion.

When a Member obtains the floor during debate upon any question that is pending before the Assembly and addresses the Assembly regarding the merits of the pending question, the Member may not be permitted to conclude his or her debate by making any motion or by demanding the previous question.

**Leave of Absence**

110. No Member may absent himself or herself from attendance at any session of the Assembly without leave of the Assembly. No Member may obtain that leave of absence or be excused for nonattendance except by a vote of 54 or more Members or by unanimous consent. A Member who obtains a leave of absence for personal business, or is excused for nonattendance for personal business, thereby waives his or her per diem allowance for attendance upon any session of the Legislature for which he or she secures that leave of absence or excuse. A Member may not obtain a leave of absence for legislative business or be excused for nonattendance for legislative business unless the Member has filed with the Speaker a statement of the legislative business for which he or she seeks that leave of absence or excuse. That statement shall be printed in the Journal.

If a Member is not recorded on the attendance roll within 30 minutes after the scheduled start of the session, the Member shall stand up before the Assembly and explain the reason he or she is late before he or she is recorded on the roll call for any vote. If a Member does not explain his or her reason for being late, any other Member may raise a point of order

under this rule, whereupon the tardy Member's vote may not be recorded until an explanation is made.

#### **Personal Privilege**

111. Any Member may rise to explain a matter of personal privilege. A matter of personal privilege is a matter involving the Member's integrity, dignity, or honor. Upon rising to explain such a matter, the Member forthwith shall be recognized by the Speaker, but may not discuss a question in that explanation. Matters of personal privilege yield only to a motion to recess or adjourn.

#### **Objection to Reading of Any Paper**

112. Any Member, upon recognition by the Speaker, may object to the reading of any paper before the Assembly. When that objection is made, the question of reading shall be determined without debate by a majority vote of the Members present and voting, upon a brief statement by the Speaker of the substance of the objection.

#### **Members at Chief Clerk's Desk**

113. No Member or other person may be allowed at the Chief Clerk's desk while the ayes and noes are being recorded or the votes counted.

#### **Members Called to Order for Transgressing Rules**

114. If any Member transgresses the Rules of the Assembly, the Speaker shall, or any Member may, call the offending Member to order. The Member so called to order immediately shall take his or her seat, until the Speaker, without debate, has determined whether the Member is in order. That decision by the Speaker shall be subject to an appeal to the Assembly.

If any Member is called to order for offensive words spoken in debate, the person calling him or her to order shall state to the Assembly the words to which exception is taken. No Member may be held to answer, or be subject to censure by the Assembly, for language used in debate if other business has been transacted by the Assembly prior to exception being taken to the words spoken.

### **VIII. MISCELLANEOUS**

#### **Committee of the Whole**

115. The Assembly may resolve itself into a Committee of the Whole at any time by a majority vote of the Members present and voting. While sitting as that committee, persons other than Members may address the committee. The Speaker of the Assembly, or any Member named by the Speaker, shall preside as Chairperson of the Committee of the Whole.

A motion that the Committee of the Whole "do now rise and report back to the Assembly," shall always be in order and shall be decided without debate. All actions of the Committee of the Whole shall be reported to the Assembly by the chairperson, but may not be entered in the Journal except upon motion and a majority vote of the Members present and voting.

#### **Use of Assembly Chamber**

116. The Assembly Chamber may not be used for any public or private business, other than legislative matters, except upon approval of the Speaker or the Chair of the Committee on Rules.

**Use of Assembly Facilities: Smoking**

117. The smoking of tobacco products is prohibited within any building, or portion of a building, occupied or used by Assembly Members or employees if the building or portion of the building is under the jurisdiction or control of the Assembly. This smoking prohibition shall apply to any outdoor area within five feet of an entrance or exit to any building or portion of a building subject to this rule. This smoking prohibition shall apply to the Assembly Chamber, Assembly hearing rooms, and Assembly offices, and to hallways, stairways, and bathrooms within any building or portion of a building subject to this rule.

**Floor of the Assembly: Telephones**

117.5. No cellular telephone may be used on the floor of the Assembly during any session of the Assembly.

**Meeting of the Assembly: Firearms**

117.7. No person, except a peace officer acting within the scope of his or her employment, may carry or possess a firearm on the floor of the Assembly during any session of the Assembly or in a committee hearing room during any meeting of a committee or subcommittee.

**Persons Admitted to Floor of the Assembly**

118. No person other than Members of the Legislature, officers, employees of the Legislature, accredited members of the press, and guests may be admitted to the floor of the Assembly during any session of the Assembly. A guest of any Member may be admitted only upon presentation of a guest card of the Member countersigned by the Speaker. A guest card is valid only on the legislative day for which it is issued. No lobbyist, as defined by Section 82039 of the Government Code, may, under any circumstances, be admitted to the Assembly Chamber while the Assembly is in session.

Persons admitted to the Assembly Chamber, other than Members, may not be permitted to stand in the lobby in the rear of the Assembly Chamber while the Assembly is in session, but shall be required to occupy the seats provided for them.

Guests may be seated only in the chairs in the back of the rail in the rear of the Assembly Chamber, and may not be permitted to sit at the desks of the Members. No person other than an accredited newspaper representative may be permitted to sit at the press desks. A special section in the balcony may be reserved for those holding guest cards. Neither any person mentioned in this rule nor any other person, except a Member of the Legislature, may engage in influencing the passage or defeat of legislation in the Assembly Chamber.

No person other than a Member of the Legislature, the Sergeant at Arms or his or her assistants, the Chief Clerk or his or her assistants, or the Legislative Counsel or his or her representatives, may be permitted in the area of the floor of the chamber which is occupied by the desks of the Members.

**Qualifications and Elections of Members**

119. An affirmative vote of 41 or more Members shall be required to determine the qualifications and election of any Member pursuant to Section 5 of Article IV of the California Constitution. No motion to



disqualify a Member is in order at the convening of a legislative session until a Speaker has been elected in accordance with Section 9023 of the Government Code.

**Compensation and Expenses of Member Convicted of Felony**

120. If a Member of the Assembly is convicted of a felony by a superior court, his or her right to further compensation or expenses is thereupon suspended, and his or her membership on any committee is thereupon suspended. If the conviction becomes final, the right of the Member to further compensation or expenses shall terminate and any compensation or expenses withheld shall be forfeited to the state. If the conviction is reversed by an appellate court or a motion for a new trial is granted, and the Member is thereafter found not guilty or the charges against him or her are dismissed, the amounts of the withheld compensation or expenses shall be paid to the Member and the suspension of his or her committee membership shall terminate.

Whenever a Member is convicted of a felony in the superior court, the Committee on Rules shall give written notice thereof to the Controller, directing him or her to discontinue any further payments to the Member unless and until the Committee on Rules notifies the Controller that the Member has been found not guilty or that the charges against him or her are dismissed. The Controller may not draw any warrant payable to that Member except as provided in this rule.

**The Seal of the Assembly**

121. The Seal of the Assembly may be used only by or on behalf of a Member of the Assembly, or when specifically authorized by the Committee on Rules.



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# California State Assembly

## Appendix No. 2 to Assembly Journal



Standing Rules of the Assembly,  
2001–02 Regular Session

Standing Rules of the Senate,  
2001–02 Regular Session

Temporary Joint Rules of the Senate and Assembly  
1997–98

(Usage and Custom)

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Assembly Chamber  
June 11, 2001

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\* SCR No. 1 (Karnette), (2001–02 Regular Session) adopted by the Senate, December 4, 2000, Senate Journal, p. 6; pending adoption in Assembly.



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# STANDING RULES OF THE ASSEMBLY

2001–02 Regular Session

House Resolution No. 1 (Cardoza)  
(Adopted December 4, 2000, Assembly Journal, p. 52)

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**STANDING RULES OF THE ASSEMBLY**  
**2001–02 REGULAR SESSION**

**I. LEGISLATIVE ORGANIZATION**

**Assembly General Officers**

1. (a) The general officers of the Assembly are the following:

- (1) Speaker
- (2) Speaker pro Tempore
- Assistant Speaker pro Tempore
- Majority Floor Leader
- Minority Floor Leader
- (3) Chief Clerk
- Sergeant at Arms
- Chaplain

(b) Except for the officers listed in paragraph (2) of subdivision (a), each officer listed in subdivision (a) shall be elected by a majority vote of the duly elected and qualified Members.

(c) The Chief Clerk, subject to the approval of the Committee on Rules, shall determine the names and titles that shall appear on the front page of all publications.

**Hours of Meeting**

2. The Speaker, or, in his or her absence, the Speaker pro Tempore, shall determine the time for convening the session, unless otherwise ordered by a majority vote of the Members present and voting.

**Speaker to Call Assembly to Order**

3. The Speaker, or, in his or her absence, the Speaker pro Tempore, shall, at the hour appointed for meeting, call the Assembly to order.

**Roll Call and Quorum**

4. Before proceeding with the business of the Assembly, both of the following shall be completed:

(1) The roll of the Members shall be called, and the names of those present shall be entered in the Journal. Forty-one Members constitute a quorum.

(2) The presiding officer shall announce the names of all Members who will be absent from that day's session and the reason for their absence.

**Organization of Assembly**

5. For the purposes of the organization of any regular session of the Assembly pursuant to Section 9023 of the Government Code, the person who was the Speaker when the previous regular session adjourned *sine die*, if he or she is reelected to the Assembly, shall be deemed to be the senior member elect.

**II. RULES**

**Adoption of Standing Rules**

6. The adoption of the Standing Rules shall require an affirmative recorded vote of a majority of the duly elected and qualified Members. When once adopted, the Standing Rules shall remain in effect unless suspended or amended as provided in these rules.

**Suspension of Rules**

7. Unless specified otherwise in these rules, any standing rule of the Assembly not requiring more than a majority vote, except Rule 8, may be suspended temporarily by a vote of a majority of the Members of the Assembly. A rule requiring a two-thirds vote may be temporarily suspended by a two-thirds vote of the Members of the Assembly. A temporary suspension shall apply only to the matter under immediate consideration, and in no case may it extend beyond an adjournment.

**Amending Standing Rules**

8. No standing rule of the Assembly may be amended except by a resolution adopted by an affirmative recorded vote of a majority of the duly elected and qualified Members.

**Mason's Manual**

10. In all cases not provided for by the California Constitution, by the Assembly Rules, by the Joint Rules of the Senate and Assembly, or by statute, the authority shall be the latest edition of Mason's Manual.

**III. ORGANIZATION OF COMMITTEES****Standing Committees**

11. Twenty-seven standing committees of the Assembly are hereby created, upon the several subjects, and titled respectively, as follows:

- Aging and Long-Term Care
- Agriculture
- Appropriations
- Banking and Finance
- Budget
- Business and Professions
- Education
- Elections, Reapportionment and Constitutional Amendments
- Environmental Safety and Toxic Materials
- Governmental Organization
- Health
- Higher Education
- Housing and Community Development
- Human Services
- Insurance
- Jobs, Economic Development, and the Economy
- Judiciary
- Labor and Employment
- Local Government
- Natural Resources
- Public Employees, Retirement and Social Security
- Public Safety
- Revenue and Taxation
- Rules
- Transportation
- Utilities and Commerce
- Water, Parks and Wildlife

**Open Meetings**

11.3. (a) Except as otherwise provided in this rule, all meetings of the Assembly or a committee thereof shall be open and public, and all persons shall be permitted to attend the meetings. As used in this rule, “meeting” means a gathering of a quorum of the Members of the Assembly or a committee in one place for the purpose of discussing legislative or other official matters within the jurisdiction of the Assembly or committee. As used in this rule, “committee” includes a standing committee, joint committee, conference committee, subcommittee, select committee, special committee, research committee, or any similar body.

(b) Any meeting that is required to be open and public pursuant to this rule, including any closed session held pursuant to subdivision (c), shall be held only after full and timely notice to the public as provided by the Joint Rules of the Assembly and Senate.

(c) The Assembly or a committee thereof may hold a closed session solely for any of the following purposes:

(1) To consider the appointment, employment, evaluation of performance, or dismissal of a public officer or employee, to consider or hear complaints or charges brought against a Member of the Legislature or other public officer or employee, or to establish the classification or compensation of an employee of the Assembly.

(2) To consider matters affecting the safety and security of Members of the Legislature or its employees, or the safety and security of any buildings and grounds used by the Legislature.

(3) To confer with, or receive advice from, its legal counsel regarding pending or reasonably anticipated litigation, or whether to initiate litigation, when discussion in open session would not protect the interests of the Assembly or committee regarding the litigation.

(d) A caucus of the Members of the Assembly that is composed of members of the same political party may meet in closed session.

(e) A closed session may be held pursuant to paragraph (3) of subdivision (c) under any of the following circumstances:

(1) An adjudicatory proceeding before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator, to which the Assembly or a committee, Member, or employee thereof is a party, has been initiated formally.

(2) Based on existing facts and circumstances, a point has been reached where, in the opinion of the Assembly or a committee thereof, on the advice of its legal counsel, litigation against the Assembly or a committee, Member, or employee thereof is reasonably anticipated.

(3) Based on existing facts and circumstances, the Assembly or a committee thereof has decided to initiate, or is deciding whether to initiate, litigation.

(4) To confer with, or receive advice from, its legal counsel and negotiator prior to the purchase, sale, exchange, or lease of real property by or for the Assembly or a committee thereof regarding the price and terms of payment for the purchase, sale, exchange, or lease.

(f) Prior to holding a closed session pursuant to paragraph (3) of subdivision (c), the presiding officer of the Assembly or the chair of the committee, as appropriate, shall state publicly which paragraph of subdivision (e) is applicable. If the closed session is held pursuant to paragraph (1) of subdivision (e), the presiding officer or chair shall state the title of or otherwise specifically identify the litigation to be

discussed, unless the presiding officer or chair states that to do so would jeopardize the ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize the ability of the Assembly or the committee to conclude existing settlement negotiations to its advantage. If the closed session is held pursuant to paragraph (4) of subdivision (e), the notice of the closed session shall identify the real property that the negotiations may concern and the person with whom the negotiations may take place.

(g) The legal counsel for the Assembly or the committee shall prepare and submit to the Assembly or the committee a memorandum stating the specific reasons and legal authority for the closed session. If the closed session is held pursuant to paragraph (1) of subdivision (e), the memorandum shall include the title of or other identification of the litigation. If the closed session is held pursuant to paragraph (2), (3), or (4) of subdivision (e), the memorandum shall set forth the existing facts and circumstances on which the closed session is based. The legal counsel shall submit the memorandum to the Assembly or the committee prior to the closed session, if feasible, or, in any case, not later than one week after the closed session. The memorandum shall be exempt from disclosure under the Legislative Open Records Act contained in Article 3.5 (commencing with Section 9070) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code.

(h) For purposes of paragraph (3) of subdivision (c), “litigation” includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

(i) For purposes of this rule, all expressions of the lawyer-client privilege other than those provided in this rule are hereby abrogated. This rule is the exclusive expression of the lawyer-client privilege for the purposes of conducting closed-session meetings pursuant to this rule.

(j) Disclosure of a memorandum required under this rule shall not be deemed a waiver of the lawyer-client privilege provided for under Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

#### **Conference Committee Meetings**

11.4. No Member may participate in a meeting of a conference committee considering any bill that is not open to the public.

#### **Assembly Investigating Committees**

11.5. (a) The standing committees of the Assembly created pursuant to Rule 11, with the exception of the Committee on Rules, are hereby constituted Assembly investigating committees and are authorized and directed to ascertain, study, and analyze all facts relating to any subjects or matters which the Committee on Rules shall assign to them upon request of the Assembly or upon its own initiative.

(b) Each of the Assembly investigating committees shall consist of the members of the standing committee on the same subject as most recently constituted. The chairperson and vice chairperson shall be the chairperson and vice chairperson of the standing committee. Vacancies occurring in the membership of the committee shall be filled by the appointing authority.

(c) Each committee and any subcommittee, and its members, shall have and exercise all the rights, duties, and powers conferred upon

investigating committees and their members by law and by the Joint Rules of the Senate and Assembly and the Standing Rules of the Assembly as they are adopted and amended from time to time, which rules are incorporated herein and made applicable to the committee or subcommittee and their members.

(d) In order to prevent duplication and overlapping of studies between the various investigating committees herein created, no committee may commence the study of any subject or matter not specifically authorized herein or assigned to it unless and until prior written approval thereof has been obtained from the Committee on Rules.

(e) The Committee on Rules shall provide for the expenses of the above committees and their members and for any charges, expenses, or claims they may incur under this rule, to be paid from the Assembly Operating Fund and disbursed, after certification by the Chairperson of the Committee on Rules or his or her authorized representative, upon warrants drawn by the Controller upon the State Treasury.

#### **Membership of Standing Committees**

12. The Speaker shall determine the size, and appoint the membership and the chairperson and vice chairperson, of all standing committees and subcommittees. In appointing Members to serve on committees, the Speaker shall consider the preferences of the Members.

#### **Committee on Rules**

13. There is a Committee on Rules, which shall act as the executive committee of the Assembly. The committee shall consist of the chairperson, who shall be a Member selected by the Speaker, and seven other members, four to be selected by the Speaker and three, including the vice chairperson of the committee, to be selected by the Minority Floor Leader. One alternate member of the Committee on Rules shall be selected by each party leader. Members and alternates so selected shall remain in office until their successors are selected as provided for in these rules. The Speaker or the Minority Floor Leader may designate any member of their respective parties in lieu of or in addition to the alternate member to fill a temporary vacancy.

An alternate member may serve when a committee member of the same political party is absent. No regular member of the Committee on Rules may simultaneously serve as a chairperson of any standing committee.

All meetings of the Committee on Rules that are required to be open and public shall be held in a room of appropriate size, and audio or video transmission of those meetings shall be provided.

#### **Organization of Party Caucuses**

13.1. Within two days after the general election held in November of each even-numbered year, the caucus of the political party having the greatest number of Members in the Assembly, and the caucus of the political party having the second greatest number of Members, each shall meet for the purpose of selecting their officers for the next regular session. The rules and procedures of each caucus shall be determined by that caucus, but may not be inconsistent with these rules.

**Powers of the Committee on Rules**

14. (a) The Committee on Rules shall have the following powers:

(1) To refer each bill and house resolution to a committee, as provided by these rules.

(2) To appoint all employees of the Assembly not otherwise provided for by statute. It shall have authority to terminate, to discipline, to establish, and to modify the terms and conditions of employment of, or to suspend, with or without pay, any employee of the Assembly.

(3) To make studies and recommendations designed to promote, improve, and expedite the business and procedure of the Assembly and of the committees thereof, and to propose any amendments to the Rules deemed necessary to accomplish these purposes.

(4) To adopt additional policies or requirements regarding the use of cameras and other recording equipment at committee hearings or Assembly floor sessions.

(5) To contract with other agencies, public or private, as it deems necessary for the rendition and affording of those services, facilities, studies, and reports to the committee that will best assist it to carry out the purposes for which it is created.

(6) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of these rules and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(7) To report its findings and recommendations to the Legislature and to the people from time to time and at any time.

(8) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of these rules.

(9) To make available to the Assembly, or to any Assembly or joint committee, or to any Member of the Assembly assistance in connection with the duties of the committee or other legislative matters as the personnel under direction of the committee or its other facilities permit.

(10) To make available to and furnish to the Assembly, and to Assembly investigating committees created at this session and to each of the members thereof, clerical, secretarial, and stenographic help as may be reasonably necessary for the Assembly to carry out its work, and for the committees and each of the members thereof, to make and carry on the studies and investigations required by or of them by the resolutions creating the committees, and for these purposes to employ additional stenographic and secretarial assistants as may be necessary, assign, reassign, and discharge these assistants and prescribe amounts, times, and methods of payment of their compensation. The committee shall allocate annually an amount for the operation of each investigating committee, which shall constitute the annual budget of the committee.

(b) During the times as the Assembly is not in session, the committee is authorized and directed to incur and pay expenses of the Assembly not otherwise provided for that the committee determines are reasonably necessary, including the repair, alteration, improvement, and equipping of the Assembly Chamber and the offices provided for the Assembly in the State Capitol and the Capitol Annex.

(c) The committee shall allocate sufficient moneys from the Assembly Operating Fund to support the Assembly's share of joint operations.

(d) The chairperson of the Committee on Rules shall appoint a Chief Administrative Officer of the Assembly, subject to the ratification of the Committee on Rules, who shall have duties relating to the administrative, fiscal, and business affairs of the Assembly that the committee shall prescribe. The Chairperson of the Committee on Rules or a majority of the membership of the Committee on Rules may terminate the services of the Chief Administrative Officer at any time. Notwithstanding the foregoing, the Speaker may appoint a temporary chief administrative officer for up to 90 days following the beginning of the session.

(e) The committee on Rules shall provide for the publication of a compilation of the photographs of accredited press representatives.

(f) The Committee on Rules may delegate powers to the Speaker by a majority vote of the membership of the committee.

#### **Subcommittee on Sexual Harassment Prevention and Response**

14.5. (a) The Subcommittee on Sexual Harassment Prevention and Response is hereby created as a subcommittee of the Committee on Rules. The subcommittee shall be composed of a total of six members, with the following four members appointed by the Chairperson of the Committee on Rules: two members of the Committee on Rules from the political party having the greatest number of Members in the Assembly and two members of the Committee on Rules from the political party having the second greatest number of Members. The two members from the political party having the second greatest number of Members shall be appointed from a list of nominees that the vice chairperson of the committee provides to the chairperson. The co-chairs of the Assembly Legislative Ethics Committee also shall be members of the subcommittee. The Chairperson of the Committee on Rules shall designate one of the members of the subcommittee to serve as chair of the subcommittee.

(b) The subcommittee shall formulate and recommend to the Committee on Rules procedures for the handling of any complaint of sexual harassment lodged against a Member of the Assembly or an Assembly employee. Those recommendations shall be submitted to the Committee on Rules no later than 30 days following the adoption of this rule.

(c) Following the submission of the recommendations pursuant to subdivision (b), the chair of the subcommittee may cause the subcommittee to convene to review and recommend further changes in procedures as subsequent events may require.

#### **Committee on Rules**

15. The Committee on Rules shall continue in existence during any recess of the Legislature and after final adjournment and until the convening of the next regular session, and shall have the same powers and duties as while the Assembly is in session. In dealing with any matter within its jurisdiction, the committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which rules are incorporated herein and made applicable to the Committee on Rules and its members.

**Operating Fund Report**

15.5. The Committee on Rules shall annually prepare a report to the public of expenditures as required by Section 9131 of the Government Code.

**Independent Audit of Operating Funds**

15.6. The Committee on Rules shall annually contract for an independent audit of the revenues and expenditures, for each fiscal year, from the Assembly Operating Fund. The organization performing the audit shall be selected by a majority of the membership of the Committee on Rules. The contract for the audit shall be awarded through a competitive bidding procedure. The audit shall be prepared in a manner and form to be determined by the organization performing the audit, and shall be consistent with generally accepted accounting principles.

The audit shall be completed and made available to the public within 180 calendar days following the completion of the fiscal year for which the audit is performed.

**Performance Audit**

15.7. In addition to the annual financial audit required by Rule 15.6, the Committee on Rules shall contract for an audit of the administrative operations of the Assembly each session. The administrative departments to be audited shall be determined by the Committee on Rules. An organization performing an audit pursuant to this rule shall be selected by a majority of the membership of the Committee on Rules. A contract for an audit shall be awarded through a competitive bidding procedure. Audits shall be prepared in a manner and form to be determined by the organization performing the audit, and shall be consistent with generally accepted accounting principles.

All findings and recommendations reported by an auditing firm shall be made available to Members and to the public.

**Rules Committee Resolutions**

16. The Committee on Rules, acting unanimously by appropriate resolution, on behalf of and in the name of the Assembly, may extend congratulations, commendations, sympathy, or regret to any person, group, or organization, and may authorize the presentation of suitably prepared copies of these resolutions to the persons concerned and to their relatives.

**Assembly Operating Fund**

17. The Committee on Rules is the committee identified in Section 9127 of the Government Code. The balance of all money in the Assembly Operating Fund, including money now or hereafter appropriated, except the sums that are made available specifically for the expense of designated committees or for other purposes, is hereby made available to the Committee on Rules for any charges or claims it may incur in carrying out the duties imposed upon it by these rules or by Assembly or concurrent resolution. The money made available by this rule includes the unencumbered balances of all sums heretofore made available to any Assembly or joint committee by the Assembly, upon the expiration of that committee, and shall be expended as provided in these rules.



**Expenditures**

18. No Member or committee may incur any expense except as authorized pursuant to these rules or the Joint Rules of the Senate and Assembly, or as authorized by the Assembly or the Committee on Rules.

The Committee on Rules shall provide, by rules and regulations, for the manner of authorizing expenditures by Members, committees, officers, and employees of the Assembly that are not otherwise authorized by law, these rules, or the Joint Rules of the Senate and Assembly. These rules and regulations shall incorporate a provision whereby construction, alteration, improvement, repair, or maintenance of real or personal property, and the purchase of supplies and equipment, shall be governed by competitive bidding. Further, the rules and regulations shall provide for the payment of expenditures, as authorized by these rules and regulations, from the Assembly Operating Fund upon certification of claims therefor to the Controller by the Committee on Rules or its authorized representative.

No Member may be reimbursed for travel outside the State of California without prior approval of the Speaker or the Committee on Rules.

**Rules and Regulations Governing Committees**

20. All claims for expenses incurred by investigating committees of the Assembly shall be approved by the Committee on Rules, or its authorized representative, before the claims are presented to the Controller.

All proposed expenditures, other than expenditures of the funds of an investigating committee, shall be approved by the Committee on Rules or its authorized representative before the expenses are incurred, unless the expenditure is specifically exempted from this requirement by the resolution authorizing it.

No warrant may be drawn in payment of any claim for expenses until the approval of the Committee on Rules, or its authorized representative, has been obtained in accordance with this rule.

The Committee on Rules shall adopt rules and regulations governing the awarding of any contract by an investigating committee, and rules and regulations limiting the amount, time, and place of expenses and allowances to be paid to employees of Assembly investigating committees or other Assembly committees.

These rules may provide for allowances to committee employees in lieu of actual expenses.

Mileage is an allowance to a committee employee in lieu of actual expenses of travel. When travel is by private conveyance, mileage shall be allowed only to the operator of, and not to passengers in, a private vehicle. Claims for mileage by private conveyance must be accompanied by the license number of the vehicle and the names of state officers and employees riding as passengers.

Copies of all rules and regulations adopted pursuant to this rule shall be distributed to the chairperson of every investigating committee and of any other Assembly committee that has employees.

**Fees for Witnesses**

21. Each witness summoned to appear before the Assembly or any of its committees shall be reimbursed at a rate set by the Committee on Rules.

**Assembly General Research Committee**

22. (a) The Assembly General Research Committee is hereby continued as a permanent factfinding committee pursuant to Section 11 of Article IV of the California Constitution. The committee is allocated all subjects within the scope of legislative regulation and control, but may not undertake any investigation that another committee has been specifically requested or directed to undertake. The Assembly General Research Committee may act through subcommittees appointed by the Speaker in consultation with the Committee on Rules, and each of these subcommittees may act only on the particular study or investigation assigned by the Speaker in consultation with the Committee on Rules to that subcommittee. Each subcommittee shall be known and designated as a select committee. The Speaker is the Chairperson of the Assembly General Research Committee and may be a voting member of any subcommittee. Each member of the Assembly General Research Committee is authorized and directed to receive and investigate requests for legislative action made by individuals or groups, and to report thereon to the full committee. The Committee on Rules is authorized to allocate to any subcommittee from the Assembly Operating Fund those sums that the Committee on Rules deems necessary to complete the investigation or study conferred upon that subcommittee. The Committee on Rules shall further allocate, from time to time, to the Assembly General Research Committee from the Assembly Operating Fund those sums that are necessary to permit the Assembly General Research Committee and the members thereof to carry out the duties imposed on them. The committee has continuous existence until the time that its existence is terminated by a resolution adopted by the Assembly, and the committee is authorized to act both during and between sessions of the Legislature, including any recess.

(b) The committee and its members shall have and exercise all the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly and the Standing Rules of the Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to the committee and its members.

(c) The committee has the following additional powers and duties:

(1) To contract with other agencies, public or private, for the rendition and affording of services, facilities, studies, and reports to the committee as the committee deems necessary to assist it to carry out the purposes for which it is created.

(2) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this rule and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(3) To report its findings and recommendations to the Legislature and the people from time to time.

(4) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this rule.

**Assembly Legislative Ethics Committee**

22.5. (a) The Assembly Legislative Ethics Committee is hereby created. The committee shall consist of six Members of the Assembly, appointed by the Speaker. Notwithstanding any other rule of the Assembly, three members of the committee shall be from the political party having the greatest number of Members in the Assembly and three members shall be from the political party having the second greatest number of Members. Any temporary or permanent vacancy on the committee shall be filled within 10 days by a member from the same political party. All appointments, including appointments to fill permanent or temporary vacancies, of members from the political party having the second greatest number of Members in the Assembly shall be made from a list of nominees that the Minority Floor Leader provides to the Speaker. The Speaker shall designate one member of the committee from the political party having the greatest number of Members in the Assembly and one member of the committee from the political party having the second greatest number of Members to serve as co-chairs of the committee. The Speaker shall designate one of the co-chairs to serve as the presiding officer at any meeting or hearing conducted by the committee.

If a verified complaint is filed against a member of the committee, the Speaker shall temporarily replace the member with a Member from the same political party, who shall serve until the complaint is dismissed or the Assembly takes final action on the complaint, whichever occurs first.

(b) The provisions of this rule, and of Rule 11.5 related to investigating committees, shall apply to the committee and shall govern its proceedings.

Prior to the issuance of any subpoena by the committee with respect to any matter before the committee, it shall, by a resolution adopted by the committee pursuant to a vote in accordance with subdivision (n), define the nature and scope of its investigation in the matter before it.

(c) Funds for the support of the committee shall be provided from the Assembly Operating Fund in the same manner that those funds are made available to other committees of the Assembly.

(d) (1) The committee shall have the power, pursuant to this rule and Article 3 (commencing with Section 8940) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, to investigate and make findings and recommendations concerning violations by Members of the Assembly of any provision of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code or of any other provision of law or legislative rule that governs the conduct of Members of the Assembly, hereafter collectively referred to as "standards of conduct."

(2) The committee may, on its own action pursuant to a vote in accordance with subdivision (n), initiate an investigation of a Member of the Assembly.

(e) Any person may file with the committee a verified complaint in writing, which shall state the name of the Member of the Assembly alleged to have violated any standard of conduct, and which shall set forth the particulars thereof with sufficient clarity and detail to enable the committee to make a determination. The person filing the complaint thereafter shall be designated the complainant.

If a verified complaint is filed with the committee, the committee promptly shall send a copy of the complaint to the Member of the Assembly alleged to have committed the violation complained of, who thereafter shall be designated the respondent.

No complaint may be filed with the committee after the expiration of 12 months from the date the alleged violation is discovered or three years from the date of the alleged violation, whichever occurs first.

(f) (1) If the committee determines that the verified complaint does not allege facts, directly or upon information and belief, sufficient to constitute a violation of any standard of conduct, it shall dismiss the complaint and so notify the complainant and respondent.

(2) (i) If the committee determines that the verified complaint does allege facts, directly or upon information and belief, sufficient to constitute a violation of any standard of conduct, the committee promptly shall investigate the alleged violation and if, after this preliminary investigation, the committee finds that reasonable cause exists for believing the allegations of the complaint, it shall fix a time for a hearing in the matter, which shall be not more than 30 days after that finding. The committee may, however, seek an extension of this period, not to exceed an additional 30 days, which may be granted by a majority vote of the Committee on Rules.

(ii) If, after preliminary investigation, the committee does not find that reasonable cause exists for believing the allegations of the complaint, the committee shall dismiss the complaint. In either event, the committee shall notify the complainant and the respondent of its determination.

(3) The committee shall make its determination under paragraph (1) or (2) of this subdivision, pursuant to a vote in accordance with subdivision (n), not later than 90 days after first receiving a complaint that satisfies subdivision (e). The committee may, however, seek an extension, not to exceed 30 days, which may be granted by a majority vote of the membership of the Committee on Rules. If the committee has requested a law enforcement agency to investigate the complaint or if the committee knows the complaint is being investigated by a law enforcement agency, the time limits set forth in this subdivision shall be tolled until the investigation is completed.

(4) The committee's determination under paragraph (1) or (2) of this subdivision shall be stated in writing, with reasons given therefor, and shall be provided to the Assembly, and, in any case concerning an alleged violation of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, shall be provided to the appropriate law enforcement agency. This written determination is a public record and is open to public inspection.

(5) Any deliberations of the committee from the time of receipt of a complaint until it decides to dismiss the complaint or to set a hearing shall not be open to the public unless the respondent requests a public meeting.

(g) After the complaint has been filed, the respondent shall be entitled to examine and make copies of all evidence in the possession of the committee relating to the complaint.

(h) If a hearing is held pursuant to subdivision (f), the committee, before the hearing has commenced, shall issue subpoenas and subpoenas duces tecum at the request of any party in accordance with Chapter 4 (commencing with Section 9400) of Part 1 of Division 2 of

Title 2 of the Government Code. All of the provisions of that chapter, except Section 9410 of the Government Code, shall apply to the committee and the witnesses before it.

(i) At any hearing held by the committee:

(1) Oral evidence shall be taken on oath or affirmation.

(2) Each party shall have these rights: to be represented by legal counsel; to call and examine witnesses; to introduce exhibits; and to cross-examine opposing witnesses.

(3) The hearing shall be open to the public.

(j) Any official or other person whose name is mentioned at any investigation or hearing of the committee, and who believes that testimony has been given that adversely affects him or her, shall have the right to testify or, at the discretion of the committee, to testify under oath relating solely to the material relevant to the testimony regarding which he or she complains.

(k) The committee shall have 15 days following the hearing within which to deliberate and reach its final determination on the matter as follows:

(1) If the committee finds that the respondent has not violated any standard of conduct, it shall order the action dismissed, shall notify the respondent and complainant thereof, and, in cases concerning an alleged violation of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, shall transmit a copy of the complaint and the fact of dismissal to the appropriate law enforcement agency. The complaint and the fact of dismissal transmitted pursuant to this paragraph are public records and open to public inspection.

(2) If the committee finds that the respondent has violated any standard of conduct, it shall state its findings of fact and submit a report thereon to the Assembly. This report shall be accompanied by a House Resolution, authored by the committee, which shall be introduced at the Chief Clerk's desk and then referred by the Committee on Rules to the Ethics Committee. The House Resolution shall include a statement of the committee's findings and the committee's recommendation for disciplinary action. Within seven days, the committee shall adopt the final form of the House Resolution and report it to the Assembly for placement on the Daily File. The committee also shall send a copy of those findings and report to the complainant and respondent, and, in cases concerning an alleged violation of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, shall report thereon to the appropriate law enforcement agency. The report submitted pursuant to this paragraph is a public record and open to public inspection.

After the receipt of a copy of the committee's final report and House Resolution, the Assembly expeditiously shall take appropriate action with respect to the respondent.

(l) The filing of a complaint with the committee pursuant to this rule suspends the running of the statute of limitations applicable to any violation of any standard of conduct alleged in the substance of that complaint while the complaint is pending.

(m) The committee shall maintain a record of its investigations, inquiries, and proceedings. All records, complaints, documents, and reports filed with or submitted to or made by the committee, and all records and transcripts of any investigations, inquiries, or hearings of

the committee under this rule shall be deemed confidential and shall not be open to inspection, without the express permission of the committee, by any person other than a member of the committee, or an employee of the committee or other state employee designated to assist the committee, except as otherwise specifically provided in this rule. The committee may, by adoption of a resolution, authorize the release to the Attorney General or a district attorney of the appropriate county of any information, records, complaints, documents, reports, and transcripts in its possession that are material to any matter pending before the Attorney General or that district attorney. All matters presented at a public hearing of the committee and all reports of the committee stating a final finding of fact pursuant to subdivision (k) shall be public records and open to public inspection. Any employee of the committee who divulges any matter that is deemed to be confidential by this subdivision shall be subject to discipline by the Committee on Rules.

(n) The committee may take any action authorized by this rule only upon the vote of not less than two members from the registered political party having the greatest number of Members in the Assembly and two members from the registered political party having the second greatest number of Members. Any vacancy on the committee does not reduce the votes required to take action.

(o) The committee may render advisory opinions to Members of the Assembly with respect to the standards of conduct and their application and construction. The committee may secure an opinion from the Legislative Counsel for this purpose or issue its own opinion. Any committee advisory opinion shall be prepared by committee members or staff and shall be adopted by the committee pursuant to subdivision (n).

(p) The committee shall conduct, at least semiannually, an orientation course on the relevant statutes and regulations governing official conduct. The curriculum and presentation of the course shall be established by the Committee on Rules.

Pursuant to Section 8956 of the Government Code, the committee shall conduct, at least annually, an orientation course on the relevant ethical issues and laws relating to lobbying. The committee shall impose fees on lobbyists for attending this course at an amount that will permit the participation of lobbyists to the fullest extent possible.

At least once each biennial session, each Member of the Assembly and each designated employee of the Assembly shall attend one of these courses.

#### **Printing of Committee Reports**

23. All requests for the printing of reports of Assembly committees shall be referred to the Committee on Rules. The Committee on Rules shall determine the number of copies needed and whether the report shall be printed in the Journal. In no event may more than 1,000 copies of any committee report be authorized by the Committee on Rules on the first printing, exclusive of the Journal copies if the report is to be printed therein, unless the Committee on Rules finds and determines that there is a special need for that report in greater numbers.

Upon determination by the Committee on Rules that additional copies of an Assembly committee report are required at any time following the first printing of the authorized number of copies, the

Committee on Rules may authorize one or more additional printings in the numbers found by it to be necessary and may make funds available therefor.

No Assembly committee report may contain more than 100 pages, including the front and back cover thereof and any appendix, unless a greater number of pages has been approved and authorized by the Committee on Rules.

#### **Assembly Employees**

24. Every employee who works for a committee of the Assembly or a subcommittee of a committee, for a Member of the Assembly, for the Chief Clerk's office, or for the Sergeant at Arms, is an employee of the Assembly. All employees of the Assembly serve at the pleasure of the Assembly and the terms and conditions of their employment may be modified, or their employment may be terminated at will, at any time and without notice, by the Committee on Rules.

Every applicant for employment by the Assembly shall prepare a formal application for employment on forms prescribed by the Committee on Rules. The application shall include a statement of his or her present employment, his or her employment during the preceding two years, and other pertinent information that the Committee on Rules may require. The application shall be certified under penalty of perjury, and any willful false statement or omission of a material fact shall be punishable as perjury. If the application discloses any fact that indicates that the applicant has a personal interest that would conflict with the faithful performance of his or her duties, the applicant shall not be employed. All applications shall be retained in the records of the committee.

Every employee shall complete the Assembly ethics course in the first six months of his or her employment. Thereafter, every employee shall take the course in the first six months of every legislative session.

Every employee shall, within the first six months of every legislative session, take a course on sexual harassment prevention. The content of the course shall be determined by the Committee on Rules and shall include the Assembly's policy on sexual harassment prevention and response.

No employee may engage in any outside business activity or outside employment that is inconsistent, incompatible, or in conflict with his or her functions or responsibilities as an employee of the Assembly. Any employee who engages in any outside business activity or employment that is in any way related to his or her functions or responsibilities as an employee shall promptly notify the Committee on Rules of that business activity or employment.

#### **Assembly Proceedings**

25. Accredited press representatives may not be excluded from any public legislative meeting or hearing and may not be prohibited from taking photographs of, televising, or recording the committee or house hearings, subject to the following conditions:

- (1) This rule shall extend to all public legislative meetings.
- (2) Lights shall be used only when cameras are filming, and, when possible, proceedings in hearing rooms and the Chamber shall be filmed without lights.
- (3) Every effort should be made to set up filming equipment before hearings or sessions begin.

(4) The committee chairperson or the Speaker shall be notified, as far in advance of the proceedings as possible, that recordings and television cameras will be present and filming.

(5) To the extent practical, flash cameras shall not be used.

(6) Photographs shall be taken in an orderly and expeditious manner so as to cause the least possible inconvenience to the committee or to the Members in the Chamber.

#### **IV. ASSEMBLY FUNCTIONS**

##### **A. Duties of Assembly Officers**

###### **Duties of the Speaker**

26. (a) The Speaker shall possess the powers and perform the duties prescribed as follows:

(1) To preserve order and decorum; he or she may speak to points of order in preference to the other Members, rising from his or her chair for that purpose.

(2) To decide all questions of order subject to appeal to the Assembly by any Member. On every appeal, the Speaker shall have the right to assign the reason for his or her decision.

(3) To name any Member to perform the duties of the Speaker, except that any substitution may not extend beyond adjournment.

(4) To have general direction over the Assembly chamber and rooms set aside for the use of the Assembly, including the rooms for use by Members as private offices.

(5) To allocate funds, staffing, and other resources for the effective operation of the Assembly.

(6) To appoint the membership of all standing and special committees, and their respective chairpersons and vice-chairpersons. The Speaker has approval power over the appointment of subcommittees of those standing and special committees.

(7) To establish a schedule of meetings of standing committees or subcommittees and to approve special meetings at a time different from the scheduled time.

(8) To have general control and direction over the Journals, papers, and bills of the Assembly.

(9) To act as Chairperson of the Committee of the Whole.

(10) To order the Lobby and Gallery cleared whenever he or she deems it necessary.

(11) To authenticate by his or her signature, when necessary or required by law, all bills, memorials, resolutions, orders, proceedings, writs, warrants, and subpoenas issued by order of the Assembly.

(b) The Speaker shall be ex officio member of all Assembly and joint committees with all of the rights and privileges of that membership, except the right to vote. In counting a quorum of any of those committees, the Speaker shall not be counted as a member.

(c) The Speaker shall, at each regular session, appoint a Member of the Assembly to serve on the Judicial Council pursuant to Section 6 of Article VI of the California Constitution.



**Funerals and Other Ceremonies and Events**

27. The Speaker may designate any one or more of the Members of the Assembly as the representatives of the Assembly to attend funerals and other ceremonies and events in appropriate circumstances. The Members so designated shall receive their expenses as provided in Joint Rule 35.

**Selection of Officers**

28. (a) The Speaker shall appoint all nonelected officers of the Assembly except the Minority Floor Leader.

(b) The Minority Floor Leader shall be selected by the caucus of the political party having the second greatest number of Members in the Assembly.

**Duties of the Speaker pro Tempore**

29. The Speaker pro Tempore shall perform those duties assigned by the Speaker, including the responsibility of presiding over sessions of the Assembly and advising the Members on parliamentary procedures of the house.

**Majority Floor Leader**

30. It shall be the duty of the Majority Floor Leader to make those appropriate motions, points of order, or other arrangements that may be necessary to expedite the proceedings of the Assembly, and he or she shall be responsible for the presentation of all matters that relate to the order of business, and to the promotion of harmony among the membership.

**Caucus Chairpersons**

31. The chairperson of the caucus of the political party having the greatest number of Members in the Assembly, and the chairperson of the caucus of the political party having the second greatest number of Members in the Assembly, shall perform those duties that are prescribed by their respective party caucuses.

**Chief Clerk**

32. The Chief Clerk of the Assembly shall have the following duties, powers, and responsibilities:

(a) To be charged with the responsibility of the keeping of the bills, papers, and records of the proceedings and actions of the Assembly and to have charge of the publication and distribution of those publications related thereto.

(b) To supervise Assembly employees who are engaged in duties related to subdivision (a).

(c) To act as Parliamentarian of the Assembly and to advise the officers of the Assembly and the Committee on Rules on parliamentary procedure and the Rules of the Assembly when called upon to do so.

(d) To prepare all bills, resolutions, histories, journals, and related publications for printing.

(e) To refuse to permit any bills, papers, or records to be removed from his or her office or out of his or her custody, except upon duly signed receipts from persons authorized.

(f) To mail, before the commencement of each regular session of the Legislature, to each Member a blank form on which the Member may indicate his or her committee preferences. Accompanying the blank form shall be mailed a stamped envelope addressed to the Chief Clerk

of the Assembly for returning the form. After their receipt, all those communications shall be held by the Chief Clerk of the Assembly and the information contained in the forms shall be forwarded to the Speaker.

(g) To perform other duties that are prescribed by law or the Committee on Rules.

(h) To make technical changes in measures and amendments pending before the Assembly. The Chief Clerk shall notify the Speaker and the author of the measure of any such change.

(i) To compare all bills, ordered or considered engrossed by the Assembly, with the engrossed copies thereof; before they pass out of the possession of the Assembly, to see that each engrossed bill is a true copy of the original, with those amendments that may have been made thereto; and to see that all engrossed bills are reported back in the order in which they were ordered engrossed.

(j) To assist the Committee on Rules, upon its request, in recommending the reference of bills to the appropriate standing committee.

The Assistant Chief Clerk shall have the powers and perform the duties of the Chief Clerk during his or her absence.

#### **Sergeant at Arms**

33. The Sergeant at Arms shall have the following duties, powers, and responsibilities:

(a) To attend the Assembly during its session, preserve order, announce all official messengers, and serve all process issued by authority of the Assembly and directed by the Speaker; the Sergeant at Arms shall receive actual expenses for himself or herself, or for an assistant, incurred in executing any process.

(b) To see that no person is admitted to the Assembly Chamber except in accordance with these rules.

(c) To have general supervision over the Assistant Sergeants at Arms and be responsible for their official acts and their performance of and regular attendance upon their duties.

(d) To execute all commands of the Speaker.

(e) To perform all other duties pertaining to his or her office as prescribed by law or Assembly rule.

The Chief Assistant Sergeant at Arms shall have the powers and perform the duties of the Sergeant at Arms during his or her absence.

#### **Filling Interim Vacancies—Assembly Elected Officers**

34. In the event a vacancy in any office, except Speaker, elected by the membership of the Assembly occurs during joint recesses, the Committee on Rules shall fill the office until the session reconvenes. If a vacancy occurs in the office of the Speaker during a joint recess, the Committee on Rules shall notify the membership within 15 days from the time the vacancy occurs and shall call a caucus of the membership of the Assembly for the purpose of filling the vacancy. This caucus shall be held at the State Capitol within 30 days from the time the vacancy occurs. Notice of the caucus shall be in writing and shall be mailed not less than 10 days prior to the meeting of the caucus. If the Committee on Rules fails to act within 15 days from the time the vacancy in the office of Speaker occurs, the Chief Clerk of the Assembly shall act in its place, following the procedure set forth in this rule. Any person selected to fill

any vacancy pursuant to this rule shall hold the office until the session reconvenes.

An affirmative recorded vote of a majority of the duly elected and qualified Members shall be required for the selection by the Assembly caucus of a person to fill a vacancy pursuant to this rule. The procedure for selecting the Speaker at the caucus shall be the same as the procedure required for the election of the Speaker at a session.

## **B. Printing**

### **Authority for Printing**

35. The State Printer may not charge any printing or other work to the Assembly other than as provided by law or Assembly rule, except upon a written order signed by the Chief Clerk of the Assembly or the Chief Administrative Officer of the Assembly. All invoices for printing furnished to the Assembly shall be itemized and rendered by the State Printer within 30 days after completion of the printing. When necessary, the Chief Clerk of the Assembly or the Chief Administrative Officer of the Assembly may order certain printed matter completed in advance of its regular order by the issuance of a rush order.

### **Ordering of Printing**

36. The Chief Clerk is authorized to order, and shall have the responsibility for ordering, the printing of bills, resolutions, journals, daily files, histories, and related documents.

The Chief Clerk of the Assembly, or the Chief Administrative Officer of the Assembly, shall order other printing as directed or authorized by the Committee on Rules, and the written order for that printing shall be countersigned by the Speaker or a person designated by the Speaker. The Chief Clerk of the Assembly or the Chief Administrative Officer of the Assembly shall also order other printing as directed or authorized by resolution or motion of the Assembly.

### **Printing Assembly History and Legislative Handbook**

37. During the session, the Chief Clerk shall cause to be printed and placed upon each Member's desk, prior to convening on Monday of each week, a complete history showing all actions taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening between the issuance of each Weekly History, there shall be printed a Daily Supplemental History showing only actions taken upon any measure since the issuance of the preceding Weekly History.

The Chief Clerk of the Assembly shall, as soon as practicable, in each even-numbered year, commence to compile a legislative manual or handbook, pursuant to Section 9740 of the Government Code.

## **V. LEGISLATIVE PROCEDURE**

### **Order of Business**

40. (a) The order of business of the Assembly shall be as follows:
1. Roll Call
  2. Prayer by the Chaplain
  3. Reading of the Previous Day's Journal
  4. Presentation of Petitions
  5. Introduction and Reference of Bills
  6. Reports of Committees

7. Messages From the Governor
8. Messages From the Senate
9. Motions and Resolutions
10. Business on the Daily File
11. Announcements
12. Adjournment

(b) With the exception of Special Orders of Business, the Speaker may determine that a different order of business will result in a more expeditious processing of the business of the Assembly by ordering resolutions honoring an individual or an organization, introductions, and adjournments in memory of individuals to be taken up in a different order than that listed in subdivision (a).

#### **Pledging of Allegiance to the Flag**

41. At each session, following the prayer by the Chaplain, the Members of the Assembly and its officers and employees present in the Assembly Chamber shall pledge their allegiance to the Flag of the United States of America. The Speaker shall invite guests present in the Assembly Chamber to join in the pledge of allegiance to the Flag of the United States of America.

#### **Reading and Correcting Journals**

42. (a) The reading of the Journal of the previous day may be dispensed with, on motion, by a majority vote of the Members present and voting.

(b) All journals of the Assembly shall be corrected by the Minute Clerk and delivered to the Chief Clerk.

(c) A motion to correct any day's Journal or to print a letter in the Journal shall always be in order and shall require a majority vote of the Members present and voting.

#### **Presentation of Petitions**

43. Whenever petitions, memorials, or other papers are presented by a Member, a brief statement of the contents thereof may be made verbally by the introducer. Petitions are not debatable and shall be filed, or referred to a committee as the Speaker shall determine. Receipt of that presentation and its disposition shall be noted in the Journal.

Upon receipt of a petition for the impeachment of any person subject to impeachment by the Legislature, the Speaker shall, without comment or debate, forthwith refer the petition to committee.

#### **Messages From the Governor**

44. Messages from the Governor shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed in the Journal unless otherwise ordered by an affirmative recorded vote of 54 or more Members.

#### **Messages From the Senate**

45. Messages from the Senate shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed in the Journal. The Committee on Rules shall refer each bill to a committee, unless upon a motion the Assembly, by an affirmative recorded vote of 41 or more Members, shall refer it to some other committee. The action to refer a bill shall not be debatable. The reference shall be entered in the Journal. Assembly bills that have been passed without amendment by the Senate shall be ordered to enrollment.

An Assembly bill amended by the Senate shall be placed upon the unfinished business file but shall not be eligible to be acted upon until it is on the unfinished business file for one legislative day, except that when the Assembly bill is placed upon the unfinished business file during the last two legislative days preceding (1) the January 31 bill passage deadline specified by Section 10 of Article IV of the California Constitution, (2) the scheduled commencement of the interim study recess, or (3) the scheduled commencement of the final recess as specified by the Joint Rules of the Senate and Assembly, it may be acted upon immediately.

#### **Presentation of Guests or Memorials in the Assembly**

45.5. These rules do not prohibit the Speaker or Speaker pro Tempore from permitting the introduction of a special guest or guests. A request that a session of the Assembly adjourn in memory of a person shall be made in writing. The request shall be read by the presiding officer immediately prior to adjournment.

#### **A. Bills and Resolutions**

##### **Bills Defined**

46. (a) The word “bill,” as used in these rules, includes a constitutional amendment, a concurrent resolution, and a joint resolution, except as otherwise specifically provided.

(b) A concurrent resolution and a joint resolution, other than a resolution ratifying proposed amendments to the United States Constitution and a resolution calling for a constitutional convention, shall be treated in all respects as a bill except as follows:

- (1) It shall be given only one formal reading.
- (2) It shall not be deemed a bill within the meaning of subdivision (a) of Section 8 of Article IV of the California Constitution.

##### **Introduction and Reference of Bills**

47. Each bill shall be signed by each Member who is an author or coauthor of the bill before it is introduced. If any bill is introduced that does not contain the signature of its author or coauthor, the bill, on motion of the Member whose name appears thereon without that signature, shall be stricken from the file by an affirmative recorded vote of 41 or more Members. In each legislative session, on the first day when bills are introduced under “Introduction and Reference of Bills,” the roll shall be called from A to Z and, as each Member’s name is called, the Member may introduce one bill, constitutional amendment, or concurrent or joint resolution. After this roll call, the preprint bills shall be introduced in numerical order.

After the introduction of preprinted bills, and subject to the provisions of the Joint Rules of the Senate and Assembly, any Member desiring to introduce a bill, constitutional amendment, or concurrent or joint resolution may at any time during a session send the same to the Chief Clerk’s desk.

When received at the Chief Clerk’s desk it shall, under the proper order of business, be numbered, read the first time, printed, and referred to a standing committee, and a copy thereof shall be placed upon the desk of each Member before final passage.

All bills, constitutional amendments, and concurrent or joint resolutions introduced before the standing committees of the Assembly

are appointed shall be referred to committee, the references to take effect when the committees are appointed.

Any committee may introduce a bill germane to any subject within the proper consideration of the committee in the same manner as any Member. No committee bill may be introduced unless it contains the signatures of a majority of all of the members, including the chairperson, of the committee. If all of the members of a committee sign the bill, at the option of the committee chairperson the committee members' names need not appear as authors in the heading of the printed bill.

#### **Bills Authored by a Former Member**

47.1. Whenever the author of a bill in the Assembly is no longer a Member of the Legislature, upon a request of a committee or current Member of the house in which the bill was introduced, the Assembly Committee on Rules may authorize that committee or Member to be the author of that bill. Absent that authorization, no action may be taken by a committee or the Assembly with respect to a bill authored by a former Member.

#### **Limitation on the Introduction of Bills**

49. (a) A Member may introduce not more than 30 bills in the regular session.

(b) This rule does not apply to a constitutional amendment, any type of resolution, or a bill introduced by a committee pursuant to Rule 47.

(c) This rule may be suspended with respect to a particular bill by approval of the Committee on Rules.

#### **Reference of Bills to Committee**

51. Except as otherwise provided in this rule, the Committee on Rules shall refer each bill to a committee by a majority vote of the membership of the committee, unless upon a motion the Assembly, by an affirmative recorded vote of 41 or more Members, shall refer it to some other committee. A motion to refer a bill shall not be debatable, except as to the propriety of the motion, and it shall not open the main question to debate.

The Committee on Rules may require that, if a bill is reported out of the committee to which it has been referred, it shall be re-referred to another committee that shares jurisdiction of the subject matter of the bill.

#### **Spot Bills**

51.5. A bill that upon introduction makes no substantive change in or addition to existing law, and would not otherwise affect the ongoing operations of state or local government, except a bill stating legislative intent to make necessary statutory changes to implement the Budget Bill, may not be referred to a committee by the Committee on Rules. If the author subsequently proposes to the Committee on Rules to make substantive changes in the bill as introduced, the Committee on Rules may refer the bill to a committee, together with the proposed changes for consideration as author's amendments. A vote on passage of the bill may not be taken, however, until the bill with its amendments, if adopted, has been in print for at least 15 days.

**Delivery of Bills to State Printer**

52. After introduction and first reading, all bills shall be delivered to the State Printer.

**Introduction of House Resolutions**

53. All house resolutions shall be numbered and shall be referred to the appropriate committee by the Committee on Rules.

Each house resolution shall be signed by each Member who is an author or coauthor of the house resolution before it is introduced.

**Resolutions by Member**

54. A concurrent resolution or a house resolution may be introduced relating to a present or former state or federal elected official or a member of his or her immediate family. Other resolutions for the purpose of commendation or congratulation of any person, group, or organization, or for the purpose of expressing sympathy, regret, or sorrow on the death of any person, shall be prepared as a Rules Committee Resolution and presented to the committee for appropriate action.

The Committee on Rules may approve exceptions to this rule for house resolutions. The Chief Clerk may not accept for introduction any house resolution that is contrary to this rule unless it is accompanied by the approval of the Committee on Rules.

**B. Standing Committee Functions**

**Standing Committee Rules**

55. Subject to the Joint Rules of the Senate and Assembly, the Rules of the Assembly shall govern the conduct of all committee and subcommittee meetings.

**Meetings of Standing Committees and Subcommittees**

56. All standing committees and subcommittees shall meet at the hour and place provided by the schedule established by the Speaker, unless permission for a different hearing time is granted by the Speaker. No committee or subcommittee may meet during any session of the Assembly, nor may any Member of the Assembly attend a conference committee meeting on any bill during any session of the Assembly without first obtaining permission from the Assembly.

When an unscheduled meeting of a standing committee or subcommittee has been so ordered, the meeting shall convene in an area that is readily accessible to the public and the Assembly shall take care that every effort is made to inform the public that a meeting has been called. An unscheduled meeting of a committee or subcommittee shall not be held in the Assembly Chamber.

No bill may be set for hearing, nor may any notice thereof be published by any Assembly committee or subcommittee, until the bill has been referred to the committee or subcommittee. Nothing in this paragraph shall prevent a committee or subcommittee from acting with regard to a bill referred to it where the only action taken is to cause the bill to be reported to the Assembly with the recommendation that amendments be adopted and the bill be reprinted as amended and re-referred to the committee or subcommittee.

The several standing committees and subcommittees and their chairpersons may adopt a procedure under which bills are scheduled for hearing on the basis of like subject matter groupings.

**Committee Analyses**

56.5. Except as otherwise provided in this rule, each standing committee and subcommittee shall prepare an analysis of every bill it has set for hearing, which shall be available to the public in the office of the committee or subcommittee one working day prior to the date on which the hearing is to be held. In the case of a special meeting, or a meeting of the Committee on Appropriations or the Committee on Budget, or their subcommittees, the analysis shall be available to the public at the beginning of the hearing. No question concerning a committee's compliance with this rule with regard to any bill shall be in order following a vote on passage of the bill in that committee. As used in this rule, a "working day" is any day on which a house file is published.

A copy of each committee analysis shall be transmitted by the committee secretary to the Assembly Floor Analysis Unit at the same time it is made available to the public.

**Committee Consultants: Floor Analyses**

56.6. Except as otherwise provided in this rule, the consultants of a standing committee or subcommittee are responsible for monitoring bills assigned to their respective committee or subcommittee throughout the entire legislative process. Except for resolutions and bills on the Consent Calendar, a consultant of the appropriate standing committee shall prepare, in a timely fashion, an analysis of every bill on third reading or the unfinished business file, and of any amendment to a bill that is on the Assembly floor, as directed by the Assembly Floor Analysis Unit.

The committee consultant who prepares the analysis shall transmit a copy of the completed analysis to the Assembly Floor Analysis Unit. The Assembly Floor Analysis Unit is responsible for final editing for grammar and format of all floor analyses.

**Consent Calendar**

56.7. If the chairperson of a committee or subcommittee, in advance of a hearing, proposes to recommend any bills for consideration on the Consent Calendar without hearing testimony on those bills in committee, a list of those bills shall be made available to the public at the same time as the committee analysis required under Rule 56.5.

**Committee Quorum**

57. Except as otherwise provided in this rule, a majority of the membership of any standing committee shall constitute a quorum for the transaction of its business, including the decision to recommend the adoption of any amendments to any bill. A majority of the membership of the committee, or a subcommittee thereof, shall be required to report a bill out of the committee or subcommittee, respectively. Any vacancy on a standing committee shall not reduce the votes required to take action on a bill in that committee.

Whenever a member is disqualified pursuant to Joint Rule 44 or the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code) from voting or taking any other action related to the passage, defeat, or amendment of a bill in committee, that disqualification shall be treated the same as a vacancy. The member shall advise the chairperson of a disqualification, and the chairperson



shall announce which members are so disqualified at the commencement of the hearing on the bill.

#### **Reconsideration**

57.1. After a committee has voted on a bill, reconsideration may be granted only one time. Pursuant to subdivision (a) of Joint Rule 62, reconsideration may be granted within 15 legislative days or prior to the interim study joint recess, whichever occurs first. A vote on reconsideration may not be taken without the same notice required to set a bill for hearing unless that vote is taken at the same meeting at which the vote to be reconsidered was taken and the author is present. No action taken by a committee may be reconsidered except by a majority vote of the membership of the committee.

#### **Bills Reported Back to Assembly**

58. All committees shall act upon bills referred to them as soon as practicable, and when acted upon each bill shall be reported back to the Assembly forthwith; the chairperson of each committee is charged with the observance of this rule. The chairperson of each committee shall, insofar as practicable, report back bills in the same order as they were acted upon by the committee.

#### **Appropriations Suspense File**

58.2. The Committee on Appropriations may maintain a suspense file, to which bills may be referred by vote of a majority of the members of the committee present and voting, pending further consideration by the committee. A bill may be taken off the suspense file and heard, upon two days' notice published in the file, by a vote of a majority of the members of the committee present and voting. A bill removed from the suspense file for the purpose of amendment only, pursuant to Rule 68, shall be re-referred to the committee and shall be placed on the suspense file pending further consideration by the committee.

#### **Voting in Committee**

58.5. When a standing committee or subcommittee takes action on a bill, including reconsideration, the vote shall be by roll call vote only. All roll call votes taken in a standing committee or subcommittee shall be recorded by the committee secretary on forms provided by the Chief Clerk of the Assembly. The record of a roll call vote shall show, for each proposal voted upon: all votes for and against, all members absent, and all members not voting. The chairperson of each standing committee or subcommittee shall promptly transmit a copy of the record of the roll call votes to the Chief Clerk of the Assembly, who shall cause the votes to be published in an appendix to the Journal on a monthly basis.

The committee secretary of each standing committee or subcommittee shall promptly transmit a copy of the record of the roll call votes to the Assembly Floor Analysis Unit.

A member may submit a written explanation of his or her vote, absence, or failure to vote on any bill or resolution, and that explanation shall be printed in the appendix to the Journal in the appropriate place, provided that no explanation may exceed 50 words in length.

At the request of the author or any member of the committee, the committee shall hold the roll open on any Assembly bill until the adjournment of the committee meeting. At no time may a bill be passed out by a committee without a quorum being present.

This rule shall not apply to any of the following:

- (a) Adoption of author's amendments to a bill.
- (b) Withdrawal of a bill from a committee calendar at the request of an author.
- (c) Return of bills to the house where the bills have not been voted on by the committee.
- (d) Votes of subcommittees of the Committee on Budget when considering the Budget Bill.
- (e) Votes of the Committee on Rules when referring bills to committees.

**Subject Matter of Bill Recommended for Interim Study**

59. Whenever it is the decision of a standing committee that a bill referred to that committee shall not be given a do-pass recommendation, but that the subject matter of the bill should be referred for study, that standing committee shall retain the bill in its possession and report its recommendation to the Assembly that the subject matter of the bill be referred to the Committee on Rules for that committee's assignment of the subject matter to an appropriate committee.

Nothing in this rule shall be construed to prohibit a committee from subsequently reporting the bill to the Assembly with a do-pass or do-pass as amended recommendation or from reporting it out of committee without further action on the final day of the session.

**Committee Chairperson as Author**

60. No chairperson of a standing committee shall preside at a committee hearing to consider a bill of which he or she is the sole author or the lead author, except that the Chairperson of the Committee on Budget may preside at the hearing of the Budget Bill by the Committee on Budget.

**Reports of Committees**

61. Specially prepared reports of standing and special committees shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed in the Journal unless otherwise ordered by the Speaker or a majority vote of the Members present and voting.

When a report of a joint legislative committee is delivered to the Assembly Desk, the Speaker shall refer it to a standing committee for review and appropriate action.

**Constitutional Amendments**

62.5. All constitutional amendments shall be referred to the policy standing committee having jurisdiction of that subject matter and, upon being reported out of that committee, shall be re-referred to the committee having constitutional amendments within its jurisdiction.

**C. Passage of Bills**

**Daily File**

63. There shall be printed an Assembly Daily File for each legislative day. The following listing shall constitute the order of business on the Daily File:

- 1. Special Orders of the Day
- 2. Second Reading, Assembly Bills
- 3. Second Reading, Senate Bills
- 4. Unfinished Business

5. Third Reading, Assembly Bills

6. Third Reading, Senate Bills

All bills on the Daily File shall be called for consideration, provided Rule 58 has been complied with in the order of their listing, unless otherwise ordered by unanimous consent or an affirmative vote of two-thirds of the Members present. All scheduled committee hearings, together with the list of bills to be heard, shall be published in the Daily File.

#### **Copies of Bills for Action on Floor**

64. No bill may be considered or acted upon on the floor of the Assembly unless and until a copy of the printed bill as introduced, and a printed copy of each amended form of the bill, have been placed upon the desks of the Members.

#### **Second Reading of Bills**

66. All bills shall be read by title the second time in the order of their appearance upon the second reading file. Upon second reading, Assembly bills reported without amendments shall be ordered engrossed, and Senate bills reported without amendments shall be ordered to third reading. All bills reported out of committee shall be placed on the second reading file for the next legislative day, and may not be read a second time until the next legislative day under that order of business. As used in this rule, "bill" does not include a joint or concurrent resolution, but does include a constitutional amendment.

#### **Bills Requiring General Fund Appropriation**

66.6. Until the Budget Bill has been enacted, the Assembly may not send to the Governor for consideration any bill appropriating funds for expenditure during the fiscal year for which the Budget Bill is to be enacted, except emergency bills recommended by the Governor or appropriations for the salaries and expenses of the Legislature.

#### **Passage of Budget Bill**

66.7. (a) No subcommittee of the Committee on Budget may meet until the Chairperson of the Committee on Budget establishes in writing the General Fund appropriations limit for each subcommittee.

(b) Between the date upon which a committee on conference of the Budget Bill is appointed and the date the Assembly adopts the report of the conference committee, the Chairperson of the Committee on Budget shall provide weekly written reports to the Members on the progress of the conference committee deliberations. The weekly report shall detail all major resolved and outstanding issues before the conference committee on the Budget Bill.

No Budget Bill may be voted upon on the floor of the Assembly unless it does all of the following:

(1) Balances expenditures with anticipated revenues.

(2) Provides for a General Fund reserve of not less than 3 percent of the total of all General Fund appropriations made in the Budget Bill for the fiscal year, or provides for a reserve of not less than 1 percent and a specific plan to phase in a reserve of at least 3 percent within three years. The percentage of the General Fund reserve shall be calculated by dividing the reserve of the General Fund by estimated revenues of the General Fund for the fiscal year. The phase-in plan shall be contained in another bill or in a section of the Budget Bill and shall have detail

sufficient to instruct future sessions of the Legislature regarding the manner in which the 3 percent reserve requirement is to be met.

(3) Is based upon no external borrowing by the state other than borrowing that the enacted Budget Bill or other statute would require to be repaid during that fiscal year.

#### **Committee Amendments**

67. Committee amendments reported with bills shall be considered upon their second reading, and the amendments may be adopted by majority vote of the Members present and voting. Assembly and Senate bills amended on second reading by committee amendment shall be ordered reprinted and returned to the second reading file. Assembly bills so amended shall be engrossed after printing.

Committee amendments reported with bills shall be prepared, or approved as to form, by the Legislative Counsel. Five copies of the committee amendments to Assembly bills and five copies of the committee amendments to Senate bills shall be delivered to the Chief Clerk's desk.

The Chief Clerk shall cause to be transmitted to the Assembly Floor Analysis Unit a copy of each committee report and committee amendment, unless the committee report or committee amendment is relative to a joint, concurrent, or house resolution.

Adoption of amendments to any bill in the Assembly prior to third reading, other than by a roll call, shall not preclude subsequent consideration in committee, or on the third reading by the Assembly, of the bill, those amendments, or any part thereof.

#### **Author's Amendments**

68. Upon request of the author of a bill, the chairperson of the committee to which the bill has been referred may, by his or her individual action taken independently of any committee meeting, cause the bill to be reported to the Assembly with the recommendation that amendments submitted by the author be adopted and the bill be reprinted as amended and re-referred to the committee.

Notwithstanding any other rule, a bill to be amended pursuant to this rule may not be placed on the second reading file for the adoption of those amendments.

#### **Vote on Passage of Bill as Amended**

68.5. Except as otherwise provided in this rule, a vote on passage of any bill in a standing committee or subcommittee shall be taken only when the bill is in print, including any previously adopted amendments to the bill. A vote on passage of an amended bill, when the amended form of the bill is not in print, may be taken only if the sole effect of the amendment is to add coauthors to the bill or if the committee determines that the effect of the amendment upon the bill can be readily understood by all of the members and audience present at the hearing. In that circumstance, any member may require that the amendments be in writing at the time of their adoption.

#### **Bill Analysis Prior to Third Reading**

68.6. No bill may be considered on third reading unless and until an analysis of the measure has been distributed by the Assembly Floor Analysis Unit and placed upon the desks of the Members, unless otherwise ordered by the Speaker.

As used in this rule, “bill” does not include a joint or concurrent resolution, but does include a constitutional amendment.

**Analysis of Conference Committee Amendments**

68.7. No report of a conference committee on any bill, other than the Budget Bill, that recommends the substantive amendment of a bill may be considered unless and until an analysis of the proposed amendment has been distributed by the Assembly Floor Analysis Unit and placed upon the desks of the Members, unless otherwise ordered by the Speaker.

**Printing of Conference Committee Reports**

68.8. No conference report may be heard by the Assembly until it has been in print for two days prior to being taken up by the house.

**Conference Committee: Substantial Policy Change**

68.9. (a) No conference committee on any bill, other than the Budget Bill or a bill that is making statutory changes to implement the Budget Bill, may approve any substantial policy change in any bill if that substantial policy change has been defeated in a policy committee of the Assembly within the current legislative session. For purposes of this rule, the most recent action of a policy committee with regard to a substantial policy change shall be deemed the only action taken when the policy committee has taken inconsistent actions with respect to a substantial policy change.

(b) For purposes of subdivision (d) of Joint Rule 29.5, the term “heard” means that a printed bill with substantially similar language was before the appropriate committee and taken up at a regular or special hearing of the committee during the current legislative session; or that an amendment, which was drafted and given a request number or approved as to form by the Legislative Counsel, was before the committee and taken up at a regular or special hearing of the committee.

**Amendments From the Floor**

69. (a) Any Member may move to amend a bill during its second or third reading, and that motion to amend may be adopted by a majority vote of the Members present and voting.

No amendments to a bill offered from the floor, except committee amendments reported with bills, amendments offered with a motion to amend and re-refer a bill to committee, amendments deleting any number of words, or amendments previously printed in the Journal, shall be in order unless and until a copy of the proposed amendments has been placed upon the desks of the Members. A copy of a bill that has been amended only to add coauthors to the bill is not required to be placed upon the desks of the Members if both the Speaker and Minority Leader grant an exemption.

Amendments offered from the floor during a bill’s second or third reading shall be prepared, or approved as to form, by the Legislative Counsel.

Before debate five copies of the proposed amendment to Assembly bills, and five copies of the proposed amendments to Senate bills, shall be delivered to the Chief Clerk’s desk. One copy of the proposed amendment shall be transmitted by the Chief Clerk to the Assembly Floor Analysis Unit. Bills so amended upon second or third reading shall be reprinted and re-engrossed. The Chief Clerk shall order printed

as many copies of all amended bills as he or she may determine to be necessary.

(b) (1) Amendments from the floor during a bill's second or third reading that would make a substantive change in the bill shall be submitted to the Chief Clerk's desk by 5:00 p.m. or the time of adjournment, whichever is later, the business day before the start of session on the legislative day at which they are to be considered.

(2) Upon receipt of the proposed amendments by the Chief Clerk, an analysis shall be prepared by the committee of origin in conjunction with the Assembly Floor Analysis Unit, and a copy of that analysis shall be distributed to each Member's desk prior to the beginning of debate on adoption of the proposed amendments, unless otherwise ordered by the Speaker.

(3) As used in this subdivision, "bill" does not include a joint or concurrent resolution, but does include a constitutional amendment.

(c) Paragraph (1) of subdivision (b) does not apply to (1) amendments to a bill taken up without reference to file, (2) amendments to a bill to add or delete an urgency clause, (3) amendments to a bill that are identical to other amendments submitted to the Chief Clerk's desk in accordance with the requirements of this rule, (4) amendments to the Budget Bill or to a bill that is making statutory changes necessary to implement the Budget Bill, or (5) amendments to a bill to make the bill contingent upon the enactment of another bill, or to incorporate one or more statutory amendments proposed in another bill to avoid superseding those amendments.

(d) Any bill amended on the second or third reading file shall be ordered reprinted and returned to the third reading file, and may not be acted on by the Assembly until the bill, as amended, has been on the Daily File for one calendar day. This subdivision shall not apply to a bill that is amended to add or delete an urgency clause or to a bill that is amended to make statutory changes to implement the Budget Bill.

(e) No motion to amend a bill on the second or third reading file, other than committee amendments reported pursuant to Rule 57, shall be in order on (1) the last two legislative days preceding the January 31 bill passage deadline specified by Section 10 of Article IV of the California Constitution or (2) the last three legislative days preceding the scheduled commencement of the interim study recess or the scheduled commencement of the final recess as specified by the Joint Rules of the Senate and Assembly. Paragraph (2) may be suspended temporarily by two-thirds vote of the Members present and voting.

#### **Consideration of Political Reform Act Bills**

69.1. Pursuant to Section 81012 of the Government Code, any bill that would amend the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code) may not be passed until, 12 days prior to being considered for passage, the bill in its final form has been delivered by the Chief Clerk to the Fair Political Practices Commission for distribution to the news media and to every person who has requested the commission to send a copy of any such bill to him or her.

**Electronic Distribution of Bills,  
Conference Reports, Amendments, and Analyses**

69.5. Subject to subdivision (b) of Section 8 of Article IV of the California Constitution, any requirement that bills, conference reports, amendments, or an analysis be placed on the desks of the Members shall include electronic distribution of the same information to the desk of the Members through the Assembly Floor System, unless otherwise ordered by the Speaker.

**Consideration of Bills Re-referred to Committee**

70. Whenever a bill that has been amended and re-referred to committee is reported out by that committee, it shall be placed on the second reading file and may not be transferred therefrom to the third reading file until the following day.

**Uncontested Bills**

71. No bill may be placed on the Assembly Consent Calendar unless it has met the requirements of Joint Rule 22.1 with respect to each Assembly standing committee to which the bill has been referred.

**Consideration of Concurrent and Joint Resolutions**

73. A concurrent or joint resolution may be amended by a majority vote of the Members present and voting. The ayes and noes may not be called upon the adoption of concurrent resolutions, except those authorizing expenditures of money, unless regularly demanded, or required by statute or the California Constitution.

**Adoption of Resolutions**

74. Any resolution upon which a roll call vote is demanded shall require an affirmative recorded vote of 41 or more Members for adoption.

The adoption of any resolution authorizing the expenditure of money shall require an affirmative recorded vote of 41 or more Members.

**Printing of Resolutions**

75. When any previously printed house resolution is before the Assembly for adoption, it shall be printed in the Journal only if amendments to it have been adopted, in which case it shall be printed as amended. In the absence of those amendments, house resolutions before the Assembly for adoption shall be referred to by day and page of the Journal as printed upon introduction. For the purposes of this rule, the adding of a coauthor shall not be deemed an amendment.

**Concurrence in Senate Amendments**

77. It shall require the same affirmative recorded vote to concur in any Senate amendment to an Assembly bill as the vote required by the California Constitution for the passage of the bill. A vote on concurrence may not be taken until the bill has been on the unfinished business file for one calendar day, except that when the bill is placed upon the unfinished business file during the last two legislative days preceding (1) the January 31 bill passage deadline specified by Section 10 of Article IV of the California Constitution, (2) the scheduled commencement of the interim study recess, or (3) the scheduled commencement of the final recess as specified by the Joint Rules of the Senate and Assembly, it may be acted upon immediately. The vote on concurrence shall be deemed the vote upon final passage of the bill.

Senate amendments to Assembly bills may not be concurred in unless and until an analysis of the measure has been distributed by the Assembly Floor Analysis Unit and a copy placed upon the desks of the Members, unless otherwise ordered by the Speaker. As used in this rule, “bill” does not include a joint or concurrent resolution, but does include a constitutional amendment.

#### **Digest of Bills Amended in Senate**

77.1. Whenever the Senate amends and passes an Assembly bill, the Legislative Counsel shall, within one day after the bill is passed by the Senate, prepare and transmit to the Chief Clerk and the Speaker a brief digest summarizing the effect of the Senate amendment. Upon receipt from the Legislative Counsel, the Chief Clerk shall cause the digest to be printed in the Daily File immediately following any reference in the file to the bill covered by the digest.

#### **Substantially Amended Bills**

77.2. If the analysis of an amendment adopted on the floor discloses that the amendment makes a substantial substantive change to a bill as passed by the last committee of reference, the bill, as amended, may be referred by the Speaker to the appropriate committee.

A bill that was previously reported from a policy or fiscal committee of reference in compliance with Joint Rule 61 is not subject to the deadlines in Joint Rule 61 if the bill is subsequently referred to a policy or fiscal committee pursuant to this rule.

If the digest to an Assembly Bill that has been returned to the Assembly by the Senate for concurrence in Senate amendments discloses that the Senate has made a substantial substantive change in the bill as first passed by the Assembly, the bill may be referred by the Speaker to the appropriate committee.

#### **Inactive File**

78. Whenever a bill has been passed twice on the third reading file on two successive legislative days, it shall be placed forthwith upon a special file to be known as the inactive file. A bill also may be placed on the inactive file at the request of the author. When a bill has been placed on the inactive file, it may be returned to the third reading file by request of the author. Notice of the request to return the bill to the third reading file shall be published one day in advance in the Assembly File. The bill, when returned to the third reading file, shall then be placed at the foot of the third reading file.

When a bill, placed on the inactive file from the second reading file or the unfinished business file, is removed from the inactive file, it shall be returned to the foot of the second reading file or the unfinished business file, respectively, in the next published Daily File.

#### **Engrossing and Enrolling Bills**

79. The Engrossing and Enrolling Clerk shall engross and enroll all bills that come to his or her hands for that purpose, in compliance with the provisions of Section 9503 of the Government Code, and in the order of time in which the same shall be acted upon by the Assembly.

After final passage by both houses, any Assembly bill not amended by the Senate shall be ordered by the Speaker forthwith to be enrolled, as provided in Sections 9508 and 9509 of the Government Code. The



Chief Clerk shall report both the day and hour each enrolled bill is presented to the Governor, which report shall be entered in the Journal.

## **VI. PARLIAMENTARY PROCEDURE**

### **A. Motions and Questions**

#### **Precedence of Motions During Debate**

80. When a question is under debate or before the Assembly, no motions shall be received but the following, which shall take precedence in the order named:

- First—To adjourn;
- Second—To recess to a time certain;
- Third—To lay on the table;
- Fourth—For the previous question;
- Fifth—To set as a special order;
- Sixth—To postpone indefinitely;
- Seventh—To refer to or to re-refer;
- Eighth—To amend.

#### **Questions of Order Decided Without Debate**

81. All incidental questions of order, arising after a motion is made for any of the questions named in Rule 80 and pending that motion, shall be decided by the Speaker without debate, whether on appeal or otherwise.

#### **Appeal From Decision of the Speaker**

82. Any Member may appeal from a decision of the Speaker without waiting for recognition by the Speaker, even though another Member has the floor. No appeal is in order when another is pending, or when other business has been transacted by the Assembly prior to the appeal being taken. Upon the appeal being seconded, the Speaker may give his or her reasons for the decision, and the Member making the appeal may give his or her reasons for the appeal, and the Speaker forthwith shall put one of the following questions to the Assembly:

- (1) “Shall the decision of the Speaker be sustained?”
- (2) “Shall the decision of the Speaker be overruled?”

An appeal cannot be amended and yields only to a motion to recess or adjourn, or to lay on the table, or a question of personal privilege. If an appeal is laid on the table, that action shall have no effect on the pending question.

An appeal cannot be debated when relating to indecorum, the transgression of rules, or the priority of business. A majority vote of the Members present and voting shall decide any appeal. In the event of a tie vote, the appeal is lost.

#### **Speaker Explains Order of Business**

83. The Speaker may, on his or her own motion or the motion of any Member, explain the order of business when the motion pending before the Assembly is not debatable. That explanation may not consume more than two minutes.

**To Adjourn**

84. A motion to adjourn is not debatable and cannot be amended, and is always in order, except: (a) when another Member has the floor; (b) when the Assembly is voting; or (c) during a call of the Assembly. The name of any Member moving an adjournment, and the hour at which the motion was made and adjournment taken, shall be entered in the Journal. A motion to adjourn shall be adopted by a majority vote of the Members present and voting.

When a motion to adjourn is made and seconded, it shall be in order for the Speaker, before putting the question, to permit any Member to state to the Assembly any fact relating to the condition of the business of the Assembly which would seem to render it improper or inadvisable to adjourn. That statement may not occupy more than two minutes and is not debatable.

An affirmative recorded vote of a majority of the duly elected and qualified Members is required to adjourn any session of the Assembly *sine die*.

**To Recess to a Time Certain**

85. A motion to recess to a time certain shall be treated the same as a motion to adjourn, except that the motion is debatable when no business is before the Assembly, and can be amended as to the time and duration of the recess. It yields only to a motion to adjourn.

**To Lay on the Table**

86. A motion to lay on the table is not debatable and cannot be amended.

A motion to table a bill, constitutional amendment, or concurrent or joint resolution is adopted by an affirmative recorded vote of 41 or more Members.

Any motion to lay on the table, if carried by 41 or more votes, carries with it the main question and everything that adheres to it, except that a motion to lay an amendment on the table, if adopted, does not carry with it a bill, constitutional amendment, or concurrent, joint, or house resolution.

A motion to lay an amendment on the table is adopted by a majority vote of the Members present and voting.

A motion to lay on the table cannot be applied with respect to reconsideration.

**The Previous Question**

87. The previous question shall be put only when demanded by five Members, and its effect, when sustained by a majority vote of the Members present and voting, shall be to put an end to all debate and bring the Assembly to a vote only on the question then pending, except that the proponent of the matter pending shall be allowed not more than five minutes to close the debate.

**Motion to Set Special Order**

88. A motion to set any matter before the Assembly as a special order of business is adopted by an affirmative recorded vote of 54 or more members. The motion is debatable only as to the propriety of setting the main question as a special order of business, and may be amended only as to the time.

**Motion to Postpone to a Time Certain**

89. A motion to postpone to a time certain shall be deemed and treated as a motion to set as a special order.

**Motion to Postpone Indefinitely**

90. The making of a motion to postpone indefinitely any bill, motion, or amendment opens the main question to debate. If the motion to postpone indefinitely prevails by an affirmative recorded vote of 41 or more Members, the main question may not be acted upon again during the session.

**Motion to Amend**

91. A motion to amend may itself be amended, but no “amendment to an amendment” may be amended. A motion to substitute shall be deemed to be a motion to amend and shall be considered the same as an amendment.

Only one substitute is in order when an amendment is pending. A motion to amend or to substitute is debatable, except where the main question to be amended is not debatable. Any motion to amend may be adopted by a majority vote of the Members present and voting.

A motion to amend that is decided in the negative is not again in order on the same day, or at the same stage of proceeding. The fact that a motion to amend by striking out certain words is decided in the negative does not preclude a motion to amend by adding words, or a motion to amend by striking out and inserting words, except that in no case may a further amendment be substantially the same as the one rejected.

Subject to the above provisions of this rule and Rule 69, a motion to amend is in order during the second or third reading of any bill.

**Amendment To Be Germane**

92. No amendment to any bill, other than a bill stating legislative intent to make necessary statutory changes to implement the Budget Bill, whether reported by a committee or offered by a Member, is in order when the amendment relates to a different subject than, is intended to accomplish a different purpose than, or requires a title essentially different than, the original bill.

No motion or proposition on a subject different from that under consideration may be admitted as an amendment.

No amendment is in order that changes the original number of any bill.

No Member may be added or deleted as an author or coauthor of a bill or resolution without his or her consent.

**Consideration of Motions**

93. No motion, whether oral or written, may be adopted until it is seconded and distinctly stated to the Assembly by the Speaker.

**Motions in Writing**

94. Upon request of the Speaker, all motions shall be reduced to writing and shall be read to the Assembly by the Speaker before being acted upon.

**Withdrawal of Motions**

95. After a motion is stated by the Speaker, or a bill, resolution, or petition is read by the Chief Clerk, it is in the possession of the Assembly.

**Motion to Withdraw or Re-refer Bills**

96. (a) A motion to withdraw a bill or resolution from committee, or to re-refer a bill or resolution from one committee to another committee, may be made during the regular order of business. A motion to re-refer may be debated only as to the propriety of the reference, and shall require an affirmative recorded vote of 41 or more Members.

(b) No bill or resolution may be withdrawn from committee and placed upon the file, unless a motion to withdraw has been heard by, and has been approved by a majority vote of, the Committee on Rules. This subdivision does not apply to a bill in a fiscal committee that has been amended so as not to require its reference to a fiscal committee, as indicated by the Legislative Counsel's Digest.

(c) A motion to continue a motion to withdraw a bill or resolution from committee shall require a majority of those members present and voting. No motion to withdraw a motion to withdraw shall be in order.

**Re-reference of Measures on File**

97. A motion to re-refer a bill or resolution that is on the Assembly Daily File to committee may be made during the regular order of business. The motion is debatable only as to the propriety of that reference and shall require an affirmative recorded vote of 41 or more Members.

**Bills Stricken From File**

98. A motion to strike from the file any bill or resolution requires an affirmative recorded vote of 41 or more Members. That bill or resolution may not be acted upon again during the session.

**Motion to Rescind Action or Expunge Record**

99. Previous to the approval of the Journal by the Assembly, any action may be rescinded and its record ordered expunged by the affirmative recorded vote sufficient to take that action originally, except that no action may be rescinded and the record expunged by a vote less than an affirmative recorded vote of 41 or more Members. No motion to rescind the action and expunge the record may be made twice on the same proposition.

A motion to rescind is not in order on any matter upon which a vote to reconsider has previously been taken in the Assembly.

Whenever any action of the Assembly is rescinded and its record ordered expunged, the record of the action expunged may not appear in any form whatsoever, except that the record of the proceedings on the motion to rescind and expunge shall appear in the Journal as and when printed.

**Reconsideration of Vote**

100. (a) A motion to reconsider a vote on the next legislative day shall be made on the same day the vote to be reconsidered was taken. No motion to reconsider shall be adopted unless it receives an affirmative recorded vote of 41 or more Members. A motion to reconsider may be voted on without a second.

A motion to reconsider a vote shall be made by a Member voting on the question, and shall take precedence over all motions, except a motion to adjourn. Upon that motion being made, the matter to be reconsidered forthwith shall be placed upon the unfinished business file, and no further action may be taken prior to the next legislative day.

When a motion to reconsider has once been made, the motion is the property of the Assembly. When reconsideration is granted, the matter to be reconsidered shall be before the Assembly in the same status it had prior to the vote being reconsidered.

(b) (1) Interim Study Recess:

No motion to reconsider the vote whereby amendments are concurred in on Assembly bills, the vote whereby a Senate bill is passed and returned to the Senate, or the vote whereby a conference committee report is adopted is in order on the last two legislative days preceding the interim study recess.

A motion to reconsider the vote whereby amendments are refused concurrence on Assembly bills, the vote whereby Senate bills are refused passage, or the vote whereby a conference committee report is refused adoption is in order on the last legislative day preceding the interim study recess. The motion may be taken up before the end of that legislative day.

As used in this paragraph, “bill” does not include a joint or concurrent resolution.

(2) January 31—Even-numbered Year:

No motion to reconsider the vote whereby an Assembly bill is passed to the Senate is in order on the last two legislative days preceding January 31 of the even-numbered year.

A motion to reconsider the vote whereby an Assembly bill is refused passage on its third reading is in order on the last legislative day preceding January 31 of the even-numbered year. The motion shall be taken up before the end of that legislative day.

As used in this paragraph, “bill” does not include a Senate bill, a constitutional amendment, or a joint or concurrent resolution.

(3) Spring or Summer Recess:

No motion to reconsider the vote whereby a bill is passed is in order on the last two legislative days preceding the Spring or Summer Recess as established by the Joint Rules of the Senate and Assembly.

(4) Deadline for Passage by House:

No motion to reconsider the vote whereby an Assembly bill is passed to the Senate is in order on the last two legislative days preceding the last day for the Assembly to pass a bill introduced in the Assembly, as set forth in the Joint Rules of the Senate and the Assembly.

As used in this paragraph, “bill” does not include a Senate bill, a constitutional amendment, or a joint or concurrent resolution.

(5) Final Recess:

No motion to reconsider the vote whereby a bill is passed is in order on the last two legislative days preceding the final recess.

A motion to reconsider the vote whereby a bill is defeated is in order on the day of the final recess. The motion shall be taken up before the end of that legislative day.

(c) Any Member voting on any matter may move to take up on the same day the motion, previously made by another Member, to reconsider the vote on that matter. A motion to take up on the same day a motion to reconsider the vote on a bill shall require an affirmative recorded vote of at least 41 Members. A motion to take up on the same day a motion to reconsider the vote on any motion, amendment, Assembly resolution, or proposition other than a bill shall require an affirmative vote of a majority vote of the Members present and voting. The motion to take up the reconsideration on the same day shall take

precedence over the motion to reconsider and, upon demand of any Member, the motion to take up the reconsideration on the same day shall be put to an immediate vote. If the motion to take up the reconsideration on the same day is adopted, the motion to reconsider shall be the next order of business before the Assembly.

(d) A second motion to reconsider the same question is not in order, nor is a motion to reconsider reconsideration in order.

(e) A motion to continue a motion to reconsider shall require a majority vote of those Members present and voting.

#### **Call of Assembly**

101. After the roll has been called, and prior to the announcement of the vote, any Member may move a call of the Assembly. The Members present may order a call of the Assembly by a majority vote of the Members present and voting, and the Speaker shall immediately order the Sergeant at Arms to lock all doors and direct the Chief Clerk to prepare a list of absentees as disclosed by the last roll call. The list of absentees shall be furnished to the Sergeant at Arms, whereupon no Members shall be permitted to leave the Assembly Chamber except by written permission of the Speaker, and no person may be permitted to enter except Members, Senators, or officers, or employees of the Legislature in the official performance of their duties.

Each Member who is found to be absent, and for whom no leave of absence has been granted, shall be forthwith taken into custody wherever found by the Sergeant at Arms, his or her assistants, or any person designated by the Sergeant at Arms, including members of the California Highway Patrol, and sheriffs or their deputies, and brought to the Assembly Chamber.

No recess or adjournment may be taken during a call of the Assembly. Additional business may be conducted and calls placed regardless of the number of calls in effect. A call of the Assembly may be dispensed with at any time upon a majority vote of the Members present, that action to become effective upon the completion of the roll call and the announcement of the vote upon the matter for which the call was ordered, unless, prior to the announcement of the vote, the call is continued by a majority vote of the Members present.

#### **Division of Question**

102. Any Member may call for a division of the question, and the Speaker shall order the question divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition would remain for the decision of the Assembly. This rule does not apply to an individual bill or resolution.

### **B. Voting**

#### **Members Voting**

104. Every Member in the Assembly Chamber when a roll call is required shall record his or her vote openly and without debate, unless the Assembly excuses that member by a majority vote of the Members present and voting.

No Member may operate the voting switch of any other Member, except that a Member presiding at the time of a roll call, who is not the Speaker or the Speaker pro Tempore, may direct another Member on the floor to operate the voting switch of the presiding Member, and any Member so presiding, including the Speaker and the Speaker pro

Tempore, may also operate the voting switches at the rostrum of the Speaker and the Speaker pro Tempore, at their direction.

The name of any Member who refuses to vote as required by this rule, after being requested by the Speaker to do so, shall be entered in the Journal, together with a statement that he or she was present and did so refuse to vote. Any Member who refuses so to vote may, if he or she so desires, and immediately after the announcement of the vote, submit a written explanation of the failure to vote and that explanation shall be printed in the Journal, provided that no explanation may exceed 50 words in length.

In addition to the entry of his or her name in the Journal, any Member who refuses so to vote when required, and who has not been excused from doing so, may, immediately after the announcement of the vote, at the discretion of the Speaker or upon demand of any Member, be summoned to appear before the bar of the Assembly for public censure by the Speaker or by any Member designated by the Speaker. Censure of a Member as provided by this rule does not constitute a bar to proceedings for his or her expulsion from the Assembly pursuant to Section 5 of Article IV of the California Constitution.

A Member may submit a written explanation of his or her vote on any bill or house resolution, and that explanation shall be printed in the Journal immediately following the vote, provided that no explanation may exceed 50 words in length.

A Member, prior to adjournment on the same legislative day, in the absence of any objection, may instruct the Chief Clerk to add his or her vote to any previously announced vote that had been taken during his or her absence, so long as the outcome of the vote is not thereby changed. The Chief Clerk shall record any vote additions or vote changes in the order signed by the Members at the Clerk's desk.

#### **Ayes and Noes**

105. The ayes and noes shall be recorded by the electrical voting system on the final passage of all bills, when an affirmative recorded vote of 41 Members or any vote above that number is required, when demanded by three Members, or when ordered by the Speaker. The names of the Members so voting shall be entered in the Journal.

#### **Voting and Vote Changes**

106. When once begun, voting may not be interrupted, except that, before the vote is announced, any Member may have the total pending vote flashed on the visible vote recorder. Prior to the announcement of the vote, the presiding officer shall instruct the Chief Clerk to record verbal votes from Members not at their desks. Any Member may move a call of the Assembly after the completion of the roll. A Member, prior to adjournment on the same legislative day, and in the absence of any objection, may instruct the Chief Clerk to change his or her recorded vote after the vote is announced, so long as the outcome of the vote is not thereby changed. The Chief Clerk may record any vote change only after the Member making the change has announced it to the Assembly.

#### **Tie Vote**

107. In case of an equal division, or tie vote, the question shall be lost.

**VII. MEMBERS' DECORUM AND PRIVILEGES****Order in Speaking to Questions**

108. When a Member desires to address the Assembly, the Member shall rise from his or her seat and respectfully address himself or herself to "Mr. Speaker" or "Madame Speaker." Upon being recognized, the Member may speak, confining himself or herself to the question under consideration. When two or more Members rise at the same time, the Speaker shall designate the Member who is entitled to the floor.

No Member may speak more than once during the consideration of any one question on the same day and at the same stage of proceeding, except that the author of a bill or resolution or the mover of a question shall have the right to open and close the debate thereon. No Member may be allowed to speak more than five minutes to open and five minutes to close the debate on any question, including amendments, and no Member other than the author or the mover of the question may be allowed to speak more than five minutes thereon. No Member may yield to any other Member the time for which he or she is entitled to speak on any matter.

**Motions**

109. When a Member desires to make a motion, the Member shall obtain recognition as provided in Rule 108. Upon being recognized, the Member shall open by stating his or her motion, except in the case of a nomination, and in any other case may not speak to the merits of the motion at that time, but shall confine his or her remarks to those necessary to explain the motion. If the motion is in order and is seconded, it shall be stated to the Assembly by the Speaker. If the motion is debated, the Member who made it shall then be entitled to recognition to open the debate on the motion.

When a Member obtains the floor during debate upon any question that is pending before the Assembly and addresses the Assembly regarding the merits of the pending question, the Member may not be permitted to conclude his or her debate by making any motion or by demanding the previous question.

**Leave of Absence**

110. No Member may absent himself or herself from attendance at any session of the Assembly without leave of the Assembly. No Member may obtain that leave of absence or be excused for nonattendance except by a vote of 54 or more Members or by unanimous consent. A Member who obtains a leave of absence for personal business, or is excused for nonattendance for personal business, thereby waives his or her per diem allowance for attendance upon any session of the Legislature for which he or she secures that leave of absence or excuse. A Member may not obtain a leave of absence for legislative business or be excused for nonattendance for legislative business unless the Member has filed with the Speaker a statement of the legislative business for which he or she seeks that leave of absence or excuse. That statement shall be printed in the Journal.

If a Member is not recorded on the attendance roll within 30 minutes after the scheduled start of the session, the Member shall stand up before the Assembly and explain the reason he or she is late before he or she is recorded on the roll call for any vote. If a Member does not explain his or her reason for being late, any other Member may raise a point of order



under this rule, whereupon the tardy Member's vote may not be recorded until an explanation is made.

#### **Personal Privilege**

111. Any Member may rise to explain a matter of personal privilege. A matter of personal privilege is a matter involving the Member's integrity, dignity, or honor. Upon rising to explain such a matter, the Member forthwith shall be recognized by the Speaker, but may not discuss a question in that explanation. Matters of personal privilege yield only to a motion to recess or adjourn.

#### **Objection to Reading of Any Paper**

112. Any Member, upon recognition by the Speaker, may object to the reading of any paper before the Assembly. When that objection is made, the question of reading shall be determined without debate by a majority vote of the Members present and voting, upon a brief statement by the Speaker of the substance of the objection.

#### **Members at Chief Clerk's Desk**

113. No Member or other person may be allowed at the Chief Clerk's desk while the ayes and noes are being recorded or the votes counted.

#### **Members Called to Order for Transgressing Rules**

114. If any Member transgresses the Rules of the Assembly, the Speaker shall, or any Member may, call the offending Member to order. The Member so called to order immediately shall take his or her seat, until the Speaker, without debate, has determined whether the Member is in order. That decision by the Speaker shall be subject to an appeal to the Assembly.

If any Member is called to order for offensive words spoken in debate, the person calling him or her to order shall state to the Assembly the words to which exception is taken. No Member may be held to answer, or be subject to censure by the Assembly, for language used in debate if other business has been transacted by the Assembly prior to exception being taken to the words spoken.

### **VIII. MISCELLANEOUS**

#### **Committee of the Whole**

115. The Assembly may resolve itself into a Committee of the Whole at any time by a majority vote of the Members present and voting. While sitting as that committee, persons other than Members may address the committee. The Speaker of the Assembly, or any Member named by the Speaker, shall preside as Chairperson of the Committee of the Whole.

A motion that the Committee of the Whole "do now rise and report back to the Assembly," shall always be in order and shall be decided without debate. All actions of the Committee of the Whole shall be reported to the Assembly by the chairperson, but may not be entered in the Journal except upon motion and a majority vote of the Members present and voting.

#### **Use of Assembly Chamber**

116. The Assembly Chamber may not be used for any public or private business, other than legislative matters, except upon approval of the Speaker or the Chair of the Committee on Rules.

**Use of Assembly Facilities: Smoking**

117. The smoking of tobacco products is prohibited within any building, or portion of a building, occupied or used by Assembly Members or employees if the building or portion of the building is under the jurisdiction or control of the Assembly. This smoking prohibition shall apply to any outdoor area within five feet of an entrance or exit to any building or portion of a building subject to this rule. This smoking prohibition shall apply to the Assembly Chamber, Assembly hearing rooms, and Assembly offices, and to hallways, stairways, and bathrooms within any building or portion of a building subject to this rule.

**Floor of the Assembly: Telephones**

117.5. No cellular telephone may be used on the floor of the Assembly during any session of the Assembly.

**Meeting of the Assembly: Firearms**

117.7. No person, except a peace officer acting within the scope of his or her employment, may carry or possess a firearm on the floor of the Assembly during any session of the Assembly or in a committee hearing room during any meeting of a committee or subcommittee.

**Persons Admitted to Floor of the Assembly**

118. No person other than Members of the Legislature, officers, employees of the Legislature, accredited members of the press, and guests may be admitted to the floor of the Assembly during any session of the Assembly. A guest of any Member may be admitted only upon presentation of a guest card of the Member countersigned by the Speaker. A guest card is valid only on the legislative day for which it is issued. No lobbyist, as defined by Section 82039 of the Government Code, may, under any circumstances, be admitted to the Assembly Chamber while the Assembly is in session.

Persons admitted to the Assembly Chamber, other than Members, may not be permitted to stand in the lobby in the rear of the Assembly Chamber while the Assembly is in session, but shall be required to occupy the seats provided for them.

Guests may be seated only in the chairs in the back of the rail in the rear of the Assembly Chamber, and may not be permitted to sit at the desks of the Members. No person other than an accredited newspaper representative may be permitted to sit at the press desks. A special section in the balcony may be reserved for those holding guest cards. Neither any person mentioned in this rule nor any other person, except a Member of the Legislature, may engage in influencing the passage or defeat of legislation in the Assembly Chamber.

No person other than a Member of the Legislature, the Sergeant at Arms or his or her assistants, the Chief Clerk or his or her assistants, or the Legislative Counsel or his or her representatives, may be permitted in the area of the floor of the chamber which is occupied by the desks of the Members.

**Qualifications and Elections of Members**

119. An affirmative vote of 41 or more Members shall be required to determine the qualifications and election of any Member pursuant to Section 5 of Article IV of the California Constitution. No motion to

disqualify a Member is in order at the convening of a legislative session until a Speaker has been elected in accordance with Section 9023 of the Government Code.

**Compensation and Expenses of Member Convicted of Felony**

120. If a Member of the Assembly is convicted of a felony by a superior court, his or her right to further compensation or expenses is thereupon suspended, and his or her membership on any committee is thereupon suspended. If the conviction becomes final, the right of the Member to further compensation or expenses shall terminate and any compensation or expenses withheld shall be forfeited to the state. If the conviction is reversed by an appellate court or a motion for a new trial is granted, and the Member is thereafter found not guilty or the charges against him or her are dismissed, the amounts of the withheld compensation or expenses shall be paid to the Member and the suspension of his or her committee membership shall terminate.

Whenever a Member is convicted of a felony in the superior court, the Committee on Rules shall give written notice thereof to the Controller, directing him or her to discontinue any further payments to the Member unless and until the Committee on Rules notifies the Controller that the Member has been found not guilty or that the charges against him or her are dismissed. The Controller may not draw any warrant payable to that Member except as provided in this rule.

**The Seal of the Assembly**

121. The Seal of the Assembly may be used only by or on behalf of a Member of the Assembly, or when specifically authorized by the Committee on Rules.



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# STANDING RULES OF THE SENATE

2001–02 Regular Session

Senate Resolution No. 4 (Johnson)  
(Adopted December 4, 2000, Senate Journal, p. 5)

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**STANDING RULES OF THE SENATE  
CONVENING AND SESSIONS**

**Hours of Meeting**

1. The Senate shall meet at 9:00 a.m., daily, except Saturdays and Sundays, unless otherwise ordered by the Senate.

**Calling to Order**

2. The President, President pro Tempore, Vice Chair of the Committee on Rules, or senior member present shall call the Senate to order at the hour stated and, if a quorum is present, shall proceed with the order of business.

**Attendance of Members**

3. No Senator may absent himself or herself from attendance upon the Senate without first obtaining leave. A lesser number than a quorum of the Senate is authorized to send the Sergeant at Arms for any and all absent Senators at the expense of the absent Senators, unless an excuse for nonattendance made to the Senate when a quorum is present shall be judged sufficient, and in that case the expense shall be paid out of the Senate Operating Fund. The President pro Tempore or presiding officer, or less than a quorum present, shall have the power to issue process directly to the Sergeant at Arms to compel the attendance of Senators absent without leave. Any Senator who refuses to obey that process, unless sick or unable to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant at Arms shall have power to use force as may be necessary to compel the attendance of the absent Senator, and for this purpose he or she may command the force of the county, or of any county in the state.

**Order of Business**

4. The order of business shall be as follows:
  - (1) Rollcall.
  - (2) Prayer by the Chaplain.
  - (3) Pledge of Allegiance.
  - (4) Privileges of the Floor.
  - (5) Communications and Petitions.
  - (6) Messages From the Governor.
  - (7) Messages From the Assembly.
  - (8) Reports of Committees.
  - (9) Motions, Resolutions and Notices.
  - (10) Introduction and First Reading of Bills.
  - (11) Consideration of Daily File:
    - (a) Second Reading.
    - (b) Special Orders.
    - (c) Unfinished Business.
    - (d) Third Reading.
  - (12) Announcement of Committee Meetings.
  - (13) Leaves of Absence.
  - (14) Adjournment.

**Executive Sessions**

5. When a motion is adopted to close the doors of the Senate, on the discussion of any business that may require an executive session, the President shall require all persons, except the Senators, Secretary, Minute Clerk, and Sergeant at Arms, to withdraw, and during the

discussion of that business the doors shall remain closed. Every Senator and officer present shall keep secret all matters and proceedings concerning which secrecy shall be enjoined by order of the Senate.

#### **OFFICERS OF THE SENATE**

##### **The President**

6. The President shall maintain order in the Senate chamber, and in case of a disturbance or disorderly conduct outside the bar, or in the gallery, the President (or Chair of the Committee of the Whole) shall have the power to order the same cleared.

##### **The President pro Tempore**

7. The President pro Tempore shall take the Chair and call the Senate to order at the hour of the meetings of the Senate. The President pro Tempore is the Presiding Officer of the Senate.

It shall be the particular responsibility of the President pro Tempore to secure the prompt and businesslike disposition of bills and other business before the Senate.

The President pro Tempore shall serve *ex officio* as a member of all Senate and joint committees of which he or she is not a regular member, with all of the rights and privileges of that membership except the right to vote. In counting a quorum of any of these committees, the President pro Tempore may not be counted as a member.

The Vice Chair of the Committee on Rules shall, in the absence of the President pro Tempore, perform the duties, and have all powers and authority, of the President pro Tempore.

##### **Presiding by Senators**

8. The President pro Tempore of the Senate may name any Senator to perform the duties of the Chair in his or her absence. The Senator so named shall be vested, during that time, with all the powers of the President pro Tempore, and the Senator who performs these duties shall be known as the Presiding Officer.

##### **Secretary of the Senate**

9. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, and read all bills, amendments, and resolutions, and all papers ordered read by the Senate or the Presiding Officer.

The Secretary of the Senate shall superintend all printing to be done for the Senate.

The Secretary of the Senate shall certify to, and transmit to, the Assembly all bills, joint and concurrent resolutions, constitutional amendments, and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

The Secretary of the Senate shall also keep a correct Journal of the proceedings of the Senate, and shall notify the Assembly of the action by the Senate on all matters originating in the Assembly and requiring action on the part of the Senate.

The Secretary of the Senate shall have custody of all bills, documents, papers, and records of the Senate and may not permit any of the bills, documents, records, or papers to be taken from the Desk or out of his or her custody by any person, except in the regular course of the business of the Senate.



The Secretary of the Senate is the executive officer of the Committee on Rules and shall act as its authorized representative in all matters delegated to him or her by the committee.

Initiative measures received by the Secretary of the Senate in accordance with Section 9034 of the Elections Code shall be transmitted to the Committee on Rules and referred by the Committee on Rules to the appropriate committee.

#### **Sergeant at Arms of the Senate**

10. The Sergeant at Arms shall attend the Senate during all of its sittings, and shall execute the commands of the Senate from time to time, together with all process issued by its authority, as shall be directed to him or her by the President. The Sergeant at Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found in loud conversation or otherwise making a noise to the disturbance of the Senate. The actual expenses for the Sergeant at Arms for every arrest and for each day's custody and release, and his or her traveling expenses, shall be paid out of the Senate Operating Fund.

The Sergeant at Arms shall place copies of all bills, joint and concurrent resolutions, constitutional amendments, Journals, Histories, and Files, when printed, on the desks of Senators, at least one hour previous to the opening of the session.

#### **Elected and Appointed Officers**

10.5. On the first day of each session, the President pro Tempore, members of the Committee on Rules, Secretary of the Senate, and Sergeant at Arms shall be elected by a majority vote of the duly elected and qualified Members of the Senate and shall serve until their successors are elected and qualify. The Committee on Rules shall appoint an Assistant Secretary, a Minute Clerk, a Chaplain, and other employees with such duties as the committee requires.

#### **Officers and Employees Compensation: Approval**

10.6. The Controller is hereby authorized and directed to draw his or her warrants in favor of officers and employees who render services to the Senate, as certified by the Committee on Rules or by its authorized representative, from the fund set aside for the pay of officers and employees of the Senate at the rate of compensation certified by the committee or its representative, and the Treasurer is hereby directed to pay the same.

### **COMMITTEES OF THE SENATE**

#### **Appointment of Committees**

11. The Committee on Rules shall consist of the President pro Tempore of the Senate, who shall be the chair of the committee, and four other Members of the Senate to be elected by the Senate. There is a vacancy on the committee in the event a Member ceases to be a Member of the Senate or resigns from the Committee on Rules. Any vacancy occurring during a summer, interim study, or final recess, except in the case of the President pro Tempore, shall be filled by the remaining members of the Committee on Rules. A vacancy occurring at any other time shall be filled by election by the Senate.

The Committee on Rules shall appoint all other committees of the Senate and shall designate a chair and vice chair of each committee.

In making committee appointments, the Committee on Rules shall give consideration to seniority, preference, and experience. However, in making committee appointments, the Committee on Rules shall, as far as practicable, give equal representation to all parts of the state.

#### **Standing Committees**

12. The standing committees of the Senate, the number of members, and subjects to be referred to each are set out below. The provisions set forth below as to the assignment of bills are intended as a guide to the Committee on Rules, but are not binding upon the committee.

(1) Agriculture and Water Resources, 11 members. Bills relating to agriculture and water supply management.

(2) Appropriations, 13 members. Bills that are subject to Joint Rule 10.5 and are not referred to the Budget and Fiscal Review Committee. Bills that constitute a state-mandated local program.

(3) Budget and Fiscal Review, 14 members. The Budget Bill and bills implementing the Budget. Bills that directly affect the State Budget, including deficiencies and reappropriations.

(4) Business and Professions, 7 members. Bills relating to business and professional practices and regulations other than bills relating to horseracing, alcoholic beverages, oil, mining, geothermal, or forestry industries.

(5) Constitutional Amendments, 5 members. Bills relating to constitutional amendments and constitutional amendments, when favorably reported out of the standing committee having jurisdiction of the subject matter.

(6) Education, 13 members. Bills relating to education, higher education, and certificated educational personnel.

(7) Elections and Reapportionment, 5 members. Bills relating to elections and reapportionment.

(8) Energy, Utilities, and Communications, 9 members. Bills relating to utilities, energy companies, alternative energy development and conservation, and communications development and technology.

(9) Environmental Quality, 9 members. Bills relating to environmental quality, air quality, water quality, integrated waste management, toxics, and hazardous waste.

(10) Finance, Investment and International Trade, 9 members. Bills relating to financial institutions, commerce, international trade, retail credit interest rates, and corporations.

(11) Governmental Organization, 11 members. Bills relating to state government organization, horseracing, public gaming, alcoholic beverages, management of public safety emergencies and disaster response, and legislation permitting the use of state-controlled lands. Bills that have been considered by other committees having jurisdiction of the appropriate subject, for consideration of any question relating to state government.

(12) Health and Human Services, 9 members. Bills relating to public health, welfare, social services, the blind and disabled, substance abuse, mental health, and institutions related thereto.

(13) Housing and Community Development, 5 members. Bills relating to housing and community development.

(14) Insurance, 9 members. Bills relating to insurance, indemnity, surety, warranty agreements, liens, claims, unclaimed property, collections, and franchises.

(15) Judiciary, 9 members. Bills amending the following:

- (a) Civil Code, except measures related to retail credit interest rates.
- (b) Code of Civil Procedure.
- (c) Evidence Code, except matters relating to criminal procedure.
- (d) Family Code.
- (e) Probate Code.

(16) Labor and Industrial Relations, 7 members. Bills relating to labor, industrial safety, unemployment, workers' compensation and insurance, and noncertificated public school employees.

(17) Local Government, 9 members. Bills relating to local governmental procedure and organization. Bills relating to land use. Bills that have been considered by other committees having jurisdiction of the appropriate subject, for consideration of any questions relating to local government administration.

(18) Natural Resources and Wildlife, 9 members. Bills relating to conservation and the management of public resources, fish and wildlife, regulation of oil, mining, geothermal development, acid deposition, wetlands and lakes, global atmospheric effects, ocean and bay pollution, forestry practices, recreation, parks, and historical resources, and beverage container recycling.

(19) Public Employment and Retirement, 5 members. Bills relating to state and local nonschool public employees and public employee retirement.

(20) Public Safety, 8 members. Bills amending the following:

- (a) Evidence Code, relating to criminal procedure.
- (b) Penal Code.
- (c) Statutes of a penal nature not related closely to a subject included in another subdivision of this rule.
- (d) Bills relating to the Youth and Adult Corrections Agency.

(21) Revenue and Taxation, 9 members. Bills relating to state and local revenues and taxation, except bills described in subdivision (a) of Rule 28.9.

(22) Rules, 5 members. Proposed amendments to the rules and other matters relating to the business of the Legislature.

(23) Transportation, 9 members. Bills relating to the operation, safety, equipment, transfer of ownership, licensing, and registration of vehicles, aircraft, and vessels. Legislation affecting the Department of Transportation and the Department of Motor Vehicles. Bills relating to waterways, harbors, highways, public transportation systems, and airports.

(24) Veterans Affairs, 5 members. Bills relating to veterans, military affairs, and armories. Bills amending the Military and Veterans Code.

The standing committees of any regular session shall be the standing committees of concurrent special or extraordinary sessions unless otherwise ordered by the Senate.

#### **Committee on Legislative Ethics**

12.3. (a) (1) The Committee on Legislative Ethics is hereby created. The committee shall be appointed by the Committee on Rules and shall consist of six Senators, at least two of whom are members of

the political party having the greatest number of members in the Senate and at least two of whom are members of the political party having the second greatest number of members in the Senate. The members of the committee shall serve two-year terms. The President pro Tempore and the Minority Floor Leader shall serve as ex officio, nonvoting members of the committee.

(2) The Committee on Rules shall select a Chair and a Vice Chair, who may not be members of the same political party. The Chair may not serve more than two consecutive two-year terms, and the Committee on Rules shall select a successor who is not a member of the same political party as the immediately previous Chair.

(3) Vacancies in the committee shall be filled within 30 days by the Committee on Rules for the remainder of a term.

(4) If a complaint is filed against a member of the committee, the Committee on Rules shall temporarily replace the member with a Senator of the same political party, who shall serve until the complaint is dismissed by the committee or the Senate takes action as it deems appropriate, whichever occurs earlier.

(5) The Committee on Rules, upon the recommendation of the Committee on Legislative Ethics, shall appoint a Chief Counsel to assist the committee in carrying out its functions. The staff of the committee shall be considered permanent and professional, and shall perform their duties in a nonpartisan manner. No staff of the committee may engage in partisan activities regarding a Senate election campaign. The committee may retain independent counsel when necessary for specific investigations.

(b) The committee shall do all of the following:

(1) The committee shall formulate and recommend, for adoption by the Senate, standards of conduct for Senators and officers and employees of the Senate in the performance of their legislative responsibilities. The Ethics Manual for Members, Officers, and Employees of the United States House of Representatives, as prepared by the Staff of the Committee on Standards of Official Conduct, 102nd Congress Second Session (United States Government Printing Office, Washington, 1992), the Code of Ethics (Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code), and Joint Rule 44 shall serve as guides in the formulation of the standards of conduct.

(2) At the request of any Senator or officer or employee of the Senate, the committee shall provide an advisory opinion with respect to the standards of conduct of the Senate on the general propriety of past, current, or anticipated conduct of that Senator, officer, or employee. The opinion shall be rendered within 21 days unless the Chair and Vice Chair agree otherwise. The committee may, with appropriate deletions to ensure the privacy of the individuals concerned, publish the advisory opinions for the guidance of other Senators, officers, or employees.

(3) The committee shall develop, issue, and annually update a clear, informative, and usable manual for the Senate based on the standards of conduct adopted by the Senate, including any advisory opinions published pursuant to paragraph (2).

(4) The committee shall conduct periodic workshops, at least once each calendar year, for Senators and officers and employees of the Senate, including workshops specifically designed for newly elected Senators and newly appointed officers and employees. At least once in

each biennial session, each Senator, and each officer or employee of the Senate who is a designated employee under the Senate Conflict of Interest Code, shall attend one of these workshops. The workshops shall include, but not be limited to, a comprehensive review of all applicable statutes and Senate rules.

(5) After adoption by the Senate of the standards of conduct, the committee shall receive and review complaints alleging violations of the standards of conduct by Senators, or officers or employees of the Senate, in accordance with the procedures specified in subdivisions (c) to (s), inclusive.

(6) The committee shall maintain a record of its investigations, hearings, and other proceedings. All records, complaints, documents, and reports filed with, submitted to, or made by the committee, and all records and transcripts of any investigations or hearings of the committee shall be confidential and may not be open to inspection by any person other than a member of the committee or the staff of the committee, except as otherwise specifically provided for in this rule. Any member of the committee or any person on the staff of the committee who discloses any record, complaint, document, report, or transcript that is confidential shall be subject to discipline. The committee may, by a majority vote of the membership of the committee, authorize the release of any records, complaints, documents, reports, and transcripts in its possession to the appropriate enforcement agency if the committee determines that there is probable cause to believe that the violation or violations alleged in the complaint would constitute a felony or if the committee determines that the information is material to any matter pending before the enforcement agency.

(c) (1) Any person may file a complaint with the committee that alleges a violation of the standards of conduct.

(2) Except as provided in paragraphs (3) and (4), no complaint may be filed more than 18 months after the date that the alleged violation occurred.

(3) If the committee determines that the person filing the complaint did not know, or through the exercise of reasonable diligence could not have known, of the alleged violation within 18 months after the date that the alleged violation occurred, the complaint may be filed within three years after the date that the alleged violation occurred.

(4) If a complaint is filed within 60 days prior to an election at which a Senator or officer or employee is a candidate for elective office, the complaint shall be returned to the person filing the complaint, and the person shall be informed that the complaint may be filed with an appropriate enforcement agency and may be refiled with the committee after the election. The period of time for filing the complaint shall be extended for 60 days.

(5) No complaint may be filed if it alleges a violation that occurred prior to the adoption of the standards of conduct.

(d) A complaint shall satisfy all of the following requirements:

(1) It shall be in writing.

(2) It shall state the name of the person filing the complaint.

(3) It shall state the name of Senator, or the name and position or title of the officer or employee of the Senate, who is alleged to have committed a violation of the standards of conduct.

(4) It shall set forth allegations that, if true, would constitute a violation of the standards of conduct. The allegations shall be stated with sufficient clarity and detail to enable the committee to make a finding pursuant to subdivision (h).

(5) It shall state the date of the alleged violation.

(6) It shall include a statement that the allegations are true of the person's own knowledge or that the person believes them to be true, and shall be signed by the person under penalty of perjury.

(e) The committee, on its own motion, two-thirds of the membership concurring, may initiate a proceeding by filing a complaint that complies with paragraphs (1) to (5), inclusive, of subdivision (d).

(f) The committee shall promptly send a copy of a complaint to the Senator, or officer or employee of the Senate, alleged to have committed the violation, who shall thereafter be designated as the respondent.

(g) If a complaint is filed by a person other than the committee, the Chair and Vice Chair of the committee shall examine the complaint to determine whether it was filed in accordance with this rule and any rules of the committee. Within 15 days after the complaint is filed, the Chair and Vice Chair shall provide to the committee a copy of the complaint and their opinion as to whether the allegations in the complaint, if true, would constitute a violation of the standards of conduct. If the committee, by a two-thirds vote of its membership, finds that the allegations, if true, would constitute a violation of the standards of conduct, the committee shall hold a hearing within 30 days to conduct a preliminary inquiry. If two-thirds of the membership of the committee fails to find that the allegations, if true, would constitute a violation of the standards of conduct, it shall dismiss the complaint and so notify the person who filed the complaint and the respondent, and the complaint shall not be made public.

(h) At the preliminary inquiry, the respondent may respond to the allegations in the complaint by written statement or oral testimony. If two-thirds of the membership of the committee finds that probable cause exists for believing that the respondent committed a violation of the standards of conduct, the committee shall issue a count-by-count statement of alleged violations. If two-thirds of the membership of the committee fails to find that probable cause exists, the committee shall dismiss the complaint. In either event, the committee shall immediately notify the respondent and the person who filed the complaint of its action. If the committee finds that probable cause exists, the statement of alleged violations shall be made public within seven days.

(i) Within 21 days after the issuance of the statement of alleged violations, the respondent may file an answer that admits or denies each count. Upon request of the respondent, the committee may grant the respondent an additional 21 days to respond.

(j) Within 60 days after the issuance of the statement of alleged violations, the committee shall hold a disciplinary hearing. If a majority of the membership of each party on the committee fails to find that the respondent committed a violation of the standards of conduct, the committee shall dismiss the complaint. If a majority of the membership of each party on the committee finds by clear and convincing evidence that the respondent committed a violation of the standards of conduct, the committee shall take the following action:

(1) If the respondent is a Senator, it shall hold a hearing to determine an appropriate sanction.

(2) If the respondent is an officer or employee, it shall transmit its findings to the Committee on Rules for appropriate action.

(k) (1) At the hearing to determine an appropriate sanction, two-thirds of the membership of the committee shall determine whether the violation is serious or minor.

(2) If the committee determines that a violation is minor or fails to determine that a violation is serious, two-thirds of the membership of the committee (A) shall, if it determines that the violation bears upon the exercise of a right or privilege, recommend that the Committee on Rules deny or limit that right or privilege and shall transmit its findings and recommendation to the Committee on Rules, or (B) shall impose any lesser sanction. Within 15 days after the imposition of a lesser sanction, the respondent may appeal the sanction imposed to the Committee on Rules.

(3) If the committee determines that a violation is serious, two-thirds of the membership of the committee shall recommend that the Senate take one or more of the following actions and shall transmit its findings and recommendation to the Senate:

(A) The denial or limitation of any right or privilege, if the violation bears upon the exercise of that right or privilege.

(B) A reprimand for a serious violation.

(C) A censure for a more serious violation.

(D) An expulsion for a most serious violation.

(l) The Senate shall, within 15 legislative days after receiving the findings and recommendation, vote on the recommendation of the committee. The Senate, by 21 votes, may deny or limit any right or privilege of, reprimand, or censure the Senator or, by 27 votes, may expel the Senator.

(m) The committee or Senate may defer any action required by this rule if other proceedings have been commenced on the same matter.

(n) (1) At all hearings, the Chief Counsel of the committee shall present the case. All relevant and probative evidence shall be admissible unless it is privileged. Witnesses may be called and cross-examined by the committee and the respondent, and exhibits and other documents may be entered into the record. The respondent shall have the right to be represented by legal counsel or any other person of his or her choosing.

(2) If the committee receives, at any time, any exculpatory information relating to the alleged violation, the committee shall make the information available to the respondent.

(o) If the committee determines that the complaint was filed with malicious intent, it may request that the Committee on Rules reimburse the expenses incurred by the respondent.

(p) At any time during the proceedings, the respondent may admit that he or she committed a violation of the standards of conduct. If the respondent admits some but not all of the violations alleged in the complaint or the counts set forth in the statement of alleged violations, the committee shall find that the admitted violations constituted a violation of the standards of conduct and may continue the proceedings to determine whether the other alleged violations constituted violations of the standards of conduct. If the respondent admits to all alleged violations, the committee shall find that the admitted violations constituted a violation of the standards of conduct, terminate the preliminary inquiry or disciplinary hearing, and take the action required by paragraph (1) or (2) of subdivision (j).

(q) Meetings of the committee may not be open to the public until the committee finds that probable cause exists for believing that the respondent committed a violation of the standards of conduct. Subsequent meetings of the committee or Senate shall be public, and notice of any meeting shall be published in the Senate File for four calendar days prior to the meeting.

(r) If the committee finds that probable cause exists for believing that the respondent committed a violation of the standards of conduct, the transcript of any testimony given, or any documents admitted into evidence, at a public hearing and any report prepared by the committee subsequent to that finding that states a final finding or recommendation shall be open to public inspection.

(s) Upon request of the respondent, the committee may permit the respondent to inspect, copy, or photograph books, papers, documents, photographs, or other tangible objects that relate to the allegations in the complaint. If the committee finds that probable cause exists for believing that the respondent committed a violation of the standards of conduct, the committee shall permit the respondent to inspect, copy, or photograph books, papers, documents, photographs, or other tangible objects that relate to the statement of alleged violations.

(t) (1) No Senator or officer or employee of the Senate may directly or indirectly use or attempt to use his or her official authority or influence to intimidate, threaten, coerce, command, or attempt to intimidate, threaten, coerce, or command any person for the purpose of interfering with the right of that person to file a complaint with the committee, testify before, or in any way cooperate with, the committee or any panel.

(2) For the purpose of paragraph (1), “use of official authority or influence” includes promising to confer, or conferring, any benefit; effecting, or threatening to effect, any reprisal; or taking, or directing others to take, or recommending, processing, or approving, any personnel action, including, but not limited to, appointment, promotion, transfer, assignment, performance evaluation, suspension, or other disciplinary action.

(3) Nothing in this subdivision may be construed to authorize any person to disclose information the disclosure of which is otherwise prohibited by law.

(u) The committee may adopt rules governing its proceedings not inconsistent with this rule. The provisions of Joint Rule 36 relating to investigating committees apply to the committee to the extent those provisions are consistent with this rule.

(v) The powers and procedures set forth in subdivisions (b) to (u), inclusive, confer independent authority and may not be limited or altered by Joint Rule 45.

#### **General Research Committee**

12.5. The General Research Committee is hereby created pursuant to Section 11 of Article IV of the California Constitution, which relates to legislative committees. The committee consists of the 40 Senators, and the President pro Tempore is its chair. The committee is allocated all subjects within the scope of legislative regulation and control, but may not undertake any investigation that another committee has been specifically requested or directed to undertake. The General Research Committee may act through subcommittees appointed by the Senate



Committee on Rules, and each of the subcommittees may act only on the particular study or investigation assigned by the Committee on Rules to that subcommittee. Each member of the General Research Committee is authorized and directed to receive and investigate requests for legislative action made by individuals or groups and to report thereon to the full committee.

The committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Senate Rules and the Joint Rules of the Senate and Assembly. However, neither the committee nor its members may issue a subpoena without the prior approval of the Committee on Rules. The committee has the following additional powers and duties:

(a) To contract with other agencies, public or private, for the rendition and affording of services, facilities, studies, and reports to the committee as the committee deems necessary to assist it to carry out the purposes for which it is created.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope established by this rule, and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(c) To meet and act at any place within the State of California and, when authorized in writing by the Committee on Rules to do so, to meet and act outside the state to carry out its duties.

(d) To report its findings and recommendations to the Legislature and the people from time to time.

(e) To act during sessions of the Legislature, including any recess.

(f) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this rule.

The Committee on Rules may allocate, from time to time, to the General Research Committee from the Senate Operating Fund those sums that are necessary to permit the General Research Committee and the members thereof to carry out the duties imposed on them. In addition, the Committee on Rules may allocate to any subcommittee from the Senate Operating Fund those sums that the Committee on Rules deems necessary to complete the investigation or study conferred upon that subcommittee.

#### **Additional Committee on Rules Powers**

12.7. In addition to other rights, duties and powers vested in the Committee on Rules, the committee and the members thereof shall have and exercise all the rights, duties, and powers of the General Research Committee and the members thereof, as provided in Rule 12.5, with authority to act on any subject allocated by Rule 12.5 to the General Research Committee.

#### **Committee on Rules**

13. (a) The Committee on Rules is charged with the general responsibility for the administrative functioning of the Senate. The committee shall have general charge of the books, documents, and other papers and property of the Senate and shall see that the same are properly kept, cared for, filed, or otherwise disposed of in accordance with applicable law and rules. The committee shall also have the duties of making studies and recommendations designed to promote, improve,

and expedite the business and procedure of the Senate and its committees, including investigating committees consisting wholly or in part of Members of the Senate, and of proposing any amendments to the rules deemed necessary to accomplish those purposes.

(b) The Committee on Rules shall continue in existence during any recess of the Legislature until the convening of the next regular session, and shall have the same powers and duties as while the Senate is in session. The committee shall have the authority to fill vacancies in any Senate committee or in the Senate membership of any joint committee.

(c) The committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to the Committee on Rules and its members.

(d) The committee may make available to any Senate or joint committee, or any Member of the Senate, assistance in connection with the duties of the committee or other legislative matters as the personnel resources under the direction of the committee or its other facilities permit.

(e) All employees on the payroll of the Senate are employees of the Senate and not of individual members, and they are under the direct control of the Committee on Rules. The Committee on Rules shall have general supervision over all employees of the Senate and shall have the powers and duties to suspend, discipline, or discharge any employees when necessary. Any insubordination or inefficiency on the part of any employee shall be reported to the Committee on Rules.

(f) The committee shall make available and furnish to the Members of the Senate, and the Senate committees, personnel resources as may be reasonably necessary for the Members and the committees to carry out their duties.

(g) The Committee on Rules shall constitute the Committee on Introduction of Bills and shall have charge of the engrossment and enrollment of bills, the contingent expenses of the Senate, and legislative printing, except insofar as these functions are delegated to the Secretary of the Senate.

(h) The rooms, passages, and buildings set apart for the use of the Senate shall be under the direction of the Committee on Rules, and the committee may assign the press desks in the Senate Chamber to accredited newspaper representatives.

(i) Executive communication of nominations sent by the Governor to the Senate for confirmation shall be referred to the Committee on Rules, unless otherwise ordered by the Senate, without debate.

(j) The Committee on Rules shall, at each regular session, appoint a Member of the Senate to serve on the Judicial Council and shall have the authority during any joint recess to fill any vacancy in that position that occurs during the recess.

(k) When a report of a joint legislative committee is delivered to the Senate Desk, the Committee on Rules shall refer it to a standing committee for review and appropriate action.

**Expenses of Senate Committees**

13.1. All claims for expenses incurred by investigating committees of the Senate, the Secretary of the Senate, and the Sergeant at Arms shall be approved by the Committee on Rules or its authorized representative before the claims are presented to the Controller.

All proposed expenditures, including furniture, equipment, and other property, but not including stationery supplies, shall be approved by the Committee on Rules or its authorized representatives before the expenses are incurred, unless the expenditure is specifically exempted from the provisions of this rule by the resolution authorizing it.

No warrant may be drawn in payment of any claim for expenses until the approval of the Committee on Rules, or its authorized representative, has been obtained in accordance with this rule.

The Committee on Rules may adopt rules and regulations limiting the amount, time, and place of expenses and allowances to be paid to employees of Senate investigating committees and regulating the terms and conditions of employment of their employees. Copies of all rules and regulations adopted pursuant to this rule shall be distributed to the chair of every investigating committee.

**Alteration, Repair, Improvement to Senate**

13.2. The Committee on Rules is authorized and directed to incur and pay expenses of the Senate not otherwise provided for as the committee determines are reasonably necessary, including the repair, alteration, improvement, and equipping of the Senate Chamber and the offices provided for the Senate in the State Capitol.

In order to avoid unanticipated reversions of appropriations for contingent expenses, the Committee on Rules may designate the appropriation from which payment shall be made pursuant to allocations to committees or for other purposes. If insufficient money is available in any appropriation to pay all claims pursuant to allocations charged against it, the committee shall designate another appropriation from which the allocations shall be paid.

**Rooms and Property of Senate**

13.3. The Committee on Rules is responsible for the safekeeping of Senate property. The Director of General Services is directed to maintain the Senate Chamber and all the committee rooms and other rooms used by the Senators and officers of the Senate in a condition that they will be available for the use of the Senate at any time. It is further directed that no persons other than the Members, officers, and employees of the Senate may occupy or use the offices, committee rooms, or other rooms now occupied by the Senate without permission as hereinafter provided, that the desks, furniture, and other equipment of the Senate shall be at the disposal of the Committee on Rules, and that no person except Members of the Senate may occupy any of the Senate's offices or make use of Senate equipment without permission of the committee or its authorized representative.

**Inventory of Senate Property**

13.4. The Committee on Rules is authorized and directed, through its authorized representative, to make and maintain a complete inventory of all property of the Senate, including all property in the possession or control of any Senate committee. The Committee on Rules shall have custody and control of all property of the Senate and

shall adopt rules or orders as it may determine are necessary relating to the purchase, care, custody, and use or disposal thereof.

**Status of Standing Rules for Regular Session**

13.5. The adoption of the Standing Rules for any special session are not to be construed as modifying or rescinding the Standing Rules of the Senate for a regular session.

**Operating Expense Fund**

13.6. The Committee on Rules is the committee identified in Section 9126 of the Government Code. The balance of all money in the Senate Operating Fund, including money now or hereafter appropriated by the Legislature, except sums that are made available specifically for purposes other than the expenses of designated committees, is hereby made available to the Committee on Rules for any charges or claims it may incur in carrying out the duties imposed upon it by these rules or by Senate or concurrent resolution.

**Rules Committee Appointees**

13.8. The Committee on Rules shall review its nonlegislator appointees every two years. That review shall be completed not later than the 120th calendar day of the regular session in which the review is undertaken.

**Appointees to the Regents of the University of California**

13.9. No vote to confirm an appointment by the Governor to the Regents of the University of California shall be in order unless the Committee on Rules determines that the Governor has convened and consulted the advisory committee specified in subdivision (e) of Section 9 of Article IX of the California Constitution and that the advisory committee has held at least one public meeting for purposes of that consultation.

**Schedule of Committee Meetings**

14. The Committee on Rules shall propose to the Senate such schedules for regular meetings of the standing committees as will permit all members of each committee to attend without a conflict of committee engagements.

The committee may also propose such special committee meetings or special schedules of committee meetings as will facilitate the business of the Senate. Those schedules may provide a special schedule of committee meetings upon certain days of the week or to meet any special condition that may arise.

**Powers of Standing Committees**

16. Each standing committee of the Senate to which a proposed law or bill is assigned shall have full power and authority during the session of the Legislature, or any recess thereof, to make an investigation and study concerning any proposed law or bill as the committee shall determine necessary to enable it to properly act thereon.

In the exercise of the power granted by this rule, each committee may appoint a secretary and employ clerical, legal, and technical assistants as may appear necessary when money has been made available therefor by the Senate.

Each standing committee is authorized and empowered to summon and subpoena witnesses, to require the production of papers, books,

accounts, reports, documents, records, and papers of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary. However, no committee may issue a subpoena without the prior approval of the Committee on Rules.

The Sergeant at Arms, or other person designated by the Sergeant at Arms or by the committee, shall serve any and all subpoenas, orders, and other process that may be issued by the committee, when directed to do so upon a vote of the majority of the membership of the committee.

Each of the members of the standing committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4 (commencing with Section 9400) of Part 1 of Division 2 of Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, apply to the committees.

All officers of this state, including the head of each department, agency, and subdivision thereof, all employees of the departments, agencies, and subdivisions of the state, the Legislative Counsel, and all other persons, whether connected with the state government or not, shall give and furnish to these committees upon request such information, records, and documents as the committees deem necessary or proper for the achievement of the purposes for which each standing committee was created.

Each standing committee may meet at the State Capitol and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it, and may expend such money as may be made available by the Senate for that purpose, except that no committee may incur any indebtedness unless money has been first made available therefor.

#### **Funerals**

17.5. The Chair or Vice Chair of the Committee on Rules may designate any one or more of the Members of the Senate as a Senate committee to attend funerals in appropriate circumstances. The Members so designated may receive expenses as provided in Joint Rule 35.

The Chair or Vice Chair of the Committee on Rules, or any Member of the Senate designated by either of these officers, may incur such expense as may be necessary for the purchase on behalf of the Senate of suitable floral pieces for the funeral.

All expenses incurred pursuant to this rule are hereby ordered to be paid out of the money allocated from the Senate Operating Fund to the Committee on Rules and disbursed, after certification by the Chair or Vice Chair of the committee or by the committee's disbursing officer appointed and designated therefor by the committee, upon warrants drawn by the Controller upon the Treasury.

#### **Expenditures**

18. No member of any committee may incur any expense chargeable to the Senate unless authorized by resolution of the Senate.

The Committee on Rules shall provide, by rules and regulations, for the manner of authorizing expenditures by Members, committees, and officers and employees of the Senate that are not otherwise authorized by law, these rules, or the Joint Rules of the Senate and Assembly, and for the payment of the expenditures from the Senate Operating Fund

upon certification of claims therefor to the Controller by the Committee on Rules or its authorized representative.

#### **Printing of Reports**

18.5. All requests for the printing of reports of Senate committees shall be made to the Committee on Rules.

The Committee on Rules shall determine if the report is to be printed, the number of copies needed, and whether or not the report shall be printed in the Journal.

If the report is to be printed by the State Printer, he or she shall hold the type for each Senate committee report for a period of 90 days from the date of the first printing or for such other time as the Committee on Rules deems necessary.

### **PROCEDURES AND RULES**

#### **Joint and Concurrent Resolutions and Constitutional Amendments**

19. Joint and concurrent resolutions and constitutional amendments shall be treated the same as bills under these rules, except that they shall have only one official reading, which reading shall occur after they have been reported by committee.

#### **Parliamentary Rules**

20. In all cases not provided for by the Constitution, these rules, the Joint Rules of Senate and Assembly, or statute, the authority shall be the latest edition of Mason's Manual.

#### **Suspension of Rules or Amending of Rules**

21. No standing rule of the Senate may be adopted, amended, or repealed except upon an affirmative vote of a majority of the membership of the Senate, one day's notice being given, except that any rule not requiring more than a majority vote may be temporarily suspended without that notice by a vote of a majority of the Membership of the Senate. A rule requiring a two-thirds vote on any question may be amended only by a two-thirds vote on one day's notice, except that a rule requiring a two-thirds vote may be temporarily suspended without that notice by a two-thirds vote.

All proposed amendments to these rules shall, upon presentation, be referred to the Committee on Rules without debate.

#### **Suspension of the Joint Rules**

21.1. Pursuant to Joint Rule 33, no joint rule may be suspended by the Senate except with the concurrence of 27 Members unless a lower vote is prescribed by these rules or the Joint Rules of the Senate and the Assembly.

#### **Permission of Committee on Rules**

21.2. Notwithstanding Rule 21 or 21.1, no Senate or Joint Rule may be suspended unless the Committee on Rules determines that an extraordinary circumstance exists that justifies the suspension.

#### **Rules Governing Standing Committees**

21.5. Except as otherwise provided in these rules, standing committees of the Senate shall be governed as follows:

(a) The officers of each Senate committee shall be a chair, vice chair, and secretary.

(b) The chair shall preside at meetings when present except when the committee is considering a bill of which he or she is the sole author or the lead author. Whenever the chair is not presiding, the vice chair shall assume the duties of the chair. In the absence of both, a member designated by the chair shall preside.

(c) The secretary shall keep a complete record of the meetings and actions taken by the committee. Bills and other measures favorably acted upon shall be reported to the Senate as expeditiously as the reports can be prepared.

(d) The committee shall meet in regular session on the day and hour designated by the Committee on Rules. Adjourned meetings or special meetings shall be held at the time fixed in the adjourning motion, or, for a special meeting, on the call of the chair.

(e) A special meeting may be called by the chair, with the approval of the Committee on Rules, by giving reasonable notice to all members of the committee, either in writing or by telephone, specifying the purpose of the meeting, the time and place thereof, and the matters to be considered at the meeting. Notice of hearing of bills as required by subdivision (a) of Joint Rule 62 may also be given in the Daily File. No matter may be considered at the special meeting unless specified in the notice.

A special meeting shall be scheduled so as to permit all members of the committee to attend without conflict with other scheduled committee meetings.

(f) A majority of the membership of the committee shall constitute a quorum. A vote of a majority of the membership of the committee shall be required to table a bill, remove it from the table, or reconsider a vote on a bill.

(g) No action may be taken on any measure outside of a duly constituted committee meeting.

(h) The chair shall set the hearings of bills and arrange the calendar for committee hearings. Notice of hearing of any bill shall be given to the author and other persons requiring notice. A bill may not be considered in the absence of the author without his or her consent, except that a bill may be presented by the author's representative who is authorized in writing.

(i) A committee or a subcommittee thereof, by a majority vote of the membership of the committee, may meet in executive session for any purpose authorized by Section 9029 of the Government Code. Otherwise, all meetings shall be open and public.

(j) The chair shall direct the order of presentation of the arguments for and against matters for consideration by the committee, and shall permit questions to be asked by members of the committee in an orderly fashion and in keeping with proper decorum.

(k) Further consideration of a bill that has been voted out of a committee or defeated shall be by reconsideration only, as follows:

(1) A motion to reconsider a vote by which a bill is voted out shall be in order, and shall be voted upon at the same meeting. If the motion is carried by a vote of a majority of the membership of the committee, the bill may be considered at that meeting, provided the author is present, or at a subsequent meeting.

(2) The procedure for reconsideration of a bill that has been defeated shall conform to the requirements of subdivision (a) of Joint Rule 62. Any bill as to which reconsideration has been granted pursuant to this

paragraph may not be heard again until a subsequent meeting of the committee, after being calendared in the Daily File.

(l) Any bill that has been laid on the table and is removed from the table at a later meeting may not be heard again until a subsequent meeting of the committee, after being calendared in the Daily File and after notice.

(m) When a committee adopts proposed amendments to a bill, the bill may be taken up for vote at that meeting or, if the committee or author requests, sent out to print before final action. If the amendments are not in proper form, they shall be prepared and submitted to the chair for approval before being reported to the Desk. Amendments submitted by the author which, in the opinion of the committee chair, are major or substantial shall be submitted to the committee at least two legislative days before the bill is scheduled for hearing.

(n) No bill may be set for hearing, nor may any notice thereof be published, by a Senate committee until the bill has been referred to the committee by the Committee on Rules.

(o) The chair may appoint, with the permission of the Committee on Rules, subcommittees of one or more members to consider and recommend to the full committee action on matters as may be assigned to the subcommittee for consideration from time to time by the chair. The chair may assign and reassign members of, and matters to, the various subcommittees. The recommendation of a subcommittee may be accepted by a vote of a majority of the members of the committee.

(p) In all cases not provided for by this rule, the Senate Rules, the Joint Rules of the Senate and Assembly, or statute, the authority shall be Mason's Manual.

#### **Additional Rules**

21.6. Committees may adopt additional rules that are not in conflict with Rule 21.5 or other rules.

#### **Reporting Measures Out of Committee**

21.7. The vote of a majority of the membership of a standing committee shall be required to report a bill, constitutional amendment, concurrent resolution, or joint resolution out of committee.

A vote of a majority of all members of a standing committee that are present and voting shall be required to report a Senate resolution out of committee.

#### **Press Participation**

21.8. Accredited press representatives may not be excluded from any public legislative meeting or hearing, and may not be prohibited from taking photographs of, televising, or recording the committee or house hearings, subject to the following conditions:

- (1) This rule extends to all public legislative meetings.
- (2) Lights may be used only when cameras are filming, and, when possible, proceedings in hearing rooms and the chamber shall be filmed without lights.
- (3) Every effort should be made to set up filming equipment before hearings or sessions begin.
- (4) The committee chair or the Committee on Rules shall be notified, as far in advance of the proceedings as possible, that recordings and television cameras will be present and filming.
- (5) To the extent practical, flash cameras shall not be used.



(6) Photographs shall be taken in an orderly and expeditious manner so as to cause the least possible inconvenience to the committee or to the members in the chamber.

However, the chair of a committee may request any person to relocate or remove any object, or discontinue the use of any equipment, that is situated or used in a manner so as to disrupt the proceedings or to create a potential danger to, or substantially obstruct the view of, members of the committee or the public.

In case any person fails to respond to a request of the chair to relocate, remove, or discontinue the use of the objects or equipment, the committee may, by majority vote, require it.

## **INTRODUCTION AND REFERENCE OF MEASURES**

### **Introduction, First Reading, and Reference of Measures**

22. Any Senator desiring to introduce a bill, constitutional amendment, concurrent resolution, joint resolution, or Senate resolution shall send it to the Senate Desk.

When received at the Secretary's desk, a bill shall, under the proper order of business, be numbered, read, printed, and referred by the Committee on Rules to a standing committee. The Committee on Rules shall check all Assembly measures before reference to committee and shall designate the committee to which they shall be referred.

All joint resolutions, concurrent resolutions, and Senate resolutions shall be automatically referred to the Committee on Rules upon introduction, and may be rereferred to any other standing committee upon the vote of a majority of the membership of the Committee on Rules.

Unless otherwise ordered by the Senate without debate, the assignment of the measure shall then be complete and, after printing, the Secretary shall deliver the measure to the committee designated by the Committee on Rules.

Under the order of Messages from the Assembly, the Secretary shall read each Assembly bill the first time and shall read the name of the committee to which the bill has been assigned by the Committee on Rules. Unless otherwise ordered by the Senate without debate the assignment of the bill shall then be complete, and the Secretary shall deliver the bill to the committee so designated.

### **Bill Introduction Limitation**

22.5. (a) A Member of the Senate may introduce not more than 65 bills in the regular session.

(b) This rule may be suspended with respect to a particular bill by approval of the Committee on Rules.

(c) This rule does not apply to a constitutional amendment, any type of resolution, or a bill introduced by a committee.

### **Short Title**

22.6. No bill may add a short title that names a current or former Member of the Legislature.

**Introduction of Bills by a Committee**

23. (a) Any committee may introduce a bill germane to any subject within the proper consideration of the committee in the same manner as any Member. A committee bill shall contain the signatures of a majority of the membership of the committee, including the chair.

(b) A committee may amend into a bill related provisions germane to the subject and embraced within the title and, with the consent of the author, may constitute that bill a committee bill.

**Bill Introduction Deadline**

23.5. The Senate Desk shall remain open for the introduction of bills from 9:00 a.m. to 5:00 p.m. on the days designated in subdivision (a) of Joint Rule 54 as the deadlines for the introduction of bills in the first and second years of the regular session.

**Introduction of Bills at Special Sessions**

24. Whenever, at any special session, a bill is received at the Desk, under the order of Introduction of Bills, it shall be referred to the Committee on Rules, which shall decide whether or not the bill can properly be considered at the session. If, in the judgment of the Committee on Rules, the bill can be considered, the committee shall report the bill back and designate the committee to which it shall be assigned. Thereafter the bill shall be assigned a number by the Secretary, read the first time, and referred to the committee recommended by the Committee on Rules unless otherwise referred on motion without debate.

**Resolutions**

24.5. A Senate concurrent resolution or Senate resolution may be introduced relating to a present or former state or federal elected official or a member of his or her immediate family. Other resolutions for the purpose of commendation or congratulation of any person, group, or organization, or for the purpose of expressing sympathy, regret, or sorrow on the death of any person, shall be prepared as Rules Committee resolutions and presented to the Committee on Rules for appropriate action.

The Committee on Rules may approve exceptions to this rule for Senate resolutions. The Secretary may not accept for introduction any Senate resolution that is contrary to this rule unless it is accompanied by the approval of the Committee on Rules.

**Senate Resolutions**

25. All Senate resolutions eligible to be introduced under the rules, upon being presented, shall be given a number by the Secretary. A Senate resolution shall be printed, and indexed in the History and Journal.

**Bills Authored by a Former Member**

26. Whenever a bill in the Senate is authored by an individual who is no longer a Member of the Legislature, upon a request of a committee or current Member of the house in which the bill was introduced, the Senate Committee on Rules may authorize that committee or Member to be the author of that bill. Absent that authorization, no action may be taken by a committee or the Senate with respect to a bill authored by a former Member.

**BILLS IN COMMITTEE**

**Author's Amendments**

27. Upon request of the author of a bill, the chair of the committee to which the bill has been referred may, by his or her individual action taken independently of any committee meeting, cause the bill to be reported to the Senate with the recommendation that amendments submitted by the author be adopted and the bill be reprinted as amended and rereferred to the committee.

**Withdrawing a Bill From Committee**

28. No bill or resolution may be withdrawn from committee except upon written notice being first given to the Committee on Rules and by 21 votes of the Senate.

**Consent Calendar**

28.3. (a) If a Senate bill or Assembly bill is amended in the Senate to create a new bill or to rewrite the bill, a standing committee may not place the bill on its consent calendar, and may not report the bill out of committee with the recommendation that it be placed on the consent calendar on the floor.

(b) For purposes of this rule, an amendment creates a new bill or rewrites the bill if the amendment (1) changes the subject of the bill to a new or different subject, or (2) adds a new subject to the bill that is different from, and not related to, the contents of the bill.

**Referral of Bills**

28.4. (a) If a Senate bill or Assembly bill is amended in the Committee on Appropriations to create a new bill or to rewrite the bill and the chair of the committee determines pursuant to Senate Rule 28.8 that (1) any additional state costs are not significant and do not and will not require the appropriation of additional state funds, and (2) the bill will cause no significant reduction in revenues, the bill shall be reported to the Senate with the recommendation that it be placed on second reading, except that the bill first shall be referred to the Committee on Rules. Upon receipt of the bill, the Committee on Rules shall either refer the bill to an appropriate policy committee or order that the bill be placed on second reading.

(b) For purposes of this rule, an amendment creates a new bill or rewrites the bill if the amendment (1) changes the subject of the bill to a new or different subject, or (2) adds a new subject to the bill that is different from, and not related to, the contents of the bill.

**Measures to be Authored**

28.5. Each bill, constitutional amendment, or resolution shall be authored by a Member or committee of the Legislature before it is considered or voted on by a committee or the Senate. Each amendment to a bill, constitutional amendment, or resolution shall be signed by a Member or committee of the Legislature prior to adoption by the Senate. A bill may be authored only by a Member or committee of the house of origin. A Member other than a Member of the house of origin may be a "principal coauthor" or "coauthor."

**Vote in Committee**

28.7. Voting on the disposition of bills, constitutional amendments, concurrent resolutions, and joint resolutions by committees shall be by rollcall vote only. A rollcall vote shall be taken on a motion to amend only if requested by any member of the committee or the author of the measure. All rollcall votes taken in committees shall be promptly transmitted by their respective chairs to the Secretary of the Senate, who shall cause a record of the rollcall votes to be printed in the Journal, together with the text of amendments voted upon where the rollcall has been recorded and the amendments adopted.

This rule shall not apply to:

- (a) Procedural motions that do not have the effect of disposing of a bill.
- (b) Withdrawal of a bill from a committee calendar at the request of an author.
- (c) A committee's return of a bill to the Senate, if the bill has not been voted on by the committee.
- (d) The assignment of bills to committee.

On a legislative day when the President pro Tempore or Minority Floor Leader is in attendance, he or she, in the absence of any objection, may instruct the committee secretary of a committee of which he or she is a member to add his or her vote to any previously announced vote that was taken while he or she was performing the responsibilities of the office of President pro Tempore or Minority Floor Leader, provided the outcome of the vote is not thereby changed. This provision does not apply to any rollcall after adjournment of the legislative day during which the rollcall in question was taken. The intent of this paragraph is to allow the President pro Tempore and the Minority Floor Leader to carry out the unique and special duties of their offices without losing the opportunity to vote on matters before the committees of which they are members.

**Appropriations Committee**

28.8. Any bill referred to the Committee on Appropriations pursuant to Joint Rule 10.5 that does not appropriate money may not be set for hearing and shall, along with any nonsubstantive amendments, promptly be reported to the Senate with the recommendation it be placed on second reading if the chair of the committee determines that (a) any additional state costs are not significant and do not and will not require the appropriation of additional state funds, and (b) the bill will cause no significant reduction in revenues.

**State-Mandated Local Program Bills**

28.9. (a) Any bill having a digest that, pursuant to Section 17575 of the Government Code, indicates that the bill requires state reimbursement to local agencies or school districts for costs mandated by the state shall be rereferred to the Committee on Appropriations. The bill may not be rereferred to the Committee on Revenue and Taxation.

(b) Any bill rereferred to the Committee on Appropriations pursuant to this rule that does not appropriate money and does not contain a complete disclaimer of all of the provisions of Section 905.2 of, and Part 7 (commencing with Section 17500) of Division 4 of Title 2 of, the Government Code, need not be set for hearing and may, along with any nonsubstantive amendments, be reported to the Senate with the

recommendation that it be placed on second reading if the chair of the committee determines, after consideration of the analyses of local costs prepared by the Legislative Analyst and the Department of Finance, that (1) any additional local costs are not significant and (2) the bill will cause no significant reduction in local revenues.

For the purposes of this rule, “complete disclaimer” means a provision in a bill that prohibits local agencies and school districts from filing claims with the State Board of Control for reimbursement for the costs of unfunded mandated programs or services.

(c) Whenever the Assembly amends and passes a Senate bill and the Senate must concur in the amendments, upon the request of any Senator the bill shall be rereferred to the Committee on Appropriations if, based upon the Legislative Counsel’s Digest of the Assembly amendments, the bill (1) imposes state-mandated local costs without providing adequate reimbursement, or (2) contains a complete disclaimer. The Committee on Appropriations shall make a recommendation to the Senate regarding whether the Senate should concur in the Assembly amendments.

(d) Any bill referred to the Committee on Appropriations solely pursuant to this rule, and that otherwise would not be rereferred to the committee pursuant to Joint Rule 10.5, is not subject to subparagraph (a)(1), (a)(6), (b)(3), or (b)(8) of Joint Rule 61.

## **CONSIDERATION OF BILLS**

### **Order of Making Files**

29. When bills are reported from committee they shall be placed upon the Daily File, to be kept by the Secretary as follows: All bills when reported to the Senate by the committee shall be placed at the foot of the Second Reading Senate or Assembly File, in the order in which the reports are made and, after the second reading, shall be placed at the foot of the Senate or Assembly Third Reading File, in the order of reading. Unless otherwise ordered by the Senate the File shall be taken up in the following order: Senate Second Reading File, Assembly Second Reading File, Special Orders, Unfinished Business, Senate Third Reading File, Assembly Third Reading File. The bills upon the third reading shall be considered in the order in which they appear upon the File, unless otherwise ordered by the Senate.

A Senate Bill returned from the Assembly for concurrence in Assembly amendments may not be considered until it appears under Unfinished Business on the Daily File pursuant to Joint Rule 26.5 and an analysis is provided to each Senator pursuant to Senate Rule 29.8.

An Inactive File shall be kept, to which bills and resolutions may be transferred at the request of the author, or on motion. Bills shall be so transferred when they have been passed on third reading file without action three successive times. Bills and resolutions may be transferred from the inactive file to the second reading file on motion and, after being read the second time, the bills shall take their place regularly on third reading file and be available for consideration and passage.

Bills, resolutions, and other questions may be transferred from the unfinished business file to the inactive file upon request or motion and may be returned to the unfinished business file by request or on motion.

Placement of any question on the inactive file shall not prejudice the question.

**Strike From File**

29.2. A motion to strike any bill, resolution, or other question from the File shall require 21 votes. That bill, resolution, or other question may not be acted upon again during the session.

**Measures Amended From the Floor**

29.3. The consideration of a bill, constitutional amendment, concurrent resolution, joint resolution, or Senate resolution that has been amended by amendments offered from the floor, except committee amendments reported with measures or amendments offered with a motion to amend and refer to committee, shall not be in order until the amended measure has been in print for not less than one legislative day. Any measure so amended shall be placed on the Second Reading File.

**Amended Forms of Measures**

29.5. No bill, constitutional amendment, concurrent resolution, joint resolution, or Senate resolution may be considered for passage unless and until a copy of the measure as last amended is on the desk of each Member.

**Conference Reports**

29.6. (a) No conference committee on any bill, other than the Budget Bill and the budget implementation bills, may approve any substantial policy change in any bill if that substantial policy change has been defeated in a policy committee of the Senate during the current legislative session.

(b) For purposes of subdivision (d) of Joint Rule 29.5, the term “heard” means that a printed bill with substantially similar language was before the appropriate committee and taken up at a regular or special hearing of the committee during the current legislative sessions, or that an amendment, which was drafted and given a request number or approved as to form by Legislative Counsel, was before the committee and taken up at a regular or special hearing of the committee.

**Conference Committee Meetings**

29.7. Before the adoption of a conference report by the Senate, any Senator may raise a point of order and put the following question to the chair of the committee on conference from the Senate: “Did the Committee on Conference meet at a public meeting attended by at least two of the Assembly Members and two of the Senate Members of the Committee on Conference and adopt the conference report by an affirmative rollcall vote of not less than two of the Assembly Members and two of the Senate Members constituting the committee on conference?” If the chair answers this question in the negative, the conference report shall be returned to the committee on conference and may not be further considered by the Senate until the committee has met at a public meeting attended by at least two of the Assembly Members and two of the Senate Members of the committee, and has adopted the conference report by an affirmative rollcall vote of not less than two of the Assembly Members and two of the Senate Members constituting the committee.

**Analysis of Measures, Conference Reports,  
and Floor Amendments**

29.8. (a) With the exception of the Budget Bill and the budget implementation bill, no bill, constitutional amendment, concurrent resolution, joint resolution, Senate resolution, unfinished business item, or report of a conference committee may be considered unless and until an analysis thereof has been prepared by the Office of Senate Floor Analyses and placed upon the desks of the Senators, unless otherwise ordered by the President pro Tempore.

(b) No amendment from the floor shall be in order unless and until the amendment has been reviewed by the Office of Senate Floor Analyses. Upon a request by the Chair or Vice Chair of the Committee on Rules, or by the lead author of the measure to which a substantive amendment is proposed from the floor, an analysis thereof shall be prepared by the Office of Senate Floor Analyses and placed upon the desks of the Senators.

**Consideration of Conference Reports**

29.9. No conference report may be adopted by the Senate until it has been in print for two days prior to being taken up by the Senate.

**Referral of Bills**

29.10. (a) If the analysis, prepared in accordance with subdivision (b) of Rule 29.8, of proposed floor amendments to a bill, other than the Budget Bill, discloses that the amendments create a new bill or rewrite the current form of the bill, the amendments shall, prior to consideration of the amendments by the Senate, be referred to the Committee on Rules. If the amendments to the bill are proposed by any Senator other than the author of the bill or the Senator presenting the Assembly bill on the floor, action on the bill shall be deferred until after the Committee on Rules acts upon the amendments. Upon receipt of the amendments, the Committee on Rules by a vote of a majority of its membership may either (1) refer the amendments to an appropriate standing committee, or (2) return the amendments to the Senate floor for consideration.

If the amendments are referred to a standing committee, the committee shall meet and act upon the amendments no later than the next scheduled hearing of the committee. If the amendments are referred to a standing committee during a time when standing committees are not meeting, the standing committee shall meet and act upon the amendments as directed by the Committee on Rules and, in any event, within two legislative days of receipt of the amendments. Upon receipt of the amendments, the committee by a vote of a majority of the membership may do any of the following: (1) hold the amendments, (2) return the amendments to the Senate floor for consideration, or (3) return amendments as approved by the committee to the Senate floor.

If the amendments are referred to a standing committee during the time when no committee may meet, the Committee on Rules shall grant permission to suspend the joint rule to allow the committee to meet as directed by the Committee on Rules.

If the amendments are referred to the Committee on Rules on the last legislative day preceding a joint recess, the Committee on Rules and, if the amendments are referred to a standing committee, the standing committee, shall meet and act upon the amendments before adjourning for the recess. If the amendments are referred to the Committee on Rules

on any of the three legislative days preceding February 1 or September 1 of an even-numbered year, the Committee on Rules and, if the amendments are referred to a standing committee, the standing committee, shall meet and act upon the amendments on the same legislative day.

(b) If the analysis, prepared in accordance with subdivision (a) of Rule 29.8, of a bill, other than the Budget Bill, that is returned to the Senate for a vote on concurrence discloses that the Assembly amendments create a new bill or rewrite the bill as passed by the Senate, action on the bill shall be deferred until the Committee on Rules acts upon the bill. The Committee on Rules by a vote of a majority of its membership may either (1) refer the bill to an appropriate standing committee, or (2) recommend that the bill be taken up for consideration of the Assembly amendments.

If the bill is referred to a standing committee, the committee shall meet and act upon the bill no later than the next scheduled hearing of the committee. If the bill is referred to a standing committee during a time when standing committees are not meeting, the standing committee shall meet and act upon the bill as directed by the Committee on Rules and, in any event, within two legislative days of receipt of the bill. Upon receipt of the bill, the committee by a majority vote of the membership may either (1) hold the bill, or (2) return the bill to the Senate floor for consideration of the Assembly amendments.

If the bill is referred to a standing committee during the time when no committee may meet, the Committee on Rules shall grant permission to suspend the joint rule to allow the committee to meet as directed by the Committee on Rules.

If the bill is referred to the Committee on Rules on the last legislative day preceding a joint recess, the Committee on Rules and, if the bill is referred to a standing committee, the standing committee, shall meet and act upon the bill before adjourning for the recess. If the bill is referred to the Committee on Rules on any of the three legislative days preceding February 1 or September 1 of an even-numbered year, the Committee on Rules and, if the bill is referred to a standing committee, the standing committee, shall meet and act upon the bill on the same legislative day.

(c) An amendment creates a new bill or rewrites the bill if the amendment (1) changes the subject of the bill to a new or different subject, or (2) adds a new subject to the bill that is different from, and not related to, the contents of the bill.

This rule applies only to the 2001–02 Regular Session.

#### **Special Order**

30. Any measure or subject may, by vote of a majority of those voting, be made a special order and, when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

#### **Messages From the Governor or Assembly**

31. Messages from the Governor or from the Assembly may be introduced at any stage of business except while a question is being put, while the ayes and noes are being called, or while a Senator is addressing the Senate.

Messages from the Governor or from the Assembly may be considered when indicated in the order of business or at any other time by unanimous consent or upon motion.



**Engrossing Bills**

32. All Senate bills, constitutional amendments, and joint and concurrent resolutions shall be engrossed after each amendment and before final action is taken on them in the Senate. Engrossment shall consist of comparing the printed engrossed bill with the original bill introduced and any amendments adopted to ascertain that it is correct. When a bill is reported correctly engrossed it shall be substituted for the original bill.

**Enrolling Bills**

33. All Senate bills shall be enrolled immediately following their final passage and receipt from the Assembly. An enrolled copy of every bill, amendment, or resolution shall be printed and examined to ascertain that it is a true and accurate copy of the measure as it was passed. It shall then be authenticated by the signature of the Secretary or an Assistant Secretary of the Senate and the Chief Clerk or an Assistant Clerk of the Assembly, and transmitted to the Governor.

**DEBATE**

**Statement of Motion**

34. No motion may be debated until the same be distinctly announced by the President, and it shall be reduced to writing if desired by the President or any Senator, and read by the Secretary, before the same may be debated.

**Regulations as to Speaking**

35. (a) When a Senator desires to address the Senate, he or she shall rise in his or her place, address the President, and, when recognized, proceed to speak through the public address system.

(b) No Senator may speak more than twice in any one debate on the same day, and at the same stage of the bill, without leave; Senators who have once spoken are not again entitled to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.

(c) When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

(d) No Senator may be interrupted when speaking, and no question may be asked of him or her except through the presiding officer.

(e) The author of a bill, motion, or resolution shall have the privilege of closing the debate.

**Order in Debate**

36. When a Senator is called to order he or she shall sit down until the President has determined whether or not he or she is in order. Every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator is called to order for words spoken, the objectionable language shall immediately be taken down in writing by the Secretary of the Senate.

**Right to Address the Senate**

37. No person other than a Member of the Senate, or the President thereof, may address the Senate while it is in session, except that the Senate may resolve itself into a Committee of the Whole and, while sitting as a Committee of the Whole, may be addressed by persons other than members.

**QUESTIONS AND MOTIONS****Amendments to Measures**

38. When amendments to a measure are reported by a committee or offered from the floor, the amendments shall be submitted in writing.

Adoption of amendments to any measure in the Senate prior to third reading, other than by rollcall, shall not preclude subsequent consideration, in committee or on the third reading of the measure, of the amendments or any part thereof by the Senate.

**Amendments to Be Germane**

38.5. Every amendment proposed must be germane. In order to be germane, an amendment must relate to the same subject as the original bill, resolution, or other question under consideration.

A point of order may be raised that the proposed amendment or an amendment now in the bill, resolution, or other question under consideration is not germane, so long as the question is within control of the body. In that case the President pro Tempore shall decide whether the point of order is well taken. In the absence of the President pro Tempore, the Vice Chair of the Committee on Rules shall decide whether the point of order is well taken. If, in the opinion of the President pro Tempore or the Vice Chair of the Committee on Rules, the point of order is well taken, the question of germaneness shall on his or her motion be referred to the Committee on Rules for determination. The Committee on Rules shall make its determination by the following legislative day. If the point of order is raised and referral is made on the last legislative day preceding a joint recess, the Committee on Rules shall make its determination before adjourning for the recess.

The proposition shall remain on file until the determination is made. If, upon consideration of the matter, the Committee on Rules determines that the amendment is not germane, the bill, resolution, or other question shall be stricken from the file and may not be acted upon during the remainder of the session, provided that the author of a bill, resolution, or other question shall be given the opportunity to amend the bill, resolution, or other question to delete the portions that are not germane, in which case the bill, resolution, or other question may continue to be acted upon. If the Committee on Rules determines that the amendment is germane, the bill, resolution, or other question may thereafter be acted upon by the house.

Notwithstanding Rule 21, this rule may not be suspended unless the Committee on Rules determines that an extraordinary circumstance and overwhelming public interest exist that justify the suspension.

**Amendments From the Floor**

38.6. No amendments to a bill, constitutional amendment, concurrent resolution, joint resolution, or Senate resolution offered from the floor, except committee amendments reported with measures or amendments offered with a motion to amend and rerefer to

committee, shall be in order unless and until a copy of the proposed amendments provided by the author has been placed upon the desks of the Members.

**Motion to Lay on the Table**

39. When an amendment proposed to any pending measure is laid on the table, it shall not carry with it or prejudice the measure.

**Division of a Question**

40. If a question in debate contains more than one distinct proposition, any Senator may have the same divided.

**The Previous Question**

41. The previous question shall be put in the following form: "Shall the question be now put?" It shall require a majority vote of the Senators present, and its effect shall be to put an end to all the debate except that the author of the bill or the amendment shall have the right to close, and the question under discussion shall thereupon be immediately put to a vote.

**Call of the Senate**

42. Upon a motion being carried for a call of the Senate, the President shall immediately order the doors to be closed, and shall direct the Secretary to call the names of the absentees as disclosed by the last previous rollcall. Thereupon, no Member may be permitted to leave the Senate Chamber except by written permission of the President pro Tempore or, in his or her absence, of the Vice Chair of the Committee on Rules, or, in the absence of both, of another member of the Committee on Rules designated for that purpose by the President pro Tempore or the Vice Chair of the Committee on Rules. Those Members who are found to be absent and for whom no excuse or insufficient excuses are made may, by order of those present, be taken into custody, as they appear, or may be sent for and then taken into custody by the Sergeant at Arms whenever found, or by special messenger to be appointed for that purpose. In the absence of a quorum, a majority of the Members present may order a rollcall of the Senate and compel the attendance of absentees in the manner above provided.

A call of the Senate may be ordered after the roll has been called and prior to the announcement of the vote. A call of the Senate may be dispensed with at any time upon a majority vote of the Senators present, that action to become effective upon completion of the rollcall and the announcement of the vote upon the matter for which the call was ordered.

No recess may be taken during a call of the Senate. During any call, the call may be made to apply also to other items of business by a motion made and adopted by a majority vote of the Members present. Under those circumstances, when the call of the Senate is dispensed with as to any item of business, the call shall be deemed to be continued in effect until such other items of business as have been made subject to the call by a majority of the Members present have been acted upon. When a call of the Senate is ordered, pending the announcement of the vote upon the completion of a rollcall, the pending rollcall shall become unfinished business, the consideration of which shall be continued until further

proceedings under the call of the Senate are dispensed with, when it will forthwith become the order of business before the Senate.

A motion to adjourn is not in order during a call of the Senate.

#### **Reconsideration**

43. On the day on which a vote has been taken on any question, a motion to reconsider the vote may be made by any Member.

The motion may be considered on the day made or on the succeeding legislative day, but may not be further postponed without the concurrence of 30 Members.

No vote by which a bill was passed may be reconsidered on the last legislative day preceding the interim study joint recess or the final recess, and no vote by which the bill was passed may be reconsidered on a Senate bill introduced during the first year of the biennium of the legislative session on January 31, or on the last legislative day immediately preceding January 31, of an even-numbered year.

When reconsideration of the vote by which any bill has passed has been demanded, the Secretary may not transmit it to the Assembly until the demand has been disposed of or the time for reconsideration has expired, but if the bill has already been transmitted to the Assembly the demand for reconsideration shall be preceded by a motion to request the Assembly to return the bill. The motion shall be put to a vote immediately without debate and, if not adopted, shall preclude a demand for reconsideration.

A demand to reconsider the vote on any debatable question opens the main question to debate, and the vote on the reconsideration shall be on the merits of the main question.

### **VOTING BY SENATE**

#### **Rescinding**

43.5. No action whereby a bill has been passed or defeated may be rescinded without the concurrence of 27 Members.

#### **Voting on Rollcall**

44. Whenever a rollcall is required by the Constitution or rules, or is ordered by the Senate or demanded by three Members, every Member within the Senate shall without debate answer “Aye” or “No” when his or her name is called.

The names of Members shall be called alphabetically.

No Senator may vote or change his or her vote after the announcement of the vote by the presiding officer.

On a legislative day when the President pro Tempore or Minority Floor Leader is in attendance throughout a session, he or she, in the absence of any objection, may instruct the Secretary of the Senate to add his or her vote to any previously announced vote that was taken while he or she was performing the responsibilities of the office of President pro Tempore or Minority Floor Leader, provided the outcome of the vote is not thereby changed. This provision does not apply to any rollcall after adjournment of the legislative day during which the rollcall in question was taken. The intent of this paragraph is to allow the President pro Tempore and the Minority Floor Leader to carry out the unique and special duties of their offices without losing the opportunity to vote on matters before the Senate.

**Excused From Voting**

45. When a Senator declines or fails to vote on call of his or her name, he or she may, after completion of the rollcall and before the announcement of the vote, be required to assign his or her reasons therefor and, the Senator having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him or her, be excused from voting?" which question shall be decided without debate. Unless the Senator is excused from voting he or she shall be required to vote.

**Voting by Presiding Senator**

46. When the President pro Tempore or any other Member of the Senate is presiding over the Senate he or she shall vote on rollcall the same as though he or she were not presiding.

**Vote Required**

47. Unless otherwise required by the Constitution, the Joint Rules of the Senate and Assembly, or these rules, any action that can be taken by the Senate requires only a majority vote of the Senate, a quorum being present.

The following actions require 32 votes:

(1) To pass a bill amending specified provisions of the Tobacco Tax and Health Protection Act of 1988 (Prop. 99, Nov. 8, 1988; Sec. 30130, R.& T.C.).

(2) To pass a bill amending the Clean Air and Transportation Improvement Act of 1990 (Prop. 116, June 5, 1990; Sec. 99605, P.U.C.).

(3) To pass a bill amending the California Wildlife Protection Act of 1990 (Sec. 8, Prop. 117, June 5, 1990).

The following actions require 30 votes:

(4) To dispense with the constitutional provision requiring a 30-calendar-day delay after introduction before a bill may be heard by any committee or acted upon by either house (Constitution, Art. IV, Sec. 8(a)).

(5) To postpone the reconsideration of a vote beyond the first legislative day succeeding the day the motion was made.

The following actions require 27 votes:

(6) To pass an urgency clause and urgency statute (Constitution, Art. IV, Sec. 8(d)).

(7) To dispense with the constitutional provision requiring the reading of bills on three several days (Constitution, Art. IV, Sec. 8(b)).

(8) To pass a bill over the Governor's veto (Constitution, Art. IV, Sec. 10).

(9) To prescribe compensation and reimbursement for travel and living expenses of the Members of the Legislature (Constitution, Art. IV, Sec. 4).

(10) To propose an amendment to or revision of the Constitution (Constitution, Art. XVIII, Secs. 1, 2).

(11) To amend or withdraw a proposed legislative constitutional amendment or revision (Constitution, Art. XVIII, Sec. 1).

(12) To classify or exempt personal property for property taxation purpose (Constitution, Art. XIII, Sec. 2).

(13) To permit an exemption of real property from taxation (Constitution, Art. XIII, Sec. 7).

(14) To remove a member of the Public Utilities Commission (Constitution, Art. XII, Sec. 1).

(15) To reconsider the vote by which a concurrent resolution proposing a constitutional amendment is defeated.

(16) To rescind the action whereby a bill has been passed or defeated.

(17) To suspend the rule against lobbying in the Senate Chamber.

(18) To concur in Assembly amendments to, or adopt a report of a committee on conference concerning, a constitutional amendment or bill that requires 27 votes for passage.

(19) To concur in Assembly amendments to, or adopt a report of a committee on conference concerning, a Senate bill that contains an item or items of appropriation subject to Section 12(d) of Article IV of the Constitution.

The following actions require 21 votes:

(20) To adopt, amend or suspend the rules, except as provided in Rule 21.

(21) To pass a bill, unless under other rules a greater vote is required (Constitution, Art. IV, Sec. 8(b)).

(22) To adopt a joint or concurrent resolution.

(23) To reconsider a bill, or a joint or concurrent resolution.

(24) To confirm an appointment by the Governor, unless a greater vote is required by statute, or to reconsider the same.

(25) To recall a bill from committee.

(26) To concur in Assembly amendments to, or adopt a report of a committee on conference concerning, a joint or concurrent resolution or bill that require 21 votes for passage.

(27) To change a rate of bank and corporation taxation, or tax on insurers, for state purposes (Constitution, Art. XIII, Secs. 27, 28).

(28) To strike from file.

Actions requiring 14 votes:

(29) To reconsider a vote by which a concurrent resolution proposing a constitutional amendment was adopted.

#### **Vote Required for Amendments**

48. A constitutional amendment or bill requiring a vote of two-thirds of the Members elected to the Senate for final adoption or passage may be amended by a majority of those voting.

#### **CONTENTS OF SENATE JOURNAL**

##### **Proceedings to Be Printed**

49. The proceedings of the Senate, when not acting as a Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

The Journal shall state the name of the Senator presenting each Assembly bill, concurrent or joint resolution, or constitutional amendment to the Senate for final action.

Every vote of the Senate shall be recorded in the Journal.

##### **Titles of Measures to Be Printed**

50. The titles of all bills, joint and concurrent resolutions, and constitutional amendments when introduced and when acted upon by the Senate, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be printed in the Journal.

**Other Matters to Be Printed**

51. Messages from the Governor (other than annual messages and inaugural addresses) shall be printed in the Journal, unless otherwise ordered by the Senate.

Letters of transmittal presenting reports of committees and reports of state departments and agencies as shall be made to the Senate pursuant to law or resolution adopted by the Senate shall be printed in the Journal, but the reports shall be printed in the Appendix to the Journal unless otherwise directed by the Senate.

**Duty of Secretary to Order Printing**

52. It shall be the duty of the Secretary of the Senate, and he or she is hereby directed, to order for the Senate the necessary printing, including stationery for the Members, and to audit and approve all bills for printing to be charged to the Senate. The Secretary of the Senate shall order from the State Printer the number of copies of bills, Journals, Histories, Files, forms, and other printing as shall be necessary.

It shall further be the duty of the Secretary of the Senate to order bills and other legislative publications for which there is a demand, to be printed before the supply of same shall become exhausted.

**Printing Only on Written Orders; Rush Orders**

53. The State Printer may not charge any printing or other work to the Senate except as required by law unless he or she has a written order from the Secretary of the Senate prior to beginning the printing or other work. All printing orders by the Secretary of the Senate shall be delivered as directed by him or her. The Secretary of the Senate may, when necessity requires it, order from the State Printer the printing that he or she deems necessary to be printed in advance of the regular order of business, under a specially prepared written order to be known as a "Rush Order."

**THE SENATE CHAMBER**

**Admission to the Senate Chamber**

55. (a) Persons who are not Members, officers, or employees of the Senate may be admitted to the Senate Chamber only as follows:

1. The Members, officers, and assistant clerks of the Assembly.
2. The Legislative Counsel or his or her representatives.
3. The accredited press, radio, and television representatives.
4. Former State Senators and Assembly Members.
5. Visitors in the chairs reserved for that purpose, on invitation of the President or a Senator or on presentation of a pass.

(b) While the Senate is in session no person, except Members of the Legislature, may engage in influencing the passage or defeat of legislation in any way in the Senate Chamber.

(c) No person meeting the definition of a lobbyist in Section 82039 of the Government Code may be admitted to the Senate Chamber while the Senate is in session.

(d) Only Members and officers of the Senate and Assembly, former Members of the Senate, assistant clerks of the Senate and the Assembly, the Legislative Counsel or his or her representatives, Senate employees for the purpose of delivering messages and when so directed by a Member of the Senate, and members of the press who have seats assigned to them may be permitted on the Floor of the Senate.

(e) The Senate Chamber is the Senate Chamber proper, the adjoining hallway, Rooms 3030, 3046, 3191, 3195, and 3196 of the Capitol Annex, and Room 215 of the Capitol.

(f) The Floor of the Senate is all of the Senate Chamber except the adjoining hallway and the rooms listed in subdivision (e), the visitors seating area, and the western portion of Room 3191.

(g) Notwithstanding any other provision of this rule, any person may be admitted to Room 3191 and Room 215 to attend a meeting of a Senate, Assembly, joint, or conference committee.

(h) Notwithstanding any other provision of this rule, no person may be permitted on the Floor of the Senate while it is in session unless the person is wearing appropriate attire. Appropriate attire includes coats and ties for men. Accredited camerapersons, sound technicians, and photographers are excepted from this requirement. Floor of the Senate, for this purpose, has the same meaning set forth in subdivision (f).

(i) This rule may be suspended by a vote of two-thirds of the Members of the Senate.



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**STANDARDS OF CONDUCT  
OF THE SENATE**

(adopted by the Senate May 4, 1992)

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**Standards of Conduct  
of the Senate  
(adopted by the Senate May 4, 1992)**

The Standards of Conduct of the Senate are as follows:

First—That each Senator and each officer and employee of the Senate has an obligation to exercise his or her independent judgment on behalf of the people of California, rather than for any personal gain or private benefit.

(a) No Senator or officer or employee of the Senate should accept anything from anyone that would interfere with the exercise of his or her independent judgment.

(b) No Senator or officer or employee of the Senate should accept outside employment that is inconsistent with the conscientious performance of his or her duties.

(c) No Senator should use the prestige of his or her office, and no Senate officer or employee of the Senate should use the status of his or her position for material or financial gain or private benefit.

Second—That each Senator has an obligation to provide energetic and diligent representation, and each officer and employee of the Senate has an obligation to provide energetic and diligent service on behalf of the Senate, with due consideration for the interests of all of the people of California.

(a) Each Senator and each officer and employee of the Senate has an obligation to be informed and prepared, recognizing all sides of an issue.

(b) Each Senator and each officer and employee of the Senate, when intervening on behalf of a constituent with any governmental agency should make every effort to ensure that decisions affecting any constituent are made on their merits and in a fair and equitable manner.

(c) Each Senator should be accessible to all constituents, making a special effort to attend to the concerns of those who might not otherwise be heard.

(d) Each Senator should fairly characterize the issues confronting the Legislature and accurately inform the public regarding the conduct of his or her office.

Third—That each Senator and each officer and employee of the Senate has an obligation to the public and to his or her colleagues to be informed about, and abide by, the rules that govern the proceedings of the Senate and the Legislature.

(a) Each Senator should perform his or her duties with courtesy and respect for both colleagues and those who may appear before them.

(b) In exercising the power of confirmation, each Senator should act with due regard for the general welfare of the people of California.

(c) Each Senator and each officer and employee of the Senate, when exercising oversight functions with respect to any governmental agency, should act in an informed fashion, with attention to the underlying policies being implemented and with due respect for the independence of the agency.

Fourth—Each Senator, when acting in a position of leadership, should exercise his or her power and carry out his or her responsibility so as to enhance reasoned and visible decisionmaking by the Senate.

Fifth—Each Senator has an obligation to treat every officer and employee of the Senate with fairness and without discrimination, and to ensure that each officer and employee performs only those tasks for which there is a legislative or governmental purpose.

Sixth—Each officer and employee of the Senate has an obligation to perform his or her properly assigned duties using his or her best judgment with diligence and a duty of loyalty to the Senate as an institution.

Seventh—Each Senator and each officer and employee of the Senate has an obligation to make proper use of public funds.

(a) No Senator and no officer or employee of the Senate may use state resources for personal or campaign purposes.

(b) Each officer and employee of the Senate is free to volunteer for, and participate in, campaign activities on his or her own time, but no officer or employee of the Senate may be intimidated, coerced, or compelled, as a condition of continued appointment or employment, to either volunteer time or contribute money to a candidate or campaign.

Eighth—Each Senator and each officer and employee of the Senate shall uphold the Constitution of California and the Constitution of the United States, and shall adhere to the spirit and the letter of the laws, rules, and regulations governing officeholder conduct.

Ninth—Each Senator and each officer and employee of the Senate shall conduct himself or herself in the performance of his or her duties in a manner that each does not discredit the Senate.

Tenth—Each Senator and each officer and employee of the Senate, is encouraged to report to the proper authority any apparent and substantial violation of these standards, or related statutes, regulations, and rules, and to consult with the Senate Committee on Legislative Ethics, or any other appropriate governmental agency, regarding the propriety of any conduct.

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TEMPORARY JOINT RULES  
OF THE  
SENATE AND ASSEMBLY  
1997–1998 REGULAR SESSION

(SCR No. 1 (Burton), Resolution Chapter 41, Statutes of 1997,  
1997–98 Regular Session, Assembly Journal, p. 1417)

NOTE: The amendments made by Resolution Chapter 89, Statutes of 1997  
(SCR 56, 1997–98 Regular Session) are incorporated in these rules.

(Usage and Custom)

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## **TEMPORARY JOINT RULES OF THE SENATE AND ASSEMBLY**

### **Standing Committees**

1. Each house shall appoint standing committees as the business of the house may require, the committees, the number of members, and the manner of selection to be determined by the rules of each house.

### **Joint Meeting of Committees**

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen or chairwomen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of the bill.

### **Effect of Adoption of Joint Rules**

3.5. The adoption of the Joint Rules for any extraordinary session shall not be construed as modifying or rescinding the Joint Rules of the Senate and Assembly for any previous session, nor as affecting in any way the status or powers of the committees created by those rules.

### **Definition of Word "Bill"**

4. Whenever the word "bill" is used in these rules, it shall include any constitutional amendment, any resolution ratifying a proposed amendment to the United States Constitution, and any resolution calling for a constitutional convention.

### **Concurrent and Joint Resolutions**

5. Concurrent resolutions relate to matters to be treated by both houses of the Legislature.

Joint resolutions relate to matters connected with the federal government.

### **Resolutions Treated as Bills**

6. Concurrent and joint resolutions, other than resolutions ratifying proposed amendments to the United States Constitution and resolutions calling for constitutional conventions, shall be treated in all respects as bills except as follows:

- (a) They shall be given only one formal reading in each house.
- (b) They shall not be deemed bills within the meaning of subdivision (a) of Section 8 of Article IV of the California Constitution.
- (c) They shall not be deemed bills for the purposes of Rules 10.8, 53, 55, 56, and 61, and subdivisions (a) and (c) of Rule 54 and subdivisions (a) and (b) of Rule 62.
- (d) They shall not, except for those relating to voting procedures on the floor or in committee, be deemed bills for the purposes of subdivision (c) of Rule 62.

## **PREPARATION AND INTRODUCTION OF BILLS**

### **Title of Bill**

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall indicate the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

**Division of Bill Into Sections**

8. A bill amending more than one section of an existing law shall contain a separate section for each section amended.

Bills that are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

**Digest of Bills Introduced**

8.5. No bill may be introduced unless it is contained in a cover attached by the Legislative Counsel and it is accompanied by a digest, prepared and attached to the bill by the Legislative Counsel, showing the changes in the existing law which are proposed by the bill. No bill shall be printed where the body of the bill or the Legislative Counsel's Digest has been altered, unless the alteration has been approved by the Legislative Counsel. If any bill is presented to the Secretary of the Senate or Chief Clerk of the Assembly for introduction, which does not comply with the foregoing requirements of this rule, the Secretary or Chief Clerk shall return it to the member who presented it. The digest shall be printed on the bill as introduced, commencing on the first page thereof.

**Digest of Bills Amended**

8.6. Whenever a bill is amended in either house, the Secretary of the Senate or the Chief Clerk of the Assembly, as the case may be, shall request the Legislative Counsel to prepare an amended digest and cause it to be printed on the first page of the bill as amended. The digest shall be amended to show changes in the existing law which are proposed by the bill as amended, with any material changes in the digest indicated by the use of appropriate type.

**Errors in Digest**

8.7. If a material error in a printed digest referred to in Rule 8.5 or 8.6 is brought to the attention of the Legislative Counsel, he or she shall prepare a corrected digest which shall show the changes made in the digest as provided in Rule 10 for amendments to bills. He or she shall deliver the corrected digest to the Secretary of the Senate or the Chief Clerk of the Assembly, as the case may be. If the correction so warrants in the opinion of the President pro Tempore of the Senate or the Speaker of the Assembly, a corrected print of the bill as introduced shall be ordered with the corrected digest printed thereon.

**Bills Amending Title 9 of the Government Code**

8.8. A member who is the first-named author of a bill that would amend, add, or repeal any provision of Title 9 (commencing with Section 81000) of the Government Code, upon introduction or amendment of the bill in either house shall notify the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, of the nature of the bill. Thereafter, the Chief Clerk of the Assembly or the Secretary of the Senate shall deliver a copy of the bill as introduced or amended to the Fair Political Practices Commission pursuant to Section 81012 of the Government Code.

**Restrictions as to Amendments**

9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment, or resolution under consideration. No amendment shall be in order when all that would be done to the bill is the addition of a coauthor or coauthors, unless the Committee on Rules of the house in which the amendment is to be offered grants prior approval.

**Changes in Existing Law to Be Marked by Author**

10. In a bill amending or repealing a code section or a general law, any new matter shall be underlined, and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as “strikeout” type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in “strikeout” type.

In any amendment to a bill which sets out for the first time a section being amended or repealed, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the section as amended or repealed were a part of the original bill and was being printed for the first time.

When an entire code is repealed as part of a codification or recodification, or when an entire title, part, division, chapter, or article of a code is repealed, the sections comprising the code, title, part, division, chapter, or article shall not be set forth in the bill or amendment in strikeout type.

**Rereferral to Fiscal and Rules Committees**

10.5. A bill shall be rereferred to the fiscal committee of each house when it would do any of the following:

- (1) Appropriate money.
- (2) Result in substantial expenditure of state money by:  
(a) imposing new responsibilities on the state, (b) imposing new or additional duties on a state agency, or (c) liberalizing any state program, function, or responsibility.
- (3) Result in a substantial loss of revenue to the state.
- (4) Result in substantial reduction of expenditures of state money by reducing, transferring, or eliminating any existing responsibilities of any state agency, program, or function.

Concurrent and joint resolutions shall be rereferred to the fiscal committee of each house when they contemplate any action that would involve any of the following:

- (1) Any substantial expenditure of state money.
- (2) Any substantial loss of revenue to the state.

The above requirements do not apply to bills or concurrent resolutions that contemplate the expenditure or allocation of operating funds.

A bill that assigns a study to the Joint Legislative Budget Committee or to the Legislative Analyst shall be rereferred to the respective rules committees. Before the committee may act upon the bill, it shall obtain from the Joint Legislative Budget Committee an estimate of the amount required to be expended to make the study.

This rule may be suspended in either house as to any particular bill by approval of the Committee on Rules of the house and two-thirds vote of the membership of the house.

**Heading of Bills**

10.7. No bill may indicate in its heading or elsewhere that it was introduced at the request of a state agency or officer or any other person. No bill may contain the words “By request” or words of similar import.

**Consideration of Bills**

10.8. The limitation contained in subdivision (a) of Section 8 of Article IV of the Constitution may be dispensed with as follows:

(a) A written request for dispensation entitled “Request to Consider and Act on Bill Within 30 Calendar Days” shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, and transmitted to the Committee on Rules of the appropriate house.

(b) The Committee on Rules of the Assembly or Senate, as the case may be, shall determine whether there exists an urgent need for dispensing with the 30-calendar-day waiting period following the bill’s introduction.

(c) If the Committee on Rules recommends that the waiting period be dispensed with, the member may offer a resolution, without further reference thereof to committee, authorizing hearing and action upon the bill before the 30 calendar days have elapsed. The adoption of the resolution shall require an affirmative recorded vote of three-fourths of the elected members of the house in which the resolution is presented.

**Printing of Amendments**

11. (a) Any bill amended by either house shall be immediately reprinted. Except as otherwise provided in subdivision (b), if new matter is added by the amendment, the new matter shall be printed in italics in the printed bill; if matter is omitted, the matter to be omitted shall be printed in strikeout type. When a bill is amended in either house, the first or previous markings shall be omitted.

(b) If amendments to a bill, including the report of a committee on conference, are adopted that omit the entire contents of the bill, the matter omitted need not be reprinted in the amended version of the bill. Instead, the Secretary of the Senate or the Chief Clerk of the Assembly, as the case may be, may select the amended bill and cause to be printed a brief statement to appear after the last line of the amended bill identifying which previously printed version of the bill contains the complete text of the omitted matter.

**Manner of Printing Bills**

12. The State Printer shall observe the directions of the Joint Rules Committee in printing all bills, constitutional amendments, and concurrent and joint resolutions.

**Distribution of Legislative Publications**

13. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of bills and legislative publications as may be necessary for legislative requirements.

No complete list of bills may be delivered except upon payment therefor of the amount fixed by the Joint Rules Committee for any regular or extraordinary session. No more than one copy of any bill or other legislative publication, nor more than a total of 100 bills or other legislative publications during a session, may be distributed free to any person, office, or organization. The limitations imposed by this paragraph do not apply to Members of the Legislature, the President of

the Senate, the Secretary of the Senate, or the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; the Attorney General's office; the Secretary of State's office; the Controller's office; the Governor's office; the Clerk of the Supreme Court; the clerk of the court of appeal for each district; the Judicial Council; the California Law Revision Commission; the State Library; the Library of Congress; the libraries of the University of California at Berkeley and at Los Angeles; or accredited members of the press. The State Printer shall fix the cost of the bills and publications, including postage, and moneys as may be received by him or her shall, after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall not be more than 2,500.

#### **Legislative Index**

13.1. The Legislative Counsel shall provide for the periodic publication of a cumulative Legislative Index, which shall include tables of sections affected by pending legislation. The State Printer shall print the Legislative Index in the quantities, and at the times, determined by the Secretary of the Senate and the Chief Clerk of the Assembly. The costs of that printing shall be paid from the legislative printing appropriation.

#### **Summary Digest**

13.3. The Legislative Counsel shall compile and prepare for publication a summary digest of legislation passed at each regular and extraordinary session, which digest shall be prepared in a form suitable for inclusion in the publication of statutes. The digest shall be printed as a separate legislative publication on the order of the Joint Rules Committee, and may be made available to the public in the quantities, and at the prices, determined by the Joint Rules Committee.

#### **Statutory Record**

13.5. The Legislative Counsel shall prepare for publication from time to time a cumulative statutory record. The statutory record shall be printed as a legislative publication on the order of the Secretary of the Senate or the Chief Clerk of the Assembly.

### **OTHER LEGISLATIVE PRINTING**

#### **Printing of the Daily Journal**

14. The State Printer shall print, in the quantities directed by the Secretary of the Senate and the Chief Clerk of the Assembly, copies of the journal of each day's proceedings of each house. At the end of the session he or she shall also print, as directed by the Secretary of the Senate and the Chief Clerk of the Assembly, a sufficient number of copies properly paged after being corrected and indexed by the Secretary of the Senate and the Chief Clerk of the Assembly, to bind in book form as the journal of the respective houses of the Legislature.

**What Shall Be Printed in the Journal**

15. The following shall be printed in the journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions, and constitutional amendments when introduced in, offered to, or acted upon by the house.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial, or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a Committee of the Whole.

**Printing of the Daily File**

16. A daily file of bills ready for consideration shall be printed each day for each house when the Legislature is not in joint recess, except days when a house does not meet.

**Printing of History**

17. Each house shall cause to be printed, once each week, a complete history of all bills, constitutional amendments, and concurrent, joint, and house resolutions originating in, considered, or acted upon by the respective houses and committees thereof. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. The history shall show the action taken upon each measure up to and including the legislative day preceding its issuance. Except for periods when the houses are in joint recess, for each day intervening there shall be printed a daily history showing the consideration given to or action taken upon any measure since the issuance of the complete history.

**Authority for Printing Orders**

18. The State Printer may not print for use of either house, nor charge to legislative printing, any matter other than provided by law or by the rules, except upon a written order signed by the Secretary of the Senate, on behalf of the Senate, or the Chief Clerk of the Assembly or other person authorized by the Assembly, on behalf of the Assembly. Persons authorized to order printing under this rule may, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

The Secretary of the Senate, on behalf of the Senate, and the Chief Clerk of the Assembly or other person authorized by the Assembly, on behalf of the Assembly, are hereby authorized and directed to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the rules of their respective houses, to approve the bills covering those orders. All bills for printing must be presented by the State Printer within 30 days after the completion of the printing.

**RECORD OF BILLS****Secretary and Chief Clerk to Keep Records**

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill.

**Secretary and Chief Clerk Shall Endorse Bills**

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall endorse on every original or engrossed bill a statement of any action taken by the Senate or Assembly concerning the bill.

**ACTION IN ONE HOUSE ON BILL TRANSMITTED FROM THE OTHER**

**After a Bill Has Been Passed by the Senate or Assembly**

21. When a bill has been passed by either house it shall be transmitted promptly to the other, unless a motion to reconsider or a notice of motion to reconsider has been made or it is held pursuant to some rule or order of the house.

The procedure of referring bills to committees shall be determined by the respective houses.

**Messages to Be in Writing Under Proper Signatures**

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly, as the case may be. A receipt shall be taken from the officer to whom the message is delivered.

**Uncontested Bills**

22.1. Each standing committee may report an uncontested bill out of committee with the recommendation that it be placed on the consent calendar. The Secretary of the Senate and the Chief Clerk of the Assembly shall provide to each committee chairman or chairwoman appropriate forms for that report. As used in this rule, "uncontested bill" means a bill, except a revenue measure or a measure as to which the 30-day limitation prescribed by subdivision (a) of Section 8 of Article IV of the California Constitution has been dispensed with, which (a) receives a do-pass or do-pass-as-amended recommendation from the committee to which it is referred, by unanimous vote of the members present provided a quorum is present, (b) has no opposition expressed by any person present at the committee meeting with respect to the final version of the bill as approved by the committee, and (c) prior to final action by the committee, has been requested by the author to be placed on the consent calendar.

**Consent Calendar**

22.2. Following its second reading and the adoption of any committee amendments thereto, any bill certified by the committee chairman or chairwoman as an uncontested bill shall be placed by the Secretary of the Senate or the Chief Clerk of the Assembly on the consent calendar, and shall be known as a "consent calendar bill." Any consent calendar bill that is amended from the floor shall cease to be a consent calendar bill and shall be replaced on the third reading file. Upon objection of any member to the placement or retention of any bill on the consent calendar, the bill shall cease to be a consent calendar bill and shall be replaced on the third reading file. No consent calendar bill shall be considered for adoption until the second legislative day following the day of its placement on the consent calendar.

**Consideration of Bills on Consent Calendar**

22.3. A bill on the consent calendar is not debatable, except that the President of the Senate or the Speaker of the Assembly shall allow a reasonable time for questions from the floor and shall permit a proponent of the bill to answer the questions. Immediately prior to voting on the first bill on the consent calendar, the President of the Senate or the Speaker of the Assembly shall call to the attention of the members the fact that the next roll call will be the roll call on the first bill on the consent calendar.

The consent calendar shall be considered as the last order of business on the daily file.

**PASSAGE AND ENROLLING OF BILLS****Procedure on Defeat of More Than Majority Bill**

23.5. Whenever a bill containing a section or sections requiring for passage an affirmative recorded vote of more than 21 votes in the Senate and more than 41 votes in the Assembly is being considered for passage, and the urgency clause, if the bill is an urgency bill, or the bill, in any case, fails to receive the necessary votes to make all sections effective, no further action may be taken on the bill, except that an amendment to remove all sections requiring the higher vote for passage from the bill shall be in order prior to consideration of further business. If the amendment is adopted, the bill shall be reprinted to reflect the amendment. When the bill is reprinted, it shall be returned to the same place on the file that it occupied when it failed to receive the necessary votes.

**Enrollment of Bill After Passage**

24. After a bill has passed both houses it shall be printed in enrolled form, omitting symbols indicating amendments, and shall be compared by the Engrossing and Enrolling Clerk and the proper committee of the house where it originated to determine that it is in the form approved by the houses. The enrolled bill shall thereupon be signed by the Secretary of the Senate and Chief Clerk of the Assembly and, except as otherwise provided by these rules, presented without delay to the Governor. The committee shall report the time of presentation of the bill to the Governor to the house and the record shall be entered in the journal. After enrollment and signature by the officers of the Legislature, constitutional amendments, and concurrent and joint resolutions, shall be filed without delay in the office of the Secretary of State and the time of filing shall be reported to the house and the record entered in the journal.

**AMENDMENTS AND CONFERENCES****Amendments to Amended Bills Must Be Attached**

25. Whenever a bill or resolution that has been passed in one house is amended in the other, it shall immediately be reprinted as amended by the house making the amendment or amendments. One copy of the amendment or amendments shall be attached to the bill or resolution so amended, and endorsed "adopted"; the amendment or amendments, if concurred in by the house in which the bill or resolution originated, shall be endorsed "concurred in"; and the endorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly, as the case may be. However, an



amendment to the title of a bill adopted after the passage of the bill shall not necessitate reprinting, but the amendment must be concurred in by the house in which the bill originated.

#### **Amendments to Concurrent and Joint Resolutions**

25.5. When a concurrent or joint resolution is amended, and the only effect of the amendments is to add coauthors, the joint or concurrent resolution shall not be reprinted unless specifically requested by one of the added coauthors, but a list of the coauthors shall appear in the journal and history.

#### **To Concur or Refuse to Concur in Amendments**

26. If the Senate amends and passes an Assembly bill, or the Assembly amends and passes a Senate bill, the Senate (if it is a Senate bill) or the Assembly (if it is an Assembly bill) must either “concur” or “refuse to concur” in the amendments. If the Senate concurs (if it is a Senate bill), or the Assembly concurs (if it is an Assembly bill), the Secretary of the Senate or Chief Clerk of the Assembly shall so notify the house making the amendments, and the bill shall be ordered to enrollment.

#### **Reference to Committee**

26.5. Pursuant to Rule 26, whenever a bill is returned to its house of origin for a vote on concurrence in an amendment made in the other house, the Legislative Counsel shall promptly prepare and transmit to the Chief Clerk of the Assembly and the Speaker of the Assembly in the case of an Assembly bill, or to the Secretary of the Senate and Chair of the Senate Committee on Rules in the case of a Senate bill, a brief digest summarizing the effect of the amendment made in the other house. The Secretary or Chief Clerk shall, upon receipt from the Legislative Counsel, cause the digest to be printed in the Daily File immediately following any reference to the bill covered by the digest. A motion to concur or refuse to concur in the amendment shall not be in order until the Legislative Counsel’s Digest has appeared in the file or an analysis of the bill has been prepared and distributed pursuant to Senate Rule 29.8 or Assembly Rule 77.

If the digest discloses that the amendment of the other house has made a substantial substantive change in the bill as first passed by the house of origin, the bill shall, on motion of the Chair of the Senate Committee on Rules, if it be a Senate bill, be referred to the Senate Committee on Rules for reference to an appropriate standing committee. If the bill is an Assembly bill it shall be referred by the Speaker to the appropriate committee.

Upon receipt of the bill, the committee may vote to recommend concurrence or nonconcurrence in the amendment or the committee may hold the bill. The committee shall be subject to all the requirements for procedure provided under Rule 62 for committees, other than committees of first referral, and shall be subject to other requirements for normal committee procedure as the Assembly or Senate may separately provide in the standing rules of their respective houses.

Any of the provisions of this rule may be dispensed with regard to a particular bill in its house of origin upon an affirmative vote of a majority of the members of that house.

**Concurring in Amendments Adding Urgency Section**

27. When a bill that has been passed in one house is amended in the other by the addition of a section providing that the act shall take effect immediately as an urgency statute, and is returned to the house in which it originated for concurrence in the amendment or amendments thereto, the procedure and vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the membership of the house vote in the affirmative, the presiding officer shall then direct that the question of whether the house shall concur in the amendment or amendments shall be put to a vote. If two-thirds of the membership of the house vote in the affirmative, concurrence in the amendments shall be effective.

If the affirmative vote on either of the questions is less than two-thirds of the membership of the house, the effect is a refusal to concur in the amendment or amendments, and the procedure thereupon shall be as provided in Rule 28.

**When Senate or Assembly Refuses to Concur**

28. If the Senate (if it is a Senate bill) or the Assembly (if it is an Assembly bill) refuses to concur in amendments to the bill made by the other house, and the other house has been notified of the refusal to concur, a conference committee shall be appointed for each house in the manner prescribed by these rules. The Senate Committee on Rules, on behalf of the Senate, and the Speaker of the Assembly, on behalf of the Assembly, shall each appoint a committee of three on conference, and the Secretary of the Senate or the Chief Clerk of the Assembly shall immediately notify the other house of the action taken.

**Committee on Conference**

28.1. (a) The Senate Committee on Rules and the Speaker of the Assembly, in appointing a committee on conference, shall each select two members from those voting with the majority on the point about which the difference has arisen, and the other member from the minority, in the event there is a minority vote.

Whether a member has voted with the majority or minority on the point about which the difference has arisen is determined by his or her vote on the appropriate roll call, as follows:

(1) In the Assembly—

(A) The roll call on the question of final passage of a Senate bill amended in the Assembly when the Senate has refused to concur with the Assembly amendments.

(B) The roll call on the question of concurrence with Senate amendments to an Assembly bill.

(2) In the Senate—

(A) The roll call on the question of final passage of an Assembly bill amended in the Senate when the Assembly has refused to concur with the Senate amendments.

(B) The roll call on the question of concurrence with Assembly amendments to a Senate bill.

(b) Either house may suspend this rule by a two-thirds vote of the membership of the house.

**Meetings and Reports of Committees on Conference**

29. The first Senator named on the conference committee shall act as chairman or chairwoman of the committee from the Senate, and the first Member of the Assembly named on the committee shall act as chairman or chairwoman of the committee from the Assembly. The chairman or chairwoman of the committee on conference for the house of origin of the bill shall arrange the time and place of meeting of the conference committee, and shall prepare or direct the preparation of reports. It shall require an affirmative vote of not less than two of the Assembly Members and two of the Senate Members constituting the committee on conference to agree upon a report, and the report shall be submitted to both the Senate and the Assembly. The committee on conference shall report to both the Senate and the Assembly. The report is not subject to amendment. If either house refuses to adopt the report, the conferees shall be discharged and other conferees appointed, except that no more than three different conference committees shall be appointed on any one bill. No member who has served on a committee on conference may be appointed a member of another committee on conference on the same bill. It shall require the same affirmative recorded vote to adopt any conference report as required by the California Constitution upon the final passage of the bill affected by the report. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of each house to adopt any conference report affecting any bill that contains an item or items of appropriation that are subject to subdivision (d) of Section 12 of Article IV of the California Constitution. The report of a conference committee shall be in writing, and shall have affixed thereto the signatures of each Senator and each Member of the Assembly consenting to the report. Space shall also be provided where a member of a conference committee may indicate his or her dissent in the committee's findings. Any dissenting member may have attached to a conference committee report a dissenting report which shall not exceed, in length, the majority committee report. A copy of any amendments proposed in the majority report shall be placed on the desk of each member of the house before it is acted upon by the house.

The vote on concurrence or upon the adoption of the conference report shall be deemed the vote upon final passage of the bill.

**Conference Committees**

29.5. (a) All meetings of any conference committee on the Budget Bill shall be open and readily accessible to the public.

No conference committee on any bill may meet, consider, or act on the subject matter of the bill except in a meeting that is open and readily accessible to the public, unless the action is on a report determined by the Legislative Counsel to be nonsubstantive. The Legislative Counsel shall examine each proposed report and shall note upon the face of the report that the amendments proposed are "substantive" or "nonsubstantive" as the case may be.

The chairman or chairwoman of the conference committee of each house shall give notice to the file clerk of their respective houses of the time and place of the meeting. Notice of each public meeting shall be published in the file of each house one calendar day prior to the meeting, except that the notice shall not be required for a meeting of a conference committee on the Budget Bill. When this subdivision is waived with

respect to a meeting of any public conference committee, or when there is a meeting of a conference committee on the Budget Bill, every effort shall be made to inform the public that a meeting has been called. When this subdivision has been waived with respect to the meeting of any public conference committee, the chairman or chairwoman of the conference committee of each house shall immediately notify the chairman or chairwoman of the policy committee of their respective houses that considered the bill in question of the waiver, and of the time and place of the meeting.

(b) The first committee on conference of the Budget Bill, if a committee is appointed, shall submit its report to each house no later than 15 days after the Budget Bill has been passed by both houses. If the report is not submitted by that date, the conference committee shall be deemed to have reached no agreement and shall so inform each house pursuant to Rule 30.7.

(c) A committee on conference of the Budget Bill may consider only differences between the Assembly version of the Budget Bill as passed by the Assembly and the Senate version of the Budget Bill as passed by the Senate, and may not approve any item of expenditure or control that exceeds that contained in one of the two versions before the conference committee.

(d) No conference committee on any bill, other than the Budget Bill, may approve any substantial financial provision in any bill if the financial provision has not been heard by the fiscal committee of each house, nor may any conference committee approve substantial policy changes that have not been heard by the policy committee of each house.

(e) No waiver of the one-calendar-day file notice requirement of subdivision (a) shall be effective for longer than three calendar days.

#### **Conference Committee Reports**

30. Upon submission of any report of a committee on conference recommending that the bill be further amended, the bill shall be reprinted incorporating the amendments recommended by the conference committee. The consideration of the report of a committee on conference shall not be in order until the bill, in the form recommended by the report of the committee on conference, has both been in print and been noticed in the Daily File for not less than one legislative day.

If the conference committee's report recommends only that the amendments of the Senate or the Assembly "be concurred in," consideration of the report shall be in order at any time, and reprinting of the bill shall not be required, but notice shall appear in the Daily File for not less than one legislative day.

No conference committee report is in order unless it has been received by the Secretary of the Senate and the Chief Clerk of the Assembly at least three calendar days preceding the scheduled commencement of the summer, interim, or final recesses of the Legislature.

This rule may be suspended as to any particular conference committee report by a two-thirds vote of the membership of either house.

This rule does not apply to a report of a committee on conference on the Budget Bill.

**Conference Committee Reports on Urgency Statutes**

30.5. When the report of a committee on conference recommends the amendment of a bill by the addition of a section providing that the act shall take effect immediately as an urgency statute, the procedure and the vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative, the presiding officer shall then direct that the question of whether the house shall adopt the report of the committee on conference shall be put to a vote. If two-thirds of the members elected to the house vote in the affirmative, the adoption of the report and the amendments proposed thereby shall be effective.

If the affirmative vote on either of the questions is less than two-thirds of the members elected to the house, the effect is a refusal to adopt the report of the committee on conference.

**Failure to Agree on Report**

30.7. A conference committee may find and determine that it is unable to submit a report to the respective houses, upon the affirmative vote to that effect of not less than two of the Assembly Members and not less than two of the Senate Members constituting the committee. That finding may be submitted to the Chief Clerk of the Assembly and the Secretary of the Senate in the form of a letter from the chairman or chairwoman of the committee on conference for the house of origin of the bill, containing the signatures of the members of the committee consenting to the finding and determination that the committee is unable to submit a report. The Chief Clerk of the Assembly and the Secretary of the Senate, upon being notified that a conference committee is unable to submit a report, shall so inform each house, whereupon the conferees shall be discharged and other conferees appointed, in accordance with the provisions of Rule 29.

**MISCELLANEOUS PROVISIONS****Authority When Rules Do Not Govern**

31. All relations between the houses that are not covered by these rules shall be governed by Mason's Manual.

**Press Rules**

32. (a) Any person desiring privileges of an accredited press representative shall make application to the Joint Rules Committee. The application shall constitute compliance with any provisions of the rules of the Assembly or the Senate with respect to registration of news correspondents. The application shall state in writing the name of any daily newspaper, periodic publication, news association, or radio or television station that employs the press representative, and any other occupations or employment he or she may have. The press representative shall further declare in the application that he or she is not employed, directly or indirectly, to assist in the prosecution of the legislative business of any person, corporation, or association, and will not become so employed while retaining the privilege of an accredited press representative.

(b) The application required by subdivision (a) of this rule shall be authenticated in a manner that shall be satisfactory to the Standing Committee of the Capitol Correspondents Association, which shall see that occupation of seats and desks in the Senate and the Assembly

Chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, qualified periodic publications, or news associations requiring daily telegraphic or radio or television service on legislative news. It shall be the duty of the standing committee, at its discretion, to report any violation of accredited press privileges to the Speaker of the Assembly or the Senate Committee on Rules and, pending action thereon, the offending correspondent may be suspended by the standing committee.

(c) Except as otherwise provided in this subdivision, persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to news associations requiring telegraphic or radio or television service are not entitled to the privileges accorded accredited press representatives. The press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list of only those persons authenticated by the Standing Committee of the Capitol Correspondents Association. Accreditation may be granted to any bona fide correspondent of reputable standing employed by a periodic publication of general circulation if the applicant is employed on a full-time basis in the capitol area preparing articles dealing with state government and politics and the publication is not an organ or organization involved in legislative advocacy.

(d) The press seats and desks in the Senate and Assembly Chambers shall be under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules. Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the Press Room. The Press Room shall be under the control of the Chief of the Office of Buildings and Grounds, provided that all rules and regulations must be approved by the Senate Committee on Rules and the Speaker of the Assembly.

(f) No accredited member of the Capitol Correspondents Association shall, for compensation, perform any service for state constitutional officers or members of their staffs, for state agencies, for the Legislature, for candidates for state office, for a state officeholder, or for any person registered or performing as a legislative advocate.

(g) An accredited member of the association who violates subdivision (a) or (f) of this rule shall be subject to the following penalties:

(1) For the first offense, the Standing Committee of the Capitol Correspondents Association shall send a letter of admonition to the offending member, his or her employer, and the Joint Rules Committee. The letter shall state the nature of the member's rule violation and shall warn of an additional penalty for a second offense.

(2) For a second offense, the Standing Committee of the Capitol Correspondents Association shall recommend to the Joint Rules Committee that the member's accreditation be suspended or revoked and that he or she lose all rights and privileges attached thereto. The

Standing Committee of the Capitol Correspondents Association shall also dismiss the member from the association.

Any member of the Standing Committee of the Capitol Correspondents Association may propose that the committee make an inquiry to determine if an association member has violated subdivision (a) or (f) of this rule. Upon a majority vote of the Standing Committee of the Capitol Correspondents Association, an inquiry shall be made.

Upon receipt of a signed, written notice from any association member of his or her belief that another association member may have violated subdivision (a) or (f) of this rule, the Standing Committee of the Capitol Correspondents Association shall commence an inquiry into the possible violation.

If the Standing Committee of the Capitol Correspondents Association determines by majority vote that an association member has violated an association rule, it shall inform the member of its finding. Within two weeks of notification, the member may request a meeting of the membership. If the member makes a request, the Standing Committee of the Capitol Correspondents Association shall promptly schedule a meeting at the earliest possible time. After hearing the member and the committee review the circumstances of the alleged violation, the membership may, by majority vote, nullify the finding of the Standing Committee of the Capitol Correspondents Association. If nullification does not occur, the Standing Committee of the Capitol Correspondents Association shall impose immediately the appropriate penalty.

#### **Dispensing With Joint Rules**

33. No joint rule may be dispensed with except by a vote of two-thirds of each house or as otherwise provided in these rules. If either house violates a joint rule, a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of the house. If it is decided that the joint rules have been violated, the bill involving the violation shall be returned to the house in which it originated, and the disputed matter shall be considered in like manner as in conference committee.

#### **Dispensing with Joint Rules: Unanimous Consent**

33.1. Notwithstanding any other rule, a joint rule that may be dispensed with by one house may be done so by unanimous consent if the rules committee of that house has approved.

#### **Opinions of Legislative Counsel**

34. Whenever the Legislative Counsel issues an opinion to any person other than the first-named author analyzing the constitutionality, operation, or effect of a bill or other legislative measure that is then pending before the Legislature or of any amendment made or proposed to be made to the bill or measure, he or she is authorized and instructed to deliver two copies of the opinion to the first-named author as promptly as feasible after the delivery of the original opinion and also to deliver a copy to any other author of the bill or measure who so requests. A copy of any letter prepared by the Legislative Counsel for the sole purpose of advising a member of a conflict between two or more bills as to the sections of law being amended, repealed, or added shall be submitted to the chairman or chairwoman of the committee to which each bill has been referred.

**Resolutions Prepared by Legislative Counsel**

34.1. Whenever the Legislative Counsel has been requested to draft a resolution commemorating or taking note of any event, or a resolution congratulating or expressing sympathy toward any person, and subsequently receives a similar request from another Member of the Legislature, he or she shall inform that requester and each subsequent requester that a resolution is being, or has been, prepared, and he or she shall inform them of the name of the Member for whom the resolution was, or is being, prepared.

**Resolutions**

34.2. A concurrent resolution, Senate resolution, or House resolution may be introduced to memorialize the death of a present or former state or federal elected official or a member of his or her immediate family. In all other instances, a resolution other than a concurrent resolution, as specified by the Committee on Rules of each house, or as provided by the Joint Rules Committee in those cases requiring that the resolution should emanate from both houses, shall be used for the purpose of commendation, congratulation, sympathy, or regret with respect to any person, group, or organization.

No concurrent resolution requesting the Governor to issue a proclamation shall be introduced without the prior approval of the Committee on Rules of the house in which the resolution is to be introduced.

**Identical Drafting Requests**

34.5. Whenever it comes to the attention of the Legislative Counsel that a member has requested the drafting of a bill that will be substantially identical to one already introduced, the Legislative Counsel shall inform the member of that fact.

**Expense of Members**

35. As provided in Section 8902 of the Government Code, each Member of the Legislature is entitled to reimbursement for living expenses while required to be in Sacramento to attend a session of the Legislature, while traveling to and from or in attendance at a committee meeting, or while attending to any legislative function or responsibility as authorized or directed by legislative rules or the Committee on Rules of the house of which he or she is a member, at the same rate as may be established by the State Board of Control for other elected state officers. Each member shall be reimbursed for travel expenses incurred in traveling to and from a session of the Legislature, when traveling to and from a meeting of a committee of which he or she is a member, or when traveling pursuant to any other legislative function or responsibility as authorized or directed by legislative rules or the Committee on Rules of the house of which he or she is a member, at the rate prescribed by Section 8903 of the Government Code.

Expense allowances for Members of the Senate and Assembly shall be approved and certified to the Controller by the Secretary of the Senate, on behalf of the Senate, and the Chief Clerk of the Assembly or other person authorized by the Assembly Committee on Rules, on behalf of the Assembly, weekly or as otherwise directed by either house, and upon certification the Controller shall draw his or her warrants in payment of the allowances to the respective members.



**Investigating Committees**

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution or statute provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee pursuant to this rule shall state the purpose of the committee and the scope of the subject concerning which it is to act, and may authorize it to act either during sessions of the Legislature or, when authorization may lawfully be made, after final adjournment.

In the exercise of the power granted by this rule, each committee may employ clerical, legal, and technical assistants as may be authorized by: (a) the Joint Committee on Rules in the case of a joint committee, (b) the Senate Committee on Rules in the case of a Senate committee, or (c) the Assembly Committee on Rules in the case of an Assembly committee.

Except as otherwise provided herein for joint committees or by the rules of the Senate or the Assembly for single house committees, each committee may adopt and amend rules governing its procedure as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. The rules may include provisions fixing the quorum of the committee and the number of votes necessary to take action on any matter. With respect to all joint committees, a majority of the membership from each house constitutes a quorum, and an affirmative vote of a majority of the membership from each house is necessary for the committee to take action.

Each committee is authorized and empowered to summon and subpoena witnesses, to require the production of papers, books, accounts, reports, documents, records, and papers of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Each member of the committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4 (commencing with Section 9400) of Part 1 of Division 2 of Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to the committees.

The Sergeant at Arms of the Senate or Assembly, or other person as may be designated by the chairman or chairwoman of the committee, shall serve any and all subpoenas, orders, and other process that may be issued by the committee, when directed to do so by the chairman or chairwoman, or by a majority of the membership of the committee.

Every department, commission, board, agency, officer, and employee of the state government, including the Legislative Counsel and the Attorney General and their subordinates, and of every political subdivision, county, city, or public district of or in this state, shall give and furnish to these committees and to their subcommittees upon request information, records, and documents as the committees deem necessary or proper for the achievement of the purposes for which each committee was created.

Each committee or subcommittee of either house, in accordance with the rules of that respective house, and each joint committee or subcommittee thereof, may meet at any time during the period in which it is authorized to act, either at the State Capitol or at any other place in

the State of California, in public or executive session, and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it or accomplish the objects and purposes of the resolution creating it, subject to the following exceptions:

(a) When the Legislature is in session:

(1) No committee or subcommittee of either house may meet outside the State Capitol without the prior approval of the Senate Committee on Rules with respect to Senate committees and subcommittees, or the Speaker of the Assembly with respect to Assembly committees and subcommittees.

(2) No committee or subcommittee of either house, other than a standing committee or subcommittee thereof, may meet unless notice of the meeting has been printed in the daily file for four days prior thereto. This requirement may be waived by a majority vote of either house with respect to a particular bill.

(3) No joint committee or subcommittee thereof, other than the Joint Committees on Legislative Audit, Legislative Budget, and Rules, may meet outside the State Capitol without the prior approval of the Joint Rules Committee.

(4) No joint committee or subcommittee thereof, other than the Joint Committees on Legislative Audit, Legislative Budget, and Rules, may meet unless notice of the meeting has been printed in the daily file for four days prior thereto.

(b) When the Legislature is in joint recess, each joint committee or subcommittee, other than the Joint Committees on Legislative Audit, Legislative Budget, and Rules, shall notify the Joint Rules Committee at least two weeks prior to a meeting.

(c) The requirements placed upon joint committees by subdivisions (a) and (b) of this rule may be waived as deemed necessary by the Joint Rules Committee.

Each committee may expend such money as may be made available to it for its purpose, but no committee shall incur any indebtedness unless money has been first made available therefor.

No living expenses may be allowed in connection with legislative business for a day on which the member receives reimbursement for expenses while required to be in Sacramento to attend a session of the Legislature. The chairman or chairwoman of each committee shall audit and approve the expense claims of the members of the committee, including claims for mileage in connection with attendance on committee business, or in connection with specific assignments by the committee chairman or chairwoman, but excluding other types of mileage, and shall certify the amount approved to the Controller. The Controller shall draw his or her warrants upon the certification of the chairman or chairwoman.

Subject to the rules of each house for the respective committees of each house, and subject to the joint rules for any joint committee, the chairman or chairwoman of any committee may appoint subcommittees and chairmen or chairwomen thereof for the purpose of more expeditiously handling and considering matters referred to it, and the subcommittees and the chairmen or chairwomen thereof shall have all the powers and authority herein conferred upon the committee and its chairman or chairwoman. The chairman or chairwoman of the subcommittee shall audit the expense claims of the members of the

subcommittees, and other claims and the expenses incurred by it, and shall certify the amount thereof to the chairman or chairwoman of the committee, who shall, if he or she approves the same, certify the amount thereof to the Controller; the Controller shall draw his or her warrant therefor upon that certification, and the Treasurer shall pay the same. Any committee or subcommittee thereof that is authorized to leave the State of California in the performance of its duties shall, while out of the state, have the same authority as if it were acting and functioning within the state, and the members thereof shall be reimbursed for expenses.

Notwithstanding any other provision of this rule, if the standing rules of either house require that expense claims of committees for goods or services, pursuant to contracts, or for expenses of employees or members of committees be audited or approved, after approval of the committee chairman or chairwoman, by another agency of either house, the Controller shall draw his or her warrants only upon the certification of the other agency. All expense claims approved by the chairman or chairwoman of any joint committee, other than the Joint Legislative Budget Committee and the Joint Legislative Audit Committee, shall be approved by the Joint Rules Committee, and the Controller shall draw his or her warrants only upon the certification of the Joint Rules Committee.

Except salary claims of employees clearly subject to federal withholding taxes and the requirement as to loyalty oaths, claims presented for services or pursuant to contract shall refer to the agreement, the terms of which shall be made available to the Controller.

#### **Expenses of Committee Employees**

36.1. Unless otherwise provided by respective house or committee rule or resolution, employees of legislative committees shall, when entitled to traveling expenses, be entitled to allowances in lieu of actual expenses for hotel accommodations, breakfast, lunch, and dinner, at the rates fixed by the State Board of Control from time to time in limitation of reimbursement of expenses of state employees generally. However, if an allowance for hotel accommodations, breakfast, lunch, and dinner is made by a committee at a rate in excess of the rate fixed by the State Board of Control, the chairman or chairwoman of the committee shall notify the Controller of that fact in writing.

#### **Appointment of Committees**

36.5. This rule applies whenever a joint committee is created by a statute or resolution which either provides that appointments be made and vacancies be filled in the manner provided for in the Joint Rules, or makes no provision for the appointment of members or the filling of vacancies.

The Senate members of the committee shall be appointed by the Senate Committee on Rules; the Assembly members of the committee shall be appointed by the Speaker of the Assembly; and vacancies occurring in the membership of the committee shall be filled by the respective appointing powers. The members appointed shall hold over until their successors are regularly selected.

**Appointment of Joint Committee Chairmen or Chairwomen**

36.7. The chairman or chairwoman of each joint committee heretofore or hereafter created, except the Joint Legislative Budget Committee and the Joint Legislative Audit Committee, shall be appointed by the Joint Rules Committee from a member or members recommended by the Senate Committee on Rules and the Speaker of the Assembly.

**Joint Committee Funds**

36.8. Each joint committee heretofore or hereafter created, except the Joint Legislative Budget Committee and the Joint Legislative Audit Committee, shall expend the funds heretofore or hereafter made available to it in compliance with the policies set forth by the Joint Rules Committee with respect to personnel, salaries, purchasing, office space assignment, contractual services, rental or lease agreements, travel, and any and all other matters relating to the management and administration of committee affairs.

**Joint Legislative Budget Committee**

37. In addition to any other committee provided for by these rules, there shall be a joint committee to be known as the Joint Legislative Budget Committee, which is hereby declared to be a continuing body.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the State Budget, the revenues and expenditures of the state, and the organization and functions of the state and its departments, subdivisions, and agencies, with a view to reducing the cost of the state government and securing greater efficiency and economy.

The committee shall consist of eight Members of the Senate and eight Members of the Assembly. The Senate members of the committee shall be appointed by the Senate Committee on Rules. The Assembly members of the committee shall be appointed by the Speaker of the Assembly. The committee shall select its own chairman or chairwoman.

Any vacancy occurring at any time in the Senate membership of the Joint Legislative Budget Committee shall be filled by the Senate Committee on Rules, and the Senators appointed shall hold over until their successors are regularly selected. For the purposes of this rule, a vacancy shall be deemed to exist as to a Senator whose term is expiring whenever he or she is not reelected at the general election.

Any vacancy occurring at any time in the Assembly membership of the Joint Legislative Budget Committee shall be filled by appointment by the Speaker of the Assembly, and the Members of the Assembly appointed shall hold over between regular sessions until their successors are regularly selected. For the purposes of this rule, a vacancy shall be deemed to exist as to a Member of the Assembly whose term is expiring whenever he or she is not reelected at the general election.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation, or hearing that the committee itself has authority to undertake or hold. A subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the express terms of any rule or resolution of

the committee defining the powers and duties of the subcommittee. Those powers may be withdrawn or terminated at any time by the committee.

The Joint Legislative Budget Committee may render services to any investigating committee of the Legislature pursuant to contract between the Joint Legislative Budget Committee and the committee for which the services are to be performed. The contract may provide for payment to the Joint Legislative Budget Committee of the cost of the services from the funds appropriated to the contracting investigating committee. All legislative investigating committees are authorized to enter into those contracts with the Joint Legislative Budget Committee. Money received by the Joint Legislative Budget Committee pursuant to any agreement shall be in augmentation of the current appropriation for the support of the Joint Legislative Budget Committee.

The provisions of Rule 36 shall apply to the Joint Legislative Budget Committee, which has all the authority provided in that rule or pursuant to Section 11 of Article IV of the Constitution.

The committee shall have authority to appoint a Legislative Analyst, to fix his or her compensation, to prescribe his or her duties, and to appoint any other clerical and technical employees as may appear necessary. The duties of the Legislative Analyst shall be as follows:

(1) To ascertain the facts and make recommendations to the Joint Legislative Budget Committee and, under its direction, to the committees of the Legislature concerning:

- (a) The State Budget.
- (b) The revenues and expenditures of the state.
- (c) The organization and functions of the state and its departments, subdivisions, and agencies.

(2) To assist the Senate Budget and Fiscal Review Committee and the Assembly Committees on Appropriations and Budget in consideration of the Budget, all bills carrying express or implied appropriations, and all legislation affecting state departments and their efficiency; to appear before any other legislative committee; and to assist any other legislative committee upon instruction by the Joint Legislative Budget Committee.

(3) To provide all legislative committees and Members of the Legislature with information obtained under the direction of the Joint Legislative Budget Committee.

(4) To maintain a record of all work performed by the Legislative Analyst under the direction of the Joint Legislative Budget Committee, and to keep and make available all documents, data, and reports submitted to him or her by any Senate, Assembly, or joint committee. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The chairman or chairwoman of the committee or, in the event of that person's inability to act, the vice chairman or vice chairwoman, shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee. The chairman or chairwoman shall certify to the Controller the expense amount approved, the Controller shall draw his or her warrants upon the certification of the chairman or chairwoman, and the Treasurer shall pay

the same to the chairman or chairwoman of the committee, to be disbursed by the chairman or chairwoman.

On and after the commencement of a succeeding regular session, those members of the committee who continue to be Members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel, and staff, and all funds theretofore made available for its use.

Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Analyst for use and custody all documents, data, reports, and other materials that have come into the possession of the committee and that are not included within the final report of the committee to the Assembly, Senate, or the Legislature, as the case may be. The documents, data, reports, and other materials shall be available, upon request, to Members of the Legislature, the Senate Office of Research, and the Assembly Office of Research.

The Legislative Analyst, with the consent of the committee, shall make available to any Member or committee of the Legislature any other reports, records, documents, or other data under his or her control, except that reports prepared by the Legislative Analyst in response to a request from a Member or committee of the Legislature shall be made available only with the written permission of the member or committee who made the request.

The Legislative Analyst, upon the receipt of a request from any committee or Member of the Legislature to conduct a study or provide information that falls within the scope of his or her responsibilities and that concerns the administration of the government of the State of California, shall at once advise the Joint Legislative Budget Committee of the nature of the request without disclosing the name of the Member or committee making the request.

The Legislative Analyst shall immediately undertake to provide the requesting committee or legislator with the service or information requested, and shall inform the committee or legislator of the approximate date when this information will be available. Should there be any material delay, he or she shall subsequently communicate this fact to the requester.

Neither the Committee on Rules of either house nor the Joint Rules Committee may assign any matter for study to the Joint Legislative Budget Committee or the Legislative Analyst without first obtaining from the Joint Legislative Budget Committee an estimate of the amount required to be expended by it to make the study.

Any concurrent, joint, Senate, or House resolution assigning a study to the Joint Legislative Budget Committee or to the Legislative Analyst shall be referred to the respective rules committees. Before the committees may act upon or assign the resolution, they shall obtain an estimate from the Joint Legislative Budget Committee of the amount required to be expended to make the study.

#### **Citizen Cost Impact Report**

37.1. Any Member or committee of the Legislature may recommend that the Legislative Analyst prepare a citizen cost impact analysis on proposed legislation. However, the recommendation shall first be reviewed by the Committee on Rules of the house where the

recommendation originated, and this committee shall make the final determination as to which bills shall be assigned for preparation of an impact analysis.

In selecting specific bills for assignment to the Legislative Analyst for preparation of citizen cost impact analyses, the Committee on Rules shall request the Legislative Analyst to present an estimate of his or her time and prospective costs for preparing the analyses. Only those bills that have a potential significant cost impact shall be assigned. Where necessary, the Committee on Rules shall provide funds to offset added costs incurred by the Legislative Analyst.

The citizen cost impact analyses shall include those economic effects that the Legislative Analyst deems significant and that he or she believes will result directly from the proposed legislation. Insofar as feasible, the economic effects considered by the Legislative Analyst shall include, but are not limited to, the following:

- (a) The economic effect on the public generally.
- (b) Any specific economic effect on persons or businesses in the case of legislation that is regulatory.

The Legislative Analyst shall submit the citizen cost impact analyses to the committee or committees when completed, and at the time or times designated by the Committee on Rules.

The Legislative Analyst shall submit from time to time, but at least once a year, a report to the Legislature on the trends and directions of the state's economy, and shall list the alternatives and make recommendations as to legislative actions that, in his or her judgment, will insure a sound and stable state economy.

#### **Joint Legislative Audit Committee**

37.3. The Joint Legislative Audit Committee is created pursuant to the Legislature's rulemaking authority under the California Constitution, and pursuant to Chapter 4 (commencing with Section 10500) of Part 2 of Division 2 of Title 2 of the Government Code. The committee shall consist of seven Members of the Senate and seven Members of the Assembly, who shall be selected in the manner provided for in these rules. Notwithstanding any other provision of these rules, four members from each house constitute a quorum of the Joint Legislative Audit Committee and the number of votes necessary to take action on any matter. The Chairman or Chairwoman of the Joint Legislative Audit Committee, upon receiving a request by any Member of the Legislature or committee thereof for a copy of a report prepared or being prepared by the Bureau of State Audits, shall provide the member or committee with a copy of the report when it is, or has been, submitted by the Bureau of State Audits to the Joint Legislative Audit Committee.

#### **Study or Audits**

37.4. (a) Notwithstanding any other provision of law, the Joint Legislative Audit Committee shall establish priorities and assign all work to be done by the Bureau of State Audits.

(b) Any bill requiring action by the Bureau of State Audits shall contain an appropriation for the cost of any study or audit.

(c) Any bill or concurrent, joint, Senate, or House resolution assigning a study to the Joint Legislative Audit Committee or to the Bureau of State Audits shall be referred to the respective rules committees. Before the committees may act upon or assign the bill or

resolution, they shall obtain an estimate from the Joint Legislative Audit Committee of the amount required to be expended to make the study.

#### **Waiver**

37.5. Subdivision (b) of Rule 37.4 may be waived by the Joint Legislative Audit Committee. The chairman or chairwoman of the committee shall notify the Secretary of the Senate, the Chief Clerk of the Assembly, and the Legislative Counsel in writing when subdivision (b) of Rule 37.4 has been waived. If the cost of a study or audit is less than one hundred thousand dollars (\$100,000), the chairman or chairwoman of the committee may exercise the committee's authority to waive subdivision (b) of Rule 37.4.

#### **Administrative Regulations**

37.7. (a) Any Member of the Senate may request the Senate Committee on Rules, and any Member of the Assembly may request the Speaker of the Assembly, to direct a standing committee or the Office of Research of his or her respective house to study any proposed or existing regulation or group of related regulations. Upon receipt of a request, the Senate Committee on Rules or the Speaker of the Assembly shall, after review, determine whether a study shall be made. In reviewing the request, the Senate Committee on Rules or the Speaker of the Assembly shall determine:

- (1) The cost of making the study.
- (2) The potential public benefit to be derived from the study.
- (3) The scope of the study.

(b) The study may consider, among other relevant issues, whether the proposed or existing regulation:

- (1) Exceeds the agency's statutory authority.
- (2) Fails to conform to the legislative intent of the enabling statute.
- (3) Contradicts or duplicates other regulations adopted by federal, state, or local agencies.
- (4) Involves an excessive delegation of regulatory authority to a particular state agency.
- (5) Unfairly burdens particular elements of the public.
- (6) Imposes social or economic costs that outweigh its intended benefits to the public.
- (7) Imposes unreasonable penalties for violation.

The respective reviewing unit shall, in a timely manner, transmit its concerns, if any, to the Senate Committee on Rules or the Speaker of the Assembly, and the promulgating agency.

In the event that a state agency takes a regulatory action that the reviewing unit finds to be unacceptable, the unit shall file a report for publication in the daily journal of its respective house indicating the specific reasons why the regulatory action should not have been taken. The report may include a recommendation that the Legislature adopt a concurrent resolution requesting the state agency to reconsider its action or that the Legislature enact a statute to restrict the regulatory powers of the state agency taking the action.

#### **Joint Rules Committee**

40. The Joint Rules Committee is hereby created. The committee has a continuing existence and may meet, act, and conduct its business during sessions of the Legislature or any recess thereof.



The committee shall consist of the members of the Assembly Committee on Rules, the Assembly Majority Floor Leader, the Assembly Minority Floor Leader, the Speaker of the Assembly, four members of the Senate Committee on Rules, and as many Members of the Senate as may be required to maintain equality in the number of Assembly Members and Senators on the committee, to be appointed by the Senate Committee on Rules. Vacancies occurring in the membership shall be filled by the appointing power.

The committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

The committee shall ascertain facts and make recommendations to the Legislature and to the houses thereof concerning:

(a) The relationship between the two houses and procedures calculated to expedite the affairs of the Legislature by improving that relationship.

(b) The legislative branch of the state government and any defects or deficiencies in the law governing that branch.

(c) Methods whereby legislation is proposed, considered, and acted upon.

(d) The operation of the Legislature and the committees thereof, and the means of coordinating the work thereof and avoiding duplication of effort.

(e) Aids to the Legislature.

(f) Information and statistics for the use of the Legislature, the respective houses thereof, and the members.

Any matter of business of either house, the transaction of which would affect the interests of the other house, may be referred to the committee for action if the Legislature is not in recess, and shall be referred to the committee for action if the Legislature is in recess.

The committee has the following additional powers and duties:

(a) To select a chairman or chairwoman from its membership. The vice chairman or vice chairwoman of the committee shall be one of the Senate members of the committee, to be selected by the Senate Committee on Rules.

(b) To allocate space in the State Capitol Building and all annexes and additions thereto as provided by law.

(c) To approve, as provided by law, the appearance of the Legislative Counsel in litigation.

(d) To contract with other agencies, public or private, for the rendition and affording of services, facilities, studies, and reports to the committee as the committee deems necessary to assist it to carry out the purposes for which it is created.

(e) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this rule, and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(f) To report its findings and recommendations, including recommendations for the needed revision of any and all laws and constitutional provisions relating to the Legislature, to the Legislature and to the people from time to time.

(g) The committee, and any subcommittee when so authorized by the committee, may meet and act without as well as within the State of California, and is authorized to leave the state in the performance of its duties.

(h) To expend funds as may be made available to it to carry out the functions and activities related to the legislative affairs of the Senate and Assembly.

(i) To appoint a chief administrative officer of the committee, who shall have duties relating to the administrative, fiscal, and business affairs of the committee as the committee shall prescribe. The committee may terminate the services of the chief administrative officer at any time.

(j) To employ persons as may be necessary to assist all other joint committees, except the Joint Legislative Budget Committee and the Joint Legislative Audit Committee, in the exercise of their powers and performance of their duties. In accordance with Rule 36.8, the committee shall govern and administer the expenditure of funds by other joint committees, requiring that the claims of joint committees be approved by the Joint Rules Committee or its designee. All expenses of the committee and of all other joint committees may be paid from the Operating Funds of the Assembly and Senate.

(k) To appoint the chairmen or chairwomen of joint committees, as authorized by Rule 36.7.

(l) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this rule.

The members of the Joint Rules Committee from the Senate may meet separately as a unit, and the members of the Joint Rules Committee from the Assembly may meet separately as a unit, and consider any action that is required to be taken by the Joint Rules Committee. If the majority of members of the Joint Rules Committee of each house at the separate meetings vote in favor of that action, the action shall be deemed to be action taken by the Joint Rules Committee.

The Joint Rules Committee shall meet not less than biweekly during a session of the Legislature, other than during a joint recess, at a regularly scheduled time and place. If the full committee fails to so meet, the members of the committee from the Senate shall meet separately as a unit and the members of the committee from the Assembly shall meet separately as a unit within five days of the regularly scheduled meeting date.

The committee shall succeed to, and is vested with, all of the powers and duties of the Joint Committee on Legislative Organization, the State Capitol Committee, the Joint Committee on Interhouse Cooperation, the Joint Legislative Committee for School Visitations, and the Joint Standing Committee on the Joint Rules of the Senate and the Assembly.

**Review of Administrative Regulations**

40.1. The Joint Rules Committee, with regard to joint committees, and the respective rules committee of each house, with regard to standing and select committees of the house, shall approve any request for a priority review made by a committee pursuant to Section 11349.7 of the Government Code and shall submit approved requests to the Office of Administrative Law. The Joint Rules Committee or the respective rules committee, and the committee initiating the request, shall each receive a copy of the priority review.

**Subcommittee on Legislative Space and Facilities**

40.3. (a) A subcommittee of the Joint Rules Committee is hereby created, to be known as the Subcommittee on Legislative Space and Facilities. The subcommittee shall consist of three Members of the Senate and three Members of the Assembly, appointed by the Chairman or Chairwoman of the Joint Rules Committee, and the chairman or chairwoman of the fiscal committee of each house who shall have full voting rights on the subcommittee. The chairman or chairwoman of the subcommittee shall be appointed by the members thereof. For purposes of this subcommittee, the chairmen or chairwomen of the fiscal committees shall be ex officio members of the Joint Rules Committee, but shall not have voting rights on that committee, nor shall they be counted in determining a quorum. The subcommittee shall consider the housing of the Legislature and legislative facilities.

(b) The subcommittee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this subcommittee and its members.

(c) The subcommittee has the following additional powers and duties:

(1) To contract with other agencies, public or private, for the rendition and affording of services, facilities, studies, and reports to the subcommittee as the committee deems necessary to assist it to carry out the purposes for which it is created.

(2) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this rule, and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the subcommittee.

(3) To report its findings and recommendations to the Legislature and to the people from time to time.

(4) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this rule.

(d) The subcommittee is authorized to leave the State of California in the performance of its duties.

**Claims for Workers' Compensation**

41. The Chairman or Chairwoman of the Committee on Rules of each house, or a designated representative, shall sign any required worker's compensation report regarding injuries or death arising out of and within the course of employment suffered by any member, officer, or employee of the house, or any employee of a standing or

investigating committee thereof. In the case of a joint committee, the Chairman or Chairwoman of the Committee on Rules of either house, or a designated representative, may sign any report with respect to a member or employee of a joint committee.

#### **Information Concerning Committees**

42. The Committee on Rules of each house shall provide for a continuous cumulation of information concerning the membership, organization, meetings, and studies of legislative investigating committees. Each Committee on Rules shall be responsible for information concerning the investigating committees of its own house, and concerning joint investigating committees under a chairman or chairwoman who is a member of that house. To the extent possible, each Committee on Rules shall seek to insure that the investigating committees for which it has responsibility under this rule have organized, including the organization of any subcommittees, and have had all topics for study assigned to them within a reasonable period of time.

The information thus cumulated shall be made available to the public by the Committee on Rules of each house and shall be published periodically under their joint direction.

#### **Joint Committees**

43. Any concurrent resolution creating a joint committee of the Legislature and any concurrent resolution allocating moneys from the Operating Funds of the Assembly and Senate to the committee shall be referred to the Committee on Rules of the respective houses.

#### **Conflict of Interest**

44. (a) No Member of the Legislature may, while serving, have any interest, financial or otherwise, direct or indirect, engage in any business or transaction or professional activity, or incur any obligation of any nature, that is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by the laws of this state.

(b) No Member of the Legislature may, during the term for which he or she was elected:

(1) Accept other employment that he or she has reason to believe will either impair his or her independence of judgment as to his or her official duties, or require him or her, or induce him or her, to disclose confidential information acquired by him or her in the course of and by reason of his or her official duties.

(2) Willfully and knowingly disclose, for pecuniary gain, to any other person, confidential information acquired by him or her in the course of and by reason of his or her official duties, or use the information for the purpose of pecuniary gain.

(3) Accept or agree to accept, or be in partnership with any person who accepts or agrees to accept, any employment, fee, or other thing of value, or portion thereof, in consideration of his or her appearance, agreeing to appear, or taking of any other action on behalf of another person regarding a licensing or regulatory matter, before any state board or agency that is established by law for the primary purpose of licensing or regulating the professional activity of persons licensed, pursuant to state law.

This rule may not be construed to prohibit a member who is an attorney at law from practicing in that capacity before the Workers' Compensation Appeals Board or the Commissioner of Corporations, and receiving compensation therefor, or from practicing for compensation before any state board or agency in connection with, or in any matter related to, any case, action, or proceeding filed and pending in any state or federal court. This rule does not prohibit a member from making inquiry for information on behalf of a constituent before a state board or agency, if no fee or reward is given or promised in consequence thereof. The prohibition contained in this rule does not apply to a partnership in which a Member of the Legislature is a member if the Member of the Legislature does not share directly or indirectly in the fee resulting from the transaction, nor does it apply in connection with any matter pending before any state board or agency on the operative date of this rule if the affected Member of the Legislature is attorney of record or representative in the matter prior to the operative date.

(4) Receive or agree to receive, directly or indirectly, any compensation, reward, or gift from any source except the State of California for any service, advice, assistance, or other matter related to the legislative process, except fees for speeches or published works on legislative subjects and except, in connection therewith, the reimbursement of expenses for actual expenditures for travel and reasonable subsistence for which no payment or reimbursement is made by the State of California.

(5) Participate, by voting or any other action, on the floor of either house, or in committee or elsewhere, in the enactment or defeat of legislation in which he or she has a personal interest, except as follows:

(i) If, on the vote for final passage, by the house of which he or she is a member, of the legislation in which he or she has a personal interest, he or she first files a statement (which shall be entered verbatim in the journal) stating in substance that he or she has a personal interest in the legislation to be voted on and that, notwithstanding that interest, he or she is able to cast a fair and objective vote on the legislation, he or she may cast his or her vote without violating any provision of this rule.

(ii) If the member believes that, because of his or her personal interest, he or she should abstain from participating in the vote on the legislation, he or she shall so advise the presiding officer prior to the commencement of the vote and shall be excused from voting on the legislation without any entry in the journal of the fact of his or her personal interest. In the event that a rule of the house requiring that each member who is present vote aye or nay is invoked, the presiding officer shall order the member excused from compliance and shall order entered in the journal a simple statement that the member was excused from voting on the legislation pursuant to law.

(c) A person subject to this rule has an interest that is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by the laws of this state, or a personal interest, arising from any situation, within the scope of this rule, if he or she has reason to believe or expect that he or she will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity. He or she does not have an interest that is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by the laws of this state, or a personal interest, arising from

any situation, within the scope of this rule, if any benefit or detriment accrues to him or her as a member of a business, profession, occupation, or group to no greater extent than any other member of the business, profession, occupation, or group.

(d) A person who is subject to this rule shall not be deemed to be engaged in any activity that is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by the laws of this state, or to have a personal interest, arising from any situation, within the scope of this rule, solely by reason of any of the following:

(1) His or her relationship to any potential beneficiary of any situation is one that is defined as a remote interest by Section 1091 of the Government Code or is otherwise not deemed to be a prohibited interest under Section 1091.1 or 1091.5 of the Government Code.

(2) Receipt of a campaign contribution that is regulated, received, reported, and accounted for pursuant to Chapter 4 (commencing with Section 84100) of Title 9 of the Government Code, so long as the contribution is not made on the understanding or agreement, in violation of law, that the person's vote, opinion, judgment, or action will be influenced thereby.

(e) The enumeration in this rule of specific situations or conditions that are deemed not to result in substantial conflict with the proper discharge of the duties and responsibilities of a legislator or legislative employee, or in a personal interest, shall not be construed as exclusive.

The Legislature, in adopting this rule, recognizes that Members of the Legislature and legislative employees may need to engage in employment, professional, or business activities other than legislative activities in order to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with specific provisions of this rule. However, in construing and administering this rule, weight should be given to any coincidence of income, employment, investment, or other profit from sources that may be identified with the interests represented by those sources that are seeking action of any character on matters then pending before the Legislature.

(f) No employee of either house of the Legislature may, during the time he or she is so employed, commit any act or engage in any activity prohibited by any part of this rule.

(g) No person may induce or seek to induce any Member of the Legislature to violate any part of this rule.

(h) Violations of any part of this rule are punishable as provided in Section 8926 of the Government Code.

#### **Ethics Committees**

45. The Senate Committee on Legislative Ethics and the Assembly Legislative Ethics Committee, respectively, shall receive complaints concerning Members of their respective houses, and shall have the power to investigate and make findings and recommendations concerning violations by Members of their respective houses of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code. Each house shall adopt rules governing the establishment and procedures of the committee of that house.

**Designating Legislative Sessions**

50. Regular sessions shall be identified with the odd-numbered year subsequent to each general election, followed by a hyphen, and then the last two digits of the following even-numbered year. For example: 1973–74 Regular Session.

**Designating Extraordinary Sessions**

50.3. All extraordinary sessions shall be designated in numerical order by the session in which convened.

**Days and Dates**

50.5. (a) As used in these rules, “day” means a calendar day, unless otherwise specified.

(b) When the date of a deadline, recess requirement, or circumstance falls on a Saturday, Sunday, or Monday that is a holiday, the date shall be deemed to refer to the preceding Friday. When the date falls on a holiday on a weekday other than a Monday, the date shall be deemed to refer to the preceding day.

**Legislative Calendar**

51. (a) The Legislature shall observe the following calendar during the first year of the regular session:

(1) Organizational Recess—The Legislature shall meet on the first Monday in December following the general election to organize. Thereafter, each house shall be in recess from the time it determines until the first Monday in January, except when the first Monday is January 1 or January 1 is a Sunday, in which case, the following Wednesday.

(2) Easter Recess—The Legislature shall be in recess from the 10th day prior to Easter until the Monday after Easter.

(3) Summer Recess—The Legislature shall be in recess from July 18 until August 25. This recess shall not commence until the Budget Bill is enacted.

(4) Interim Study Recess—The Legislature shall be in recess from September 12 until the first Monday in January, except when the first Monday is January 1 or January 1 is a Sunday, in which case, the following Wednesday.

(b) The Legislature shall observe the following calendar for the remainder of the legislative session:

(1) Easter Recess—The Legislature shall be in recess from the 10th day prior to Easter until the Monday after Easter.

(2) Summer Recess—The Legislature shall be in recess from July 3 until August 3. This recess shall not commence until the Budget Bill is enacted.

(3) Final Recess—The Legislature shall be in recess on August 31 until adjournment sine die on November 30.

(c) Recesses shall be from the hour of adjournment on the day specified, to reconvene at the time designated by the respective houses.

(d) The recesses specified by this rule shall be designated as joint recesses.

**Recall From Recess**

52. Notwithstanding the power of the Governor to call a special session, the Legislature may be recalled from joint recess and reconvene in regular session by any of the following means:

(a) It may be recalled by joint proclamation, which shall be entered in the journal, of the Senate Committee on Rules and the Speaker of the Assembly or, in his or her absence from the state, the Assembly Committee on Rules.

(b) Ten or more Members of the Legislature may present a request for recall from joint recess to the Chief Clerk of the Assembly and the Secretary of the Senate. The request shall immediately be printed in the journal. Within 10 days thereafter, the Speaker of the Assembly or, if the Speaker is absent from the state, the Assembly Committee on Rules, and the Senate Committee on Rules shall act upon the request. If they concur in desiring to recall the Legislature from joint recess, they shall issue their joint proclamation to that effect entered in the journal no later than 20 days after publication of the request in the journal.

(c) If either or both of the parties specified in subdivision (b) does not concur, 10 or more Members of the Legislature may request the Chief Clerk of the Assembly or the Secretary of the Senate to petition the membership of the respective house. The petition shall be entered in the journal and shall contain a specified reconvening date commencing not later than 20 days after the date of the petition. If two-thirds of the members of the house or each of the two houses concur, the Legislature shall reconvene on the date specified. The necessary concurrences must be received at least 10 days prior to the date specified for reconvening.

**Procedure on Suspending Rules by Single House**

53. Whenever these rules authorize suspension of the Joint Rules as to a particular bill by action of a single house after approval by the Committee on Rules of that house, the following procedure shall be followed:

(a) A written request to suspend the joint rule shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, and shall be transmitted to the Committee on Rules of the appropriate house.

(b) The Assembly Committee on Rules or the Senate Committee on Rules, as the case may be, shall determine whether there exists an urgent need for the suspension of the joint rule with regard to the bill.

(c) If the appropriate rules committee recommends that the suspension be permitted, the member may offer a resolution, without further reference thereof to committee, granting permission to suspend the joint rule. The adoption of the resolution granting permission shall require an affirmative recorded vote of the elected members of the house in which the request is made.

**Introduction of Bills**

54. (a) No bill may be introduced in the first year of the regular session after February 28 and no bill may be introduced in the second year of the regular session after February 20. These deadlines do not apply to constitutional amendments, committee bills introduced pursuant to Assembly Rule 47 or Senate Rule 23, bills introduced in the Assembly with the permission of the Speaker of the Assembly, or bills introduced in the Senate with the permission of the Senate Committee on Rules. Subject to these deadlines, a bill may be introduced at any



time except when the houses are in joint summer, interim, or final recess. Each house may provide for introduction of bills during a recess other than a joint recess. Bills shall be numbered consecutively during the regular session.

(b) The Desks of the Senate and Assembly shall remain open during a joint recess, other than a joint Easter, summer, interim, or final recess, for the introduction of bills during business hours on Monday through Friday, inclusive, except holidays. Bills received at the Senate Desk during these periods shall be numbered and printed. After printing, the bills shall be delivered to the Secretary of the Senate and referred by the Senate Committee on Rules to a standing committee. Bills received at the Assembly Desk during these periods shall be numbered, printed, and referred to a committee by the Assembly Committee on Rules. After printing, the bills shall be delivered to the Chief Clerk of the Assembly. On the reconvening of each house, the bills shall be read the first time, and shall be delivered to the committee to which they were referred.

(c) A member may not author a bill during a session that would have substantially the same effect as a bill he or she previously introduced during that session. This restriction does not apply in cases where the previously introduced bill was vetoed by the Governor or its provisions were “chaptered out” by a later chaptered bill pursuant to Section 9605 of the Government Code. An objection based on this restriction may be raised only while the bill is being considered by the house in which it is introduced. The objection shall be referred to the Committee on Rules of the house for a determination. The bill shall remain on file or with a committee, as the case may be, until a determination is made. If, upon consideration of the objection, the Committee on Rules determines that the bill objected to would have substantially the same effect as another bill previously introduced during the session by the author, the bill objected to shall be stricken from the file or returned to the desk by the committee, as the case may be, and may not be acted upon during the remainder of the session. If the Committee on Rules determines that the bill objected to would not have substantially the same effect as a bill previously introduced during the session by the author, the bill may thereafter be acted upon by the committee or the house, as the case may be. The Committee on Rules may obtain assistance as it may desire from the Legislative Counsel as to the similarity of a bill or amendments to a prior bill.

This joint rule may be suspended by approval of the Committee on Rules and three-fourths vote of the membership of the house.

(d) During a joint recess, the Chief Clerk of the Assembly or Secretary of the Senate shall order the preparation of preprint bills when so ordered by any of the following:

- (1) The Speaker of the Assembly.
- (2) The Committee on Rules of the respective house.
- (3) A committee, with respect to bills within the subject matter jurisdiction of the committee.

Preprint bills shall be designated and shall be printed in the order received and numbered in the order printed. To facilitate subsequent amendment, a preprint bill shall be so prepared that, when introduced as a bill, the page and the line numbers will not change. The Chief Clerk of the Assembly and Secretary of the Senate shall publish a list periodically of preprint bills showing the preprint bill number, the title,

and the Legislative Counsel's Digest. The Speaker of the Assembly and Senate Committee on Rules may refer any preprint bill to committee for study.

#### **30-Day Waiting Period**

55. No bill other than the Budget Bill may be heard or acted upon by committee or either house until the bill has been in print for 30 days. The date a bill is returned from the printer shall be entered in the history. This rule may be suspended concurrently with the suspension of the requirement of Section 8 of Article IV of the Constitution or, if that period has expired, this rule may be suspended by approval of the Committee on Rules and two-thirds vote of the house in which the bill is being considered.

#### **Return of Bills**

56. Bills introduced in the first year of the regular session and passed by the house of origin on or before the January 31st constitutional deadline are "carryover bills." Immediately after January 31, bills introduced in the first year of the regular session that do not become "carryover bills" shall be returned to the Chief Clerk of the Assembly or Secretary of the Senate, respectively. Notwithstanding Rule 4, as used in this rule, "bills" does not include constitutional amendments.

#### **Appropriation Bills**

57. Appropriation bills that may not be sent to the Governor shall be held, after enrollment, by the Chief Clerk of the Assembly or Secretary of the Senate, respectively. The bills shall be sent to the Governor immediately after the Budget Bill has been enacted.

#### **Urgency Clauses**

58. An amendment to add a section to a bill to provide that the act shall take effect immediately as an urgency statute may not be adopted unless the author of the amendment has first secured the approval of the Committee on Rules of the house in which the amendments are offered.

#### **Veto**

58.5. The Legislature may consider a Governor's veto for only 60 days, not counting days when the Legislature is in joint recess.

#### **Publications**

59. During periods of joint recess, weekly, if necessary, the following documents shall be published: files, histories, and journals.

#### **Committee Hearings**

60. (a) No standing committee or subcommittee thereof may take action on a bill at any hearing held outside of Sacramento.

(b) A committee may hear the subject matter of a bill or convene for an informational hearing during a period of recess. Four days' notice in the daily file is required prior to the hearing.

(c) No bill may be acted upon by a committee during a joint recess.

**Deadlines**

61. The deadlines set forth in this rule shall be observed by the Senate and Assembly. After each deadline, the Secretary of the Senate and the Chief Clerk of the Assembly may not accept committee reports from their respective committees except as otherwise provided in this rule:

- (a) Odd-numbered year:
  - (1) Feb. 23—Last day for bills to be introduced.
  - (2) April 27—Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house.
  - (3) May 11—Last day for policy committees to hear and report to the floor nonfiscal bills introduced in their house.
  - (4) May 25—Last day for policy committees to meet prior to June 11.
  - (5) June 1—Last day for fiscal committees to hear and report to the floor bills introduced in their house.
  - (6) June 1—Last day for fiscal committees to meet prior to June 11.
  - (7) June 8—Last day for each house to pass bills introduced in that house.
  - (8) June 11—Committee meetings may resume.
  - (9) July 13—Last day for policy committees to meet and report bills.
  - (10) Aug. 31—Last day for fiscal committees to meet and report bills.
  - (11) Sept. 3 through Sept. 14—Floor session only. No committee may meet for any purpose.
  - (12) Sept. 14—Last day for each house to pass bills.
- (b) Even-numbered year:
  - (1) Jan. 18—Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house in the odd-numbered year.
  - (2) Jan. 25—Last day for any committee to hear and report to the floor bills introduced in that house in the odd-numbered year.
  - (3) Jan. 31—Last day for each house to pass bills introduced in that house in the odd-numbered year.
  - (4) Feb. 22—Last day for bills to be introduced.
  - (5) April 26—Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house.
  - (6) May 10—Last day for policy committees to hear and report to the floor nonfiscal bills introduced in their house.
  - (7) May 17—Last day for policy committees to meet prior to June 3.
  - (8) May 24—Last day for fiscal committees to hear and report to the floor bills introduced in their house.
  - (9) May 24—Last day for fiscal committees to meet prior to June 3.
  - (10) May 31—Last day for each house to pass bills introduced in that house.
  - (11) June 3—Committee meetings may resume.
  - (12) June 28—Last day for policy committees to meet and report bills.
  - (13) Aug. 16—Last day for fiscal committees to meet and report bills.
  - (14) Aug. 19 through Aug. 31—Floor session only. No committee may meet for any purpose.
  - (15) Aug. 31—Last day for each house to pass bills.

(\*Note: Dates are based on 2001–02 Legislative calendar, usage and custom.)

(c) If a bill is acted upon in committee before the relevant deadline, and the committee votes to report the bill out with amendments that have not at the time of the vote been prepared by the Legislative Counsel, the Secretary of the Senate and the Chief Clerk of the Assembly may subsequently receive a report recommending the bill for passage or for rereferral together with the amendments at any time within two legislative days after the deadline or, if the Legislature has recessed for the Summer Recess, within seven calendar days after the deadline.

(d) Notwithstanding subdivisions (a) and (b), a policy committee may report a bill to a fiscal committee on or before the relevant deadline for reporting nonfiscal bills to the floor if, after the policy committee deadline for reporting the bill to fiscal committee, the Legislative Counsel's Digest is changed to indicate reference to fiscal committee.

(e) Any bill in the house of origin that is not acted upon during the odd-numbered year as a result of the deadlines imposed in subdivision (a) may be acted upon when the Legislature reconvenes after the interim study joint recess, or at any time the Legislature is recalled from the interim study joint recess.

(f) The deadlines imposed by this rule do not apply to the rules committees of the respective houses.

(g) The deadlines imposed by this rule do not apply in instances where a bill is referred to committee under Rule 26.5.

(h) The deadlines imposed by this rule do not apply in instances where a bill is referred to a committee under Assembly Rule 77.2.

(i) (1) Notwithstanding subdivisions (a) and (b), a policy committee or fiscal committee may meet for the purpose of hearing and reporting a constitutional amendment, or a bill that would go into immediate effect pursuant to subdivision (c) of Section 8 of Article IV of the California Constitution, at any time other than those periods when no committee may meet for any purpose.

(2) Notwithstanding subdivisions (a) and (b), either house may meet for the purpose of considering and passing a constitutional amendment, or a bill that would go into immediate effect pursuant to subdivision (c) of Section 8 of Article IV of the California Constitution, at any time during the session.

(j) This rule may be suspended as to any particular bill by approval of the Committee on Rules and two-thirds vote of the membership of the house.

#### **Committee Procedure**

62. (a) Notice of a hearing on a bill by the committee of first reference in each house, or notice of an informational hearing, shall be published in the file at least four days prior to the hearing. Otherwise, notice shall be published in the file two days prior to the hearing. That notice requirement may be waived by a majority vote of the house in which the bill is being considered. A bill may be set for hearing in a committee only three times. A bill is "set," for purposes of this subdivision, whenever notice of the hearing has been published in the file for one or more days. If a bill is set for hearing, and the committee, on its own initiation and not the author's, postpones the hearing on the bill or adjourns the hearing while testimony is being taken, that hearing shall not be counted as one of the three times a bill may be set. After hearing the bill, the committee may vote on the bill. If the hearing notice

in the file specifically indicates that “testimony only” will be taken, that hearing shall not be counted as one of the three times a bill may be set. A committee may not vote on a bill so noticed until it has been heard in accordance with this rule. After a committee has voted on a bill, reconsideration may be granted only one time. Reconsideration may be granted within 15 legislative days or prior to the interim study joint recess, whichever first occurs. A vote on reconsideration may not be taken without the same notice required to set a bill unless that vote is taken at the same meeting at which the vote to be reconsidered was taken, and the author is present. When a bill fails to get the necessary votes to pass it out of committee, or upon failure to receive reconsideration, it shall be returned to the Chief Clerk of the Assembly or Secretary of the Senate of the house of the committee and may not be considered further during the session.

This subdivision may be suspended with respect to a particular bill by approval of the Committee on Rules and two-thirds vote of the members of the house.

(b) If the committee adopts amendments other than those offered by the author and orders the bill reprinted prior to its further consideration, the hearing shall not be the final time a bill may be set under subdivision (a) of this rule.

(c) When a standing committee takes action on a bill, the vote shall be by roll call vote only. All roll call votes taken by a standing committee shall be recorded by the committee secretary on forms provided by the Chief Clerk of the Assembly and the Secretary of the Senate. The chairman or chairwoman of each standing committee shall promptly transmit a copy of the record of the roll call votes to the Chief Clerk of the Assembly or the Secretary of the Senate, respectively, who shall cause the votes to be published as prescribed by each house.

This subdivision also applies to action of a committee on a subcommittee report. The rules of each house shall prescribe the procedure as to roll call votes on amendments.

Any committee may, with the unanimous consent of the members present, substitute a roll call from a prior bill, provided that the members whose votes are substituted are present at the time of the substitution.

At no time shall a bill be passed out by a committee without a quorum being present.

This subdivision does not apply to:

(1) Procedural motions that do not have the effect of disposing of a bill.

(2) Withdrawal of a bill from a committee calendar at the request of an author.

(3) Return of a bill to the house where the bill has not been voted on by the committee.

(4) The assignment of a bill to committee.

(d) The chairman or chairwoman of the committee hearing a bill may, at any time, order a call of the committee. Upon a request by any member of a committee or the author in person, the chairman or chairwoman shall order the call.

In the absence of a quorum, a majority of the members present may order a quorum call of the committee and compel the attendance of absentees. The chairman or chairwoman shall send the Sergeant at Arms for those members who are absent and not excused by their respective house.

When a call of a committee is ordered by the chairman or chairwoman with respect to a particular bill, he or she shall send the Sergeant at Arms, or any other person to be appointed for that purpose, for those members who have not voted on that particular bill and are not excused.

A quorum call or a call of the committee with respect to a particular bill may be dispensed with by the chairman or chairwoman without objection by any member of the committee, or by a majority of the members present.

If a motion is adopted to adjourn the committee while the committee is operating under a call, the call shall be dispensed with and any pending vote announced.

The committee secretary shall record the votes of members answering a call. The rules of each house may prescribe additional procedures for a call of a committee.

#### **Redistricting Bills**

62.5. This rule applies only to bills affecting the boundaries of legislative, congressional, or State Board of Equalization districts.

(a) Except as specifically provided in this rule, Rules 28, 28.1, 29, 29.5, 30, 30.5, 30.7, 61 (except for paragraph (12) of subdivision (a) and paragraph (15) of subdivision (b) of Rule 61), and 62 shall not apply to bills affecting the boundaries of legislative, congressional, or State Board of Equalization districts.

(b) If the Senate (in the case of a Senate bill) or the Assembly (in the case of an Assembly bill) refuses to concur in amendments to a bill made by the other house, a committee on conference shall be appointed. The Speaker of the Assembly and the Senate Committee on Rules shall each appoint a committee on conference of three members, consisting of two members of the majority party and one member not of the majority party. The Secretary of the Senate and the Chief Clerk of the Assembly shall immediately notify the other house of the action taken.

(c) When a bill affecting the boundaries of legislative, congressional, or State Board of Equalization districts has been referred to a committee on conference, the chairman or chairwoman of the committee on conference shall immediately request the Senate Committee on Elections and Reapportionment and the Assembly Committee on Elections, Reapportionment, and Constitutional Amendments to hold a public hearing on the bill. The committee on conference shall also hold a public hearing on the bill. The hearings of the policy committees and the committee on conference may be noticed and held concurrently.

(d) If either or both of the policy committees hold a public hearing on a bill pursuant to the request of the chairman or chairwoman of the committee on conference, the policy committees may consider amendments to the bill, and may make recommendations on amendments to the committee on conference. A policy committee recommendation for an amendment may be adopted only by a roll call vote of the members of the policy committee.

(e) All proposed reports of a committee on conference, all proposed amendments to a proposed report of a committee on conference, and all proposed amendments presented to a policy committee shall be accompanied by appropriate maps. No committee vote may be taken on any proposed report of a committee on conference, any proposed amendment to a proposed report of a committee on conference, or any

proposed amendment presented to a policy committee unless the proposed report or proposed amendment, with accompanying maps, has been available to the public for at least 24 hours. District boundaries contained in any proposed report or any proposed amendment may not be required to be prepared or approved as to form by Legislative Counsel if the accompanying maps adequately reflect the district boundaries.

(f) All hearings of the policy committees and the committee on conference shall be open and readily accessible to the public, and shall be noticed in the Daily File for not less than two calendar days.

(g) The provisions of subdivision (e) prohibiting a committee vote on any proposed report of a committee on conference, any proposed amendment to a proposed report of a committee on conference, or any proposed amendment presented to a policy committee unless the amendment, accompanied by appropriate maps, has been available to the public for at least 24 hours shall not apply in any of the following situations:

(1) The amendment proposed to a policy committee or the committee on conference does not change any district boundaries.

(2) The amendment proposed to a policy committee or the committee on conference is required to correct a technical error in the bill, and the proposed amendment would shift no more than one percent of the population of any district to any other district or districts.

(3) The amendment is a policy committee or committee on conference amendment that is proposed in response to amendments that have been proposed to the committee.

(h) Except as provided in subdivision (i), no vote may be taken in either house on any bill or any report of the committee on conference on that bill unless the bill or the report has been in print in Legislative Counsel form and available to the public, accompanied by appropriate maps, for at least 24 hours.

(i) If either house refuses to adopt the report of the committee on conference, the bill may be returned to the committee on conference for further consideration. If the bill is returned to the committee on conference for an amendment described in paragraph (1) or (2) of subdivision (g), the notice requirements of subdivisions (e) and (h) shall not apply.

(j) Notwithstanding any other rule, this rule may be suspended upon a majority vote of the membership of each house.

#### **Uniform Rules**

63. No standing committee of either house may adopt or apply any rule or procedure governing the voting upon bills which is not equally applicable to the bills of both houses.

#### **Votes on Bills**

64. Every meeting of each house and standing committee or subcommittee thereof where a vote is to be taken on a bill, or amendments to a bill, shall be public.

#### **Conflicting Rules**

65. The provisions of Rule 50 and following of these rules prevail over any conflicting joint rule with a lesser number.





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# California State Assembly



Proceedings  
in  
Joint Convention

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## STATE OF THE JUDICIARY

Address by

The Honorable Ronald M. George  
Chief Justice of California

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Assembly Chamber  
March 20, 2001

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## STATE OF THE JUDICIARY

DELIVERED BY

CHIEF JUSTICE RONALD M. GEORGE

TO A JOINT SESSION OF THE CALIFORNIA LEGISLATURE

Sacramento, California

Tuesday, March 20, 2001

Good afternoon. I want to thank Senate President pro Tem John Burton and Speaker of the Assembly Bob Hertzberg for their invitation to address you today.

On May first, it will be five years since I became Chief Justice of California. Two weeks later I gave my first address to a Joint Session of the Legislature. An approaching anniversary often is an occasion for reflection upon the past, and in speaking to you today—although unfortunately I don't have any helpful hints for dealing with the energy crisis—I would like to share with you what we have accomplished in that five-year period—and what remains to be done.

I am very enthusiastic about the direction in which the courts are moving, and very grateful for the strong support and assistance from our two sister branches of government that have enabled the Judicial Branch to achieve these successes.

By definition, courts are the most cautious of our governmental institutions. Their culture is one steeped in precedent, cherishing independence and continuity, and focused on fairness and predictability. Those fundamental values may not suggest a system that eagerly embraces innovation. And, true to their character, California's courts have retained and nourished the core values of objectivity, consistency, and commitment to justice that are at the heart of a properly functioning judicial system.

But far from complacency, California's courts have embarked on a remarkable course of institutional and structural change with demonstrably excellent results. Part of our impetus has been the realization that our state is unique in countless ways. Ours is the largest judicial system in the world, with 1,611 judicial positions. Californians have roots in every nation, tradition, and culture in the world, with more than 100 languages translated daily in our courts.

Businesses in California run the gamut from the hi-tech of Silicon Valley and the Hollywood entertainment industry to the agriculture of our great central valley and a vast array of small local enterprises across our state. California often is found on the leading edge of changes in culture and the economy. These factors—and many others—all have profound effects on the operation of our courts and on what is expected of them.

While the primary goals of the Judicial Branch—fairness and access to justice for all—have remained constant, recent transformations in the fundamental structure of the judicial system—accomplished only with

your help and guidance—have resulted in innovations focused on improving service to the public at a rate unsurpassed at any time in our state's history.

The first of two monumental reforms has been the ongoing transition to state funding of the trial courts. The pre-existing system, with funding bifurcated between the counties and the state, bred uncertainty for the courts, and discouraged a sense of commitment by either funding partner. Disparities in the quality of justice dispensed across the state were common and erratic.

Local courts were on the verge of closing, with staff cutbacks and unfunded payrolls, facilities in a state of dangerous disrepair, services to the public drastically curtailed, and, ultimately, the entire administration of justice at risk.

Why does a funding *source* matter? Quite simply, state funding allows courts to cope in coordinated fashion with change and the public's needs. But stable state funding has done far more than relieve current anxiety and uncertainty: It has given us room to think ahead and to plan, and it has promoted consistency.

Instead of bracing to react to emergencies and shortfalls beyond their control, our courts can look at current circumstances, project future needs, and decide how best to meet them in orderly fashion. And we also are better positioned to deal with the inevitable crises that occasionally confront our court system.

The advent of state funding has had a number of important benefits. We discovered that we lacked some very basic information on just how much it costs to run court operations across the state.

Understandably, each county used its own budgeting system in dealing with the courts, and often the systems varied among courts within the same county. It was a classic patchwork quilt situation.

The Judicial Council—which I chair—is the constitutionally created body authorized to set policy for the courts. The Trial Court Funding Act charged the council with overseeing the statewide funding structure for the trial courts.

The Administrative Office of the Courts, the Judicial Council's staff arm—led by its tireless director, Bill Vickrey—worked to develop a budget structure containing the information necessary for the Judicial Council to assess how courts are performing. With that information in hand, the council, based on its long-term plan and the underlying plans developed by each trial court, can develop budget change proposals to present to you and to the governor that are well-supported, well-documented, and designed to improve the services that we provide to all Californians.

In a remarkably brief period, starting with limited information provided from hundreds of sources, the AOC and the council, working with the trial courts, have created a comprehensive budget structure that provides everyone involved in the process with essential information for evaluating how we are performing and where our needs lie.

In performing your legislative role in the appropriations process you will be pleased, as you review our budget proposals, to see the additional supporting material now provided to you to back up our requests. Although our process is not yet perfect, we are working closely

with the Department of Finance and the Legislative Analyst's Office to build the necessary infrastructure within the trial courts and at the state level in order to best present the information you need.

While the Judicial Branch represents less than 3% of the state's budget, we recognize that there are many demands on the state's coffers—some of them unexpected only a few short months ago. We shall continue to demonstrate to you that the appropriations granted to the Judicial Branch are, if you will excuse my saying so, judiciously allocated and expended.

We are well aware that, for many individuals, their dealings with the courts—whether through paying a parking fine, serving as a juror, or obtaining a divorce—are their only direct contact with government. We take very seriously the fact that our branch's ability to meet their needs can affect their view of state government as a whole.

The second recent and related fundamental structural change for the Judicial Branch is the unification of the Superior and Municipal Courts into a single level of Trial Court. This too has had profound effects on the service we provide to the public.

Starting in the early 90's, at the urging of the Legislature, courts were encouraged, on a county-by-county basis, to reorganize in order to avoid duplication and to make better use of available resources. From coordination to consolidation, this trend culminated in the 1998 enactment of Proposition 220, the constitutional amendment that you placed on the ballot permitting trial courts on a county-by-county basis, upon a majority vote of the judges of each level of trial court—municipal and superior—to unify.

Proposition 220 passed overwhelmingly in June 1998. The courts began literally the next day to vote to unify. And on February 8th of this year, I administered the oath of office for Judge of the Superior Court to the last four municipal court judges in California as Kings County became the final county to unify. When we began the process, we had some 220 separate trial courts. We now have 58—one in each county. In short, California's former hodgepodge of trial courts has been transformed into a single, unified system.

The speed and enthusiasm with which unification was embraced by the trial courts has been more than justified by the benefits that it has brought.

The prime anticipated benefit of unification was the flexibility it would afford in using available judicial and administrative resources. Not only has this flexibility turned out to be tremendously useful in expanding existing services, but another benefit has emerged as well: It has permitted a great amount of innovation, allowing the public's needs to be met by new and previously unavailable means.

What often has been striking has been that the apprehension in some quarters that countywide unification would lead to less responsiveness to local concerns not only has proved unfounded—but the opposite has occurred. In Riverside County, for example, residents can now at any court facility countywide file documents, pay fines and fees, request continuances and extensions, enroll in traffic school, and select their court date. Family law and probate court services have been expanded to additional court locations. Office hours have been extended countywide, and an individual in any courthouse can gain computer access to any case pending in the county.

Cross training of staff and realigned assignments for judges in counties from Yolo to Los Angeles has facilitated case processing. The

depth of judicial and staff knowledge has increased, permitting quick backup when needed, and faster turnaround for orders and hearings.

The Yolo County Court, for example, now has a same-day turnaround on domestic violence and restraining orders, as well as expedited guardianship proceedings. Merced County reports that because of the larger pool of judges it can draw upon, the need to request assistance through the assignment of retired or out-of-county judges, when there are disqualifications or other scheduling problems, has been greatly reduced.

In Lassen County, fiscal limitations had restricted courts to 7 hours of public access daily. The integration of municipal and superior court staff has permitted hours to be expanded to a 10-hour day running from 7:30 a.m. to 5:30 p.m., enhancing access for all citizens of the county, some of whom must travel 75 miles to Lassen's sole court location.

In Placer County, the court facility in Tahoe City now houses a court of general jurisdiction, reducing the need for litigants, counsel, witnesses, the sheriff's office, and others to make the 170-mile round trip—often arduous in winter—across the Sierra to Auburn. Mono County also reports that using a former municipal court facility in the southern portion of the county as a new superior court location with general jurisdiction has saved local residents and lawyers a 50-mile or more trip, and is proving so popular that a second courtroom is being furnished in that location to meet demand.

One theme repeated again and again by the trial courts is that unification has permitted them to create drug courts, domestic violence courts, and improved juvenile court services that previously could not be staffed. These specialized courts now function and have been expanded in counties across the state, including Alameda, Fresno, Humboldt, Orange, Riverside, Sacramento, and San Bernardino. In the San Diego court alone, 5 judges have been redeployed to family and juvenile court, and drug court operations have been increased. New developments continue: Santa Clara's court conducted the first juvenile court mental health calendar in the nation on February 14 of this year, and a community court there will follow at the end of September.

We refer at times to the "savings" that courts have realized through unification, to the benefit of the taxpayers. Perhaps a more complete description is the "freeing up" of resources to meet the priorities that you and the public have helped set.

In Los Angeles County, 25 separate court systems merged into one. The court there reported more than \$1.2 million in savings during the first six months of unification, primarily from attrition in positions no longer needed after unification. That funding has been redirected to increase the number of sites in Los Angeles at which the public can obtain domestic violence temporary restraining orders, to open family information centers to provide help to unrepresented litigants, and to hold a special court to assist homeless litigants in clearing court cases and in facilitating their ability to rejoin productive society.

In Solano County, a relatively small jurisdiction, eliminating management duplication and improving efficiency resulted in \$650,000 in savings that were used to establish drug courts, improve case handling, and place the court in a position in which it could negotiate with the county a \$5 million construction project, including 3 new courtrooms, and an expanded jury assembly room.

San Diego eliminated 46 administrative and management positions, creating 13 new positions that provide direct customer support, and net ongoing savings of \$2.8 million that can be used for the family violence solution centers and other services.

In addition to creating dedicated courts for specific classes of cases, many courts have been able to improve how they process caseflow generally. In Orange County, myriad local rules have been replaced with a unified set of rules establishing the same practices for all court facilities.

In Santa Cruz, the court created a modified direct/master calendar system, assigning every case directly to a team of judges who handle the case from filing to disposition. That court's executive officer proudly states: "Our court went from a four-year wait for trial in civil cases to *no wait*."

In Santa Clara, the court has virtually eliminated delay in both civil and criminal cases and, among other accomplishments, reduced its felony trial inventory from almost 1,000 cases to 358. This was accomplished by reorganizing the assignment of judges in order to increase the early resolution of cases—and by expanding drug treatment courts to both felonies and misdemeanors and to cases at all court locations. Kern County has focused on early dispositions too, reducing felony trials by 20% in one year.

Imperial County's court now can send cases to trial with unprecedented speed—in contrast to the past when most civil cases were pressing against the deadline of the 5-year statute. Imperial now has what it describes as a "new trial-ready court culture" that has resulted in an increased settlement rate.

The numbers of self-represented litigants continue to grow. These matters present difficult challenges for the courts—which are responding actively and imaginatively. Contra Costa County's court, for example, has been able to decentralize *de novo* trials in small claims matters to branch court locations for the convenience of litigants and witnesses. It has established a domestic violence clinic in collaboration with local legal services and the county, in order to provide individuals with critical assistance and guidance to other available resources. Alternative dispute resolution centers similarly have been located in more branch courts in that county to increase their accessibility.

Direct services to assist the public have been instituted in a number of other ways. Stanislaus County's court has been able to establish its first court-appointed special advocate program to assist minors going through the system. Contra Costa's court created victim and witness waiting rooms at two court facilities. San Mateo established a children's waiting room.

Through its community focused strategic plan, Solano County's court formed a core-planning team that held public forums in every city in the county. One outcome was the creation of a real-time website that permits members of the public to obtain information about jury duty status, tentative rulings in civil law and motion proceedings, and direct case docket information for all civil, criminal, family law, and probate cases. In addition, anyone may download all local forms and the local rules of court. In Ventura County, self-help legal access centers are available in more locations, and a mobile self-help center now brings information directly to the public, particularly in outlying areas.

In revamping their operations, courts have coordinated with local justice-related agencies as well as with the public. Contra Costa's courts are collaborating with the county, the district attorney, the public defender, and the sheriff on a long-term facility master plan. Already, cooperative efforts have resulted in a new, more secure, and efficient juvenile courtroom.

I could continue listing the many benefits that already have resulted from unification, and I believe that many more are forthcoming. The common theme from this remarkable variety of efforts is the focus on improving the courts' service to the public. As the Yolo court stated: "In sum, we do more and we do it better as a unified court."

Although unification has been a catalyst for creativity, generating all these new programs, individuals seeking the assistance of our courts still have many unmet needs. The study and development of new approaches must continue. But the momentum propelling our courts will be stopped if adequate resources to respond to the public's needs are not provided. Continued cooperation with our sister branches and with local agencies and organizations involved in the administration of justice is vital.

One new enterprise recently launched is the Judicial Council's Proposition 36 implementation working group, which includes members from our sister branches, with whom we are closely collaborating. In courts across our state, drug courts have been integrating treatment options in the community into the courtroom process. The enactment of Proposition 36 has provided new challenges and opportunities.

This working group draws its membership from all stakeholders. Its aim is to develop a set of court- and treatment-models that will enable trial courts to ensure adequate availability of services to successfully implement the initiative measure in a coordinated fashion statewide—while keeping in mind local needs.

The group also will provide recommendations to trial courts and the Department of Alcohol and Drug Programs on legal, policy, and operational issues related to Proposition 36, recommended standards for treatment providers, better estimates of the anticipated client population, an analysis of the proposition's fiscal effects and costs, and recommended policy and legislative initiatives so that we may work with you to resolve any problems.

Another task force will be addressing the continuing issues posed by unrepresented litigants in order to coordinate a statewide response. This task force will focus on developing resources and on crafting recommendations to be presented to the Judicial Council, the State Bar, and others. Initial responses to this problem already include self-help centers, as well as family law facilitators; family law, small claims, and proper information centers; videos on family court procedures and child custody processes; options for judicial mediation and arbitration; and assorted informational publications and web sites.

The equal access fund, in partnership with the State Bar's legal services trust fund, now supports 15 programs providing pro bono assistance in 17 courts to address domestic violence, guardianships, family law, landlord/tenant, and general civil matters. The cooperation of local Bar associations and the State Bar in providing pro bono



assistance has been key to the success of many of these measures. As the number of unrepresented litigants grows, so must our ability to meet their needs.

Inadequate facilities still plague many courts. Unsafe, insecure buildings with insufficient room too often are the rule rather than the exception. Again and again, in reports on the benefits of unification, courts stated that even after diversifying the uses of their available facilities, they still need more space for courtrooms, staff, jurors, and desirable services and amenities for the public.

Later this year, the task force on court facilities will provide a comprehensive report to you on the condition of every one of the approximately 400 courthouses in this state. I believe that you will find the results alarming in many instances. Too many locations simply are unfit for the purpose for which they are being used. Every day, because of earthquakes, disrepair, and inadequate space, these structures pose a threat to those who work within them, and to those who come to them for court services. As you grapple with the need to maintain and replace our state's aging facilities, I hope you will consider California's court facilities as vital parts of California's infrastructure, just like its bridges, highways, schools, and public hospitals.

Court security remains an urgent problem. Not only do many courts lack the funds to screen those who enter the courts, but the cramped physical layout of courthouses increases the potential danger. If there is no safe place to separate witnesses, victims, or volatile family members waiting for their appearances, these individuals are put at a very real risk of grave harm and even death. During the last year, we again have had the sad experience of courthouse shootings to prove it.

Improving the courts' inadequate technology systems is essential to further enhancing court services. Individual courts already have been developing web sites to provide unprecedented public access to information about the courts and their procedures. Projects are underway to permit e-filing with the trial courts, including measures aimed specifically at easing the burdens of complex litigation.

The six districts of our intermediate court of appeal provide on-line access to information about their cases and can furnish automatic notification to counsel and the parties concerning significant events in a particular case. In the supreme court, where our opinions are immediately available on-line, we are studying ways in which creating an electronic record in our massive capital appeals may make them not only physically easier to handle, but also will assist in avoiding unnecessary delay in record correction and certification and facilitate the filing of briefs.

In the past, the implementation of information technology at the trial courts was, to put it mildly, haphazard. To help bring order out of chaos, the Judicial Council's court technology advisory committee has developed requirements that local courts' systems must meet.

Four regional trial court groups have been collaborating successfully on procurement, staffing, and systems development in the trial courts, and 6 small rural courts will be serviced centrally through the administrative office of the courts.

Looking ahead, we are eager to develop integrated systems that will allow coordination among courts, law enforcement, the Attorney General's Office, and the Department of Motor Vehicles that should

also benefit the Bar, the public, and the press. We intend to define standards for sharing information among courts and with justice system partners.

Generally, we envision a comprehensive plan for telecommunications architecture in the trial courts to permit easy communication across county boundaries—and with the courts of appeal and the supreme court as well. Much progress has been made, but much more remains to be done. The potential for improving service to the public through the application of technology is enormous, now that we are coordinating the efforts of 58 jurisdictions instead of more than 200.

Great advances also have been made in jury reform. The one-day-or-one-trial program that you adopted—at our request—for jury service is expanding rapidly throughout the state and clearly has improved juror response. Other measures to improve jury service, including last year's increase in juror compensation—which I hope was only the first stage—and local measures to acknowledge the important contributions of jurors also have had a positive impact. Unification, by the way, means that jurors no longer are subject to summonses from multiple jury offices within a county.

The council's jury instructions task force has written hundreds of new jury instructions drafted in user-friendly lay language. These instructions have been reviewed by lawyers, judges, and others, whose thoughtful and useful input is being incorporated into the final work product.

At the Supreme Court, we have been working closely with the Habeas Corpus Resource Center, the Office of the State Public Defender, and the California Appellate Project to attract more counsel to represent individuals on death row, while maintaining high competency standards for appointment by the court. The steady rise in the number of unrepresented capital defendants has been brought to a halt, but we still have a substantial backlog to contend with.

The preliminary results of a pilot project, established with the support of the Governor and the Legislature, to provide specialized treatment for complex litigation in six counties, have been very positive. These projects, along with ones studying approaches to alternative dispute resolution, are providing data and models that we expect to implement statewide.

I also have appointed a supreme court advisory committee—in response to your request that we study the matter—to consider the complex area of multijurisdictional practice for lawyers—proposals to allow lawyers from other states to practice in California or join our Bar without passing our Bar examination. The group has met once already, and has set a regular schedule aimed at providing a report by the Fall.

We also have seen great progress in improving the payment, competency, and availability of interpreters. And in another approach to making court proceedings more comprehensible, the council has adopted uniform statewide rules covering more and more areas of practice.

Another important consolidation has been the establishment—within the administrative office of the courts—of the center for families, children, and the courts. It already is overseeing many of our efforts to assist proper litigants in family matters, and will continue to focus on

delinquency and dependency improvements and a proposal for model family and juvenile courts.

In short, we are actively finding ways to improve the administration of justice for the public, for jurors, for lawyers, for staff—and even for jurists. I thank you for the much-needed 8.5% raise provided for judges last year—the first in many years. This was the first half of an adjustment based on a thorough study of private and public sector salaries. The increase was a widely appreciated demonstration of your understanding of the need to attract and retain an experienced and well-qualified judiciary.

Consistent with our discussions last year on spreading the proposed salary adjustment over 2 years, Senator Burton has introduced Senate Bill 82, which would implement the second half of this measure. Superior Court judges still lag behind many public lawyers—often behind the deputy district attorneys, deputy public defenders, and deputy county counsel who appear in their courts—not to mention the widening gap between judges and many first-year associates just starting their careers as lawyers. We must encourage talented individuals to join government service at every level, and ensure that the best and the brightest in public service are not disadvantaged if they join the Bench.

And to ensure that we have sufficient judicial resources, we are continuing to work with the Governor and with the Legislature to provide much-needed additional judgeships.

Last year I spoke in more global terms about access and what the courts were doing to improve their service to the public. This year, I have described a menu of unsurpassed variety, ingenuity, and efficacy crafted in our courts out of the raw materials of existing resources and new management structures and strategies. I believe that our Judicial Branch has much to be proud of.

I am pleased to report that with the tools that the Legislative and Executive Branches and the people of California have provided us, the courts have vastly transformed the delivery of services to the public. Our job is not done—indeed, it will never be complete. Our constantly changing society will always find new challenges to lay at the courthouse door.

The Internet is a phenomenon that had barely begun to flourish when I first became a Supreme Court Justice in 1991. In fact, copy machines had not yet begun to threaten the primacy of carbon paper when I became a Municipal Court Judge in 1972. We can anticipate that something no more than a gleam in the eye of a dreamer today will revolutionize our world tomorrow. But I can assure you that the Judicial Branch is better able now than ever before to absorb, adapt, and implement whatever innovations come our way.

We look to you and to the Governor to continue as our partners in improving the administration of justice in order to better serve the public. As the constitutional doctrine of separation of powers recognizes, while our three branches of government are independent, in many ways they are interconnected as well.

I am truly honored to play a part at this exciting time in the history of our state and of our Judicial Branch. And I am grateful to have had this

opportunity to present to you some measure of the remarkable contributions and accomplishments made by the judges, administrators, and staff of California's courts.

Thank you again for your invitation to address you today. I look forward to continuing to work together with each of you in the future. And I invite you to join me and members of the Supreme Court, the Judicial Council, and the Administrative Office of the Courts on the first floor of the Capitol Rotunda for a reception that will begin shortly.

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# California State Assembly



Proceedings  
in  
Joint Convention

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## STATE OF THE JUDICIARY

Address by

The Honorable Ronald M. George  
Chief Justice of California

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Assembly Chamber  
March 12, 2002

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## STATE OF THE JUDICIARY

DELIVERED BY

CHIEF JUSTICE RONALD M. GEORGE

TO A JOINT SESSION OF THE CALIFORNIA LEGISLATURE

Sacramento, California

March 12, 2002

Good afternoon. I want to thank Senate President pro Tem John Burton and former Speaker of the Assembly Bob Hertzberg, as well as the new Speaker Herb Wesson, for the invitation to speak to you. I am delighted to be here to address you concerning the state of our Judicial Branch—and am pleased to be joined by my colleagues on the California Supreme Court. Justice Brown, who is out of the country, sends her regrets.

As you already know, this past year saw a change in the personnel on the Supreme Court. Justice Stanley Mosk died in June after serving on the Supreme Court for 37 years—almost one-quarter of the Court's history—in addition to serving 16 years as a Los Angeles Superior Court Judge. His contributions to the law have been nationally recognized, and those of us who served with him on the courts or worked under him during his service as Attorney General—as did Senator Burton and I—feel a deep sense of loss, both professionally and personally.

Although filling Justice Mosk's seat on the Court was a daunting task, Governor Davis appointed an individual of outstanding ability who already has demonstrated that he too will make major contributions to the work of our Court and to the development of the law of our state. Justice Carlos Moreno has immersed himself in his new responsibilities with energy and enthusiasm. In the five months that he has served so far, he has demonstrated a host of admirable qualities—not only as a jurist, but as a collegial member of our Court. His fellow justices, as well as the people of the State of California, are most fortunate to have him on the Supreme Court.

Momentous events since I last spoke to you, occurring far beyond California's borders, pose profound challenges for our society, our state, and our courts. The tragedy of September 11th and its aftermath have demonstrated once again, to us all, that peace and justice are not guaranteed—and that they must constantly be protected and renewed. For those of us serving in the courts, these events have reinforced at the most basic and personal level the critical role of the rule of law in our democratic society, as well as our duty to protect and preserve it.

California's strength arises in large part from its tremendous diversity. In confronting the challenges to our national and state security, our obligation is to adhere to the rule of law and to respond not blindly, but justly—we must seek to act not out of fear, but out of reason.

Our state and our nation are meeting these challenges, and our Judicial Branch is committed to continuing to ensure that we do so as well.

Another major challenge for all of us in government has been to continue performing our core functions despite the constrained resources available in a period of economic downturn. The Judiciary will fully meet its responsibilities within our existing resources and will not be seeking funds for new programs or major program expansions. And we are making responsive adjustments to this year's and next year's budgets.

Our court system has been able to carry out its functions in these difficult times thanks to the excellent cooperation between the Judiciary, the Legislature, and the Governor during the past few years. The Judicial Branch has been afforded a stable and reliable source of funding that—for the present—has allowed it to lessen the adverse impact of these recent events, while still continuing to serve the public's growing needs.

Two factors have been critical: first, the shift from county to state funding of our trial courts—made possible through legislative action in 1997, and second, the impact of the unification of some 220 superior and municipal courts into a single level of 58 superior courts, one in each county. Unification followed adoption of a constitutional amendment that you placed before the voters, who approved it in June 1998 by an almost two-thirds vote.

Unification represents the culmination of an historical development that began shortly after the Judicial Council was created by the voters' approval of a constitutional amendment in 1926. At that time, some 800 separate trial courts existed in California—there were then 8 different types of court below the superior court, including district courts, county courts, city courts, probate courts, recorders' courts, class A and class B township courts, and police courts—court relics that persist in some other states, but no longer in California.

Unification and state funding have combined to enable our 58 trial courts to more efficiently redirect administrative and judicial resources. The resulting reconfiguration provides our system with the ability to meet new needs and undertake innovative and effective projects while using existing resources—although this reallocation will not sustain indefinitely. And—as promised—these changes have resulted in greater accountability on the part of the Judicial Branch to the Legislature and the Governor.

Working in close cooperation with the Department of Finance and the Legislative Analyst's Office, the Judicial Council and its staff arm, the Administrative Office of the Courts, are implementing a financial system that will allow us for the first time to track accurately and comprehensively the costs of the court system, and to set budget priorities—taking into account long-term goals as well as the state's current economic condition.

To support the statewide implementation of Judicial Council policies and to meet the needs of local courts, the Administrative Office of the Courts recently established three regional offices located in Los Angeles, Sacramento, and San Francisco, headed by highly qualified and respected former trial court executive officers.



We thus are doing our part, in a number of ways, to assist you and the Governor in reducing state expenditures—without compromising services essential to the public.

Our courts continue to expand alternatives to traditional court proceedings in order to meet the needs of particular populations of litigants. For example, we are providing more domestic violence services, with the cooperation of district attorneys, public defenders, probation departments, and social services agencies and other institutions.

In some counties, individuals used to face a long journey to get to a superior court facility to seek the necessary domestic violence restraining order. Now that separate municipal court locations have been transformed into unified superior court locations, help is easier to obtain for many. And the Administrative Office of the Court's Center for Families, Children, and the Courts has developed a broad array of materials, including informational booklets and videotapes available in several languages, to assist those seeking such orders.

Starting last year, Proposition 36 mandated a new approach to drug offenses. The Judicial Council and judges with experience in the growing drug court movement in this state collaborated with all those involved in implementing this measure to provide a structure to make it work. The courts have made a remarkably smooth transition to accommodate and implement the requirements of Proposition 36.

Other programs, such as peer courts for teenagers and juvenile mental health courts, continue to provide alternative forums to administer justice that look beyond the current charge in order to prevent future crimes. I have visited several collaborative court sessions and have come away hopeful and very impressed by the dedication of the persons who work in these programs.

In a completely different response to the need to improve access to the courts, we have had great success with the pilot programs established in 6 counties to provide specialized handling for complex civil cases.

Another effort designed to make the court system more user-friendly is an ongoing Judicial Council task force project to write new model jury instructions in lay language rather than arcane legalese. And by the end of this month, the one-day-or-one-trial system for jury service, which you helped us to adopt, will be in place in virtually every part of the state. This innovation has been greeted with enthusiasm by members of the public summoned to serve as potential jurors.

The Judiciary is not restricting its focus to changing courtroom structures and procedures. We are pursuing other avenues in our ongoing effort to provide fair and accessible justice. For many individuals, retaining an attorney in order to vindicate one's rights simply is not possible—and as a result, their ability to make full and fair use of our justice system is limited. Over the years, I personally have participated in a number of efforts to encourage increased pro bono contributions by attorneys. I am pleased to say that many counsel have answered the call and provide assistance that every year truly makes a difference in the lives of countless Californians.

There still remain many individuals who need help. Neither pro bono contributions nor available legal services programs are sufficient to

meet all the legitimate needs. One area of the law that has the fastest growing caseload and affects the most fundamental relationships among our residents—family law—has the greatest number of unrepresented litigants. For many individuals, their only substantial encounter with the courts involves the dissolution of their marriage, issues of child custody or child support, a domestic violence restraining order, or a juvenile court proceeding. Without help to navigate the legal system, resolving such matters can be intimidating and confusing.

Courts are working in a number of ways to aid those who lack legal representation. With your assistance, we have placed child support facilitators in every courthouse. With the funds that you have provided to improve legal services, many courts have formed partnerships with local bar and legal services associations to furnish basic services to unrepresented litigants. Increasing numbers of courts have installed self-help centers at the courthouse to guide litigants through the process.

Another area in which we have been working actively is improving interpreter services for the many individuals who come to court needing assistance in understanding the proceedings. With your assistance, we have increased compensation and expanded training and certification programs to broaden the pool of available interpreters.

In a recent opinion, the California Supreme Court observed that some 224 languages are spoken in our state, and that 4 per cent of our residents speak no English. The Court explained that “A recent sample of superior courts in nine counties indicates that in one fiscal year, the courts provided court interpreters for 64 or more languages ‘literally from A to Z (Albanian to Zapoteco).’ It is estimated that more than 100 languages are interpreted in the courts of California.” Access is meaningless without the ability to understand the proceedings. A continuing priority of the Judicial Council is to provide qualified interpreters for those persons who need them.

In addition to an extraordinary array of programs initiated in individual courts across the state, the Judicial Council placed on-line last July a self-help legal website that has generated tremendous interest and enthusiasm. In the first several weeks after it was launched, the site received more than 1 million hits. The website displays a menu of information about support and other family law matters, juvenile court proceedings, guardianships and conservatorships, traffic court, small claims procedures, and domestic violence assistance. By clicking on the subject of interest, the user is provided with background information and step-by-step directions explaining how to process a case.

The domestic violence section, for example, contains an easy-to-follow format for seeking a restraining order—and for responding to a request for such an order. But it does far more—it offers information on forming a safety plan, as well as the telephone numbers of hotlines and other resources providing assistance—or aid for children and teenagers, and an overview of domestic violence proceedings and the criminal justice system. We are translating this information on-line into Spanish, Chinese, and Vietnamese to extend its reach into other segments of the community.

Overall, the website provides more than 900 links to other sites, including information on where to turn for low-cost or free legal and social services assistance, other sources of legal information, alternative dispute resolution options, and general information on the courts—local

and branchwide. Although, when it comes to the new technology, my own personal abilities are rather neanderthal, I am very enthusiastic about this new tool.

A self-help website will never take the place of legal representation by an attorney—but for some individuals, it may mean the difference between being able to participate in the process in a meaningful way and having their rights and interests overlooked in a system that simply may be too complex for them to penetrate effectively. Perhaps the greatest testimonials to the excellence of our website are the reports we have received of a significant number of lawyers, librarians, and journalists who have logged on—not out of curiosity, but to obtain information.

I have described in years past many of the other innovations undertaken to improve public access to the courts, and I want to bring you up to date on some recent developments. Last December, the Judicial Council expanded public access to electronic trial court records while protecting the right of privacy. The balanced plan adopted by the Council was the product of a multi-year study that broadly surveyed a range of interests and considered the implications of adopting different approaches.

Questions involving the scope of access to information on the internet permeate our society. This extraordinary tool has enormous potential—but not all of it is beneficial. The courts are carefully weighing the needs of the public and the interests of litigants. Disclosure that may seem reasonable in one context may have far different implications in another.

The Judicial Council's adoption of rules for electronic public access to court-record information places our state on the cutting edge of the debate. Other jurisdictions look to us as a model in this as in so many other areas. We will be carefully monitoring the impact of the rules that have been adopted to see whether changes are appropriate.

Using a more familiar electronic medium, the California Supreme Court has permitted some recent oral arguments to be televised publicly. And we have taken our show on the road as well. Last year, in addition to our regular oral argument sessions in San Francisco, Sacramento, and Los Angeles, we met in special session in Orange County, as we have done in previous years in San Diego, Riverside and Ventura. A session will be held in Fresno this Fall.

Attendance at these proceedings is not limited to those present within the courtroom. The courts and the Bar in Orange County carefully planned the event in cooperation with our court and invited local schools to participate in a number of ways. Students were rotated in and out of the courtroom, and the session was televised by closed-circuit to auxiliary locations, where teachers encouraged discussion about the process and the issues.

In Fresno, we are planning to televise the arguments up and down the Central Valley on the local public access station. In cooperation with local school officials, the broadcast of one of the morning sessions will be made an optional part of the curriculum. Local judges and Bar members will be asked to assist in classrooms, and will be provided with basic materials on the cases to be argued.

Some of our courts of appeal have undertaken similar programs of their own. This exposure to the courts in operation, along with guided

discussions to help students gain insight into the process, is yet another vital step in educating young people about the courts, their role in our society, and why our nation's legal and judicial process is so important to their lives. Similarly, trial courts all over California are engaging in outreach programs on an ongoing basis with students at every level in their communities.

The Supreme Court, as well as the courts of appeal and many trial courts, can now be reached on-line. The latest appellate opinions appear electronically within moments of filing. Our court's minute orders and weekly summary of opinions also are available immediately. Information on an individual case can now be found by case-name or case-number, and the docket sheet can be viewed on-line. And a person can register to receive electronic notification of activity in a particular case.

In addition, working with the Legislature, we have made unpublished opinions of the courts of appeal available on-line for a reasonable period of time. And the Judicial Branch is deeply involved in the Attorney General's committee to develop a fully integrated technology for the criminal justice system. In short, we are enthusiastically embracing the use of new tools to broadly disseminate information about court proceedings.

Our cooperation with you—the Legislature—reaches into many other areas as well. At your behest, the Judicial Council convened a panel of experts to advise the Council on crafting a code of ethics for private arbitrators, to be completed by July 1st of this year.

Legislative staff members were of great help on the Supreme Court's advisory task force on multijurisdictional practice, which explored the implications of proposals to allow lawyers not admitted to practice in California to join the Bar without the necessity of passing our Bar examination—or to undertake certain legal tasks under specified conditions. The Court will be appointed an implementation committee in the very near future, and we hope once again to have the benefit of input from legislative staff.

The Judicial Council and the state Bar also convened a committee to consider issues that you had raised about the tri-partite relationship among insurers, insurance defense lawyers, and insureds. The group reached consensus on modifications to a rule of professional conduct which presently are being circulated by the Bar for comment. The Supreme Court and the Judicial Council have been working closely with the Bar on a number of other issues, and this increased coordination has proved beneficial to us all.

The California Supreme Court has been evaluating its handling of death penalty appeals and has taken a number of steps to maintain the high level of legal representation generally afforded those defendants in this state, while reducing unwarranted periods of delay in the process. Supreme Court staff have been meeting regularly with the entities charged with providing legal assistance to defendants on death row in order to solve the difficult problem of the large number of such individuals lacking counsel for an extended period of time following their conviction.

We already have made several internal changes at the Supreme Court to streamline and improve our processing of capital cases, and the

defense entities have been working on the problem from their end by improving training and conducting more outreach to the defense community to attract attorneys willing to handle these difficult cases. In addition, you enabled us to hire a new group of five attorneys who will form the nucleus of a capital case central staff—headed by a very experienced member of the Court’s staff—that initially will assist the Court in handling motions and capital-case-related habeas corpus petitions.

I now want to turn to a subject of increasing concern to the Judicial Branch—courthouse facilities. As part of the 1997 Trial Court Funding Act, you created the Facilities Task Force, composed of representatives from all three branches of Government. As part of the task force study, experts visited every court location in the state to report on facility conditions and needs.

The sponsoring legislation recognized the need to get a process underway for the transition from county to state ownership of the 451 courthouse facilities in the state of California—facilities that are owned by the counties but that support programs that are the responsibility of the state. The current governance structure is unworkable. The counties are responsible for facilities and staff authorized before 1998, and the state for those authorized after that year. This split in responsibilities guarantees that future needs will remain unmet unless a change occurs.

It is essential that we provide safe, secure, and adequate facilities for those who work in the courts and those who have business there. On Independence Day in 1898, Judge J. E. Prewett spoke at the dedication of the Placer County Courthouse. His words capture the spirit of the courthouse in our community: “It is our temple of justice. It is the repository of our titles, the fortress of our personal and property rights, the fountainhead of our school system, the registry of our births, marriages, and deaths, and its inmates stand guard by day and night over the peace and good order of our communities.”

Unfortunately, far from being temples of justice, many of the courthouses in our state pose dangers to those who come to them for justice. Security is inadequate, sometimes making a court appearance a hazardous experience for litigants and witnesses. Some courthouses have no assembly room for jurors, who must wait in hallways. Or—as I observed during the visits I made to the courts in every county my first year as chief justice—sometimes jurors are seated on concrete steps in stairwells, waiting to perform their civic duty. At a courthouse located in the city of San Bernardino, the threat of collapse during a moderate earthquake hangs over the heads of all who work in or visit the facility. Basic maintenance has been deferred in many locations, creating safety and health risks. And often, inadequate wiring makes using modern technology a challenge.

What message is conveyed about the value we place on justice when the structures in which it is rendered lack basic amenities? Our judicial system does not need, want, or expect palaces. But it does deserve facilities that are secure, well-maintained, and adequate to serve the public’s needs.

The report of the facilities task force was lodged with the Legislature and the Governor last Fall. And in a related forum, I was fortunate to be a member of the Governor’s infrastructure task force on building

California for the 21st century so that I could convey to the many other participants the integral role that courts—and courthouses—play in our state's overall infrastructure.

Senator Martha Escutia has introduced Senate Bill 1732 that we hope will serve as a vehicle for ensuring responsibility for adequate courthouse facilities in California. Our goal is to lay the groundwork this year for a transfer of responsibility to the state in fiscal year 2004–2005. We have had preliminary discussions with your leadership and with the Governor's office about the need to focus on this long-term objective. We look forward to working with you to achieve a practical and affordable means of providing the people of our state with the court facilities they require and deserve.

The Judicial Branch is moving ahead on a number of fronts and is using all the tools and resources available to us. As, however, I have found in the time I have been privileged to serve as a judge in the courts of this state—a period of service that, next month, will reach the 30-year mark—the greatest asset of the Judicial Branch is the people who work in and with the courts—judicial officers, court administrators, and staff. Their creativity, enthusiasm, intelligence, and commitment have been the most vital factor in the recent successes of the Judicial Branch in improving and expanding its service to the public.

I could describe a host of additional programs and initiatives we have taken. But the most important message I want to deliver is that by working closely with you—the Legislature—and with the Executive Branch, with the Bar, and with the community, the Judicial Branch intends to continue without pause its efforts to administer justice fairly and accessibly to all. Our partnership with you already has enabled us to implement unprecedented measures that make a real difference in the operations of our courts and in the daily lives of Californians. Those of us who serve in the Judicial Branch are grateful for your support and assistance in this endeavor.

We all are well aware that we live in changed times. Uncertainty has become our daily companion. The inclination to stand fast and to resist change is natural and is something we have had to overcome in the Judiciary. But this is not the time to abstain from action and innovation. Only by remaining committed to progress, by leading instead of reacting, and by looking forward with hope, with dedication, and with caring, will we preserve the values that have made our state and our nation great.

With your continued help and leadership, I am confident that the Judicial Branch will continue to fulfill its role in serving the public and preserving the principles that we all cherish.

In conclusion, I thank you again for the opportunity to address you today. I hope that you will join me and members of the Supreme Court and the Judicial Council and its committee chairs, as well as Bill Vickrey, the Director of the Administrative Office of the Courts, and members of his staff, on the first floor of the Capitol Rotunda at the reception that will begin shortly. It will provide an opportunity to learn more about the activities of the Judicial Branch.

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# California State Assembly



Proceedings  
in  
Joint Convention

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A STATE ADDRESS

By

THE HONORABLE VICENTE FOX  
PRESIDENT OF THE UNITED STATES OF MEXICO

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Assembly Chamber  
March 21, 2001

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REMARKS BY PRESIDENT VICENTE FOX QUESADA  
TO THE  
STATE LEGISLATURE OF CALIFORNIA

Sacramento, California  
March 21, 2001

Mr. Speaker,  
Ladies and Gentlemen of the Legislature:

Mexico and the United States are very closely linked by geography and history. Our bilateral relations are certainly complex, yet they are also promising, a source of enormous opportunities and major challenges. Today, both countries are experiencing unprecedented circumstances that enable us to capitalize, as never before, on these opportunities and to face present and future challenges in innovative and constructive ways.

We Mexicans have demonstrated our political maturity. We are now free to exercise the rights of a modern democracy. Domestic issues are discussed in an unlimited fashion; open and frank debate is being given naturalization papers in our collective life; and channels of political participation are more open than ever before. Mexico has now become a member of the group of democratic nations. The Mexican people are now ready to achieve the goals we have set for ourselves.

I truly believe that this is the best time for the governments of Mexico and the United States to work together, based on a full, mature and equitable association that fosters shared prosperity for our societies. Each of the traits with which we want to stamp the new relation between Mexico and the United States calls for close collaboration and a commitment to attain the goals we have set for ourselves. The same is true, now more than ever, of the relations between Mexico and California.

The full relations that we want to build demand that the authorities of both nations work together to find solutions to bilateral issues as complex as transnational organized crime or the phenomenon of migration, but also that we discuss regional and international topics of mutual interest. Clearly, ongoing and frank dialogue involving the participation of all levels of government will be needed if our countries are to reach understanding and consensus.

The mature relations we seek to establish imply the freedom to clearly express points of difference and of agreement. Transparency and confidence must consequently prevail in the daily dealings between our governments, thus making it possible to avoid placing our common long-term objectives at risk because of circumstantial issues. Only thus will we be able to build relations free of the obstacles that previously thwarted efforts to deal comprehensively with the problems we face.

The equitable relations we wish to promote involve placing priority on development and growth, so that we can improve the prospects and opportunities of those who have the least. Let us not forget that the region's economic progress will only be sustainable and sound if it is able to enhance the well-being of all social groups, particularly those that have so far been excluded from the distribution of wealth. Equitable relations also imply having both governments do away with unilateral actions that only undermine trust.

What better place than the State of California to foster a new stage of development and shared prosperity between Mexico and the United States. This is why I would like to express in this illustrious building my confidence that our countries, friends and partners in this vast enterprise, will arrive together at a better future.

This is the moment to leave years of misunderstandings and mutual mistrust behind us, to focus on more cooperative relations in keeping with the pace of the changes that have taken place in both nations. We recognize that in the past, the political system prevailing in Mexico favored a monolithic and rather unfavorable perception of our nation. The democratic Mexico of today, on the other hand, fully shows that only by looking or glancing superficially can one endorse a summary disqualification of Mexico and Mexicans. Living in democracy means accepting and appreciating the diversity and richness of others, based on a respect for differences and the search for consensus.

We have paid the cost imposed on us by the authoritarianism of the past, but our efforts and convictions have enabled us to overcome that stage of our history. This is why we foresee a better and more effective understanding and harmony between both countries not only at the governmental level, but also at the social and cultural levels. We are well aware that between democracies, differences enrich and foster collaboration. Let us build a democratic alliance for prosperity.

You, ladies and gentlemen of the Legislature, have an essential role to play in the relations between our two nations. Today interaction between the congresses of both countries is a vital and powerful instrument for progressing in our common enterprise. The next United States-Mexico Interparliamentary Meeting, to be held in Napa, California next May, represents a timely occasion for bringing the relations between the legislative branches of both countries even closer.

Of no less importance is the work that legislators representing border states can do to promote the shared prosperity that we all want for our societies.

Members of Congress:

In recent years we have witnessed the increasing integration of North America, not only at the economic level but also in social, political and cultural affairs. We have observed with interest a growing interaction and greater efforts for understanding at all levels of government, between businessmen and between numerous non-governmental organizations. Today, more than ever before, our bilateral relations are not limited to the ties between our capitals, Washington and Mexico City, rather it extends to all areas of an active neighboring relationship between two complex and flourishing countries. Within this interaction,

perhaps the border area stands out as the richest albeit the most complex part of the relations. I hardly need say it, California plays a priority role in this setting.

Thanks to its strong relations with Mexico, California's exports to our country have increased by almost 200 percent over the past seven years. As a result, my country has become the world's main market for Californian exports. Over 175,000 jobs in California are directly linked to export activities toward Mexico and the trend of these indicators reflects that these figures will continue to rise.

This reality should encourage us in our efforts to find better mechanisms for cooperation in all spheres. Driven by the engine of trade, the remaining aspects of our relations can be incorporated into a matrix of prosperity if we address them fully, maturely and equitably.

In Mexico and California, we face the pressing need to cooperate along the border. We should conceive of the border more as a joining line than as a dividing line, since it is there that the challenges, interests, objectives and outlook of the relations take on tangible and immediate form. Let us make the proximity of our peoples into a source of solutions instead of a generator of controversies. I firmly believe that now is the time to work together toward achieving our common objectives. I would like to refer to a few specific issues that directly concern California-Mexico relations, issues that demand our urgent attention.

One issue of mutual interest that has not been exempt from difficulties is the subject of migration from Mexico to the United States, and particularly to California. As you know, 90 percent of the work force in Californian fields is of Mexican origin and contributes at great sacrifice to this state's productivity and competitiveness. We cannot ignore this fact. The work we do jointly to deal with the migratory issue in this state will be fundamental not only for Californians and Mexicans in California, but also in order to establish a long-term guide for a phenomenon that has undoubtedly become enormously important the world over.

My administration will make every effort to produce economic conditions conducive to the development of our cities and towns. But it will also seek to negotiate an orderly plan for migratory flows that ensures respect for the rights of migrants, decent employment conditions and the resulting certainty for authorities and employers. We want to work in common agreement with US authorities in order to address the phenomenon of migration and its labor aspects constructively and with a long-term vision.

With this in mind, President Bush and I agreed, during his recent visit to Mexico, to instruct our two administrations to begin formal high-level negotiations as soon as possible aimed at reaching short and long-term agreements that will enable us to constructively deal with migration and its labor aspects.

The experiences of the state of California will be invaluable in this process. This state has first-hand knowledge of all aspects of the phenomenon of migration, from the seasonal farm laborer programs of the 40s to the cooperation of present times. With our eyes set on the future and without failing to recognize both good and bad decisions, let

us make the most of the opportunity to collaborate on this issue on both sides of the border, based on realistic and humane views of the phenomenon of migration.

I would like to take advantage of the generous opportunity offered to me by this State Congress to express my recognition of the spirit of work and sacrifice shown every day by the workers of Mexican origin, whose efforts have contributed to the growth and productivity of California's economy. I believe that women and men of Mexican descent have not only made the state's current prosperity possible, but through their traditions and customs they have also given greater vitality to the rich and diverse culture of California.

We believe that the work and contributions of these hard-working people deserve to be recognized and should open the doors for them to a better quality of life. We are therefore of the opinion that they should have greater access to the California educational system, especially to the state's excellent higher education programs. We Mexicans are very proud of the achievements of our Nobel laureate Mario Molina, a graduate of this educational system whose professional career offers positive proof of what can be accomplished with the right opportunities. Help us to give these people access to the virtues of California's excellent educational system.

Together with addressing the phenomenon of migration, the fight against drug trafficking is a priority that calls for concerted action by our governments. No country alone will be able to battle and stop the scourge it represents. We must eradicate the violence generated by drug trafficking and not rest until we have done away with the lack of safety and the corruption that undermine all aspects of life in society. We need flowing cooperation at all levels of government if we are to break the chains of production, transportation, sale and consumption of narcotics on both sides of the border. Cooperation by our societies clearly favors the achievement of this objective; unilateral measures and a lack of confidence and communication hinder it. Not cooperating would benefit the criminals.

Mexico and the United States have significant energy resources, both renewable and non-renewable, the generation of which is often undertaken in border and shared areas. We will not lose sight of the region's strategic needs in the search for new energy production, sale or exchange mechanisms. We will seek to be close and effective partners in facing the problems raised by scarcity of resources or market imperfections.

Water is a subject that has become increasingly important in our bilateral relations. With respect to the waters of the Colorado River, we must ensure that the delta environment is not affected by excessive use of the resource. Last December 12, our governments pledged to work, within a framework of cooperation, to set up programs to protect the Colorado River Delta. This is an issue of enormous importance, in which we must avoid adopting unilateral actions. We must maintain close consultations if we are to make sure that the legitimate interests of both countries are satisfied without risking an irreplaceable ecological environment.

Another pivotal issue is that of energy cooperation. Based on an agreement between the Federal Electricity Commission and the Government of California, Mexico has been providing the state with

sufficient electricity to supply 250,000 Californian homes. The parties responsible for the energy sectors of the countries of North America are currently exploring the best means of providing energy certainty to the region. Our objective is to effectively respond to the needs of economic growth. We are interested in joining efforts and in avoiding any lags, while also taking into account environmental conservation and the preeminence of a comprehensive and long-term vision.

Mexico will continue making efforts to support California's current electricity needs. I made the commitment to Governor Davis to do so and I pledge to do so now to you. Nonetheless, Mexico's electricity is not the magic solution to the problem of electricity supply in the United States. In this process, Mexico will continue to offer surplus energy to the extent of our possibilities, possibilities that we will be able to increase as a result of new investments, development of infrastructure and comprehensive long-term projects. Mexico's response in this matter will always be expeditious and we will seek to have this cooperation fall within the framework of the aspirations of both countries to deepen their relations within the structure of the North American Free Trade Agreement.

Ladies and Gentlemen of the Legislature:

For several years North America has been shaping a good deal of the continental countenance in areas of trade, investments, transportation or tourism. We are an important part of those efforts. The priority issues in United States-Mexico relations have an ever-increasing impact on the evolution of the hemispheric agenda. Any important action taken within the framework of these relations will sooner or later affect the economic, social or political performance of the entire region. We must nevertheless take one additional step. North America should be more than trade. We must attempt to encourage the enormous social interaction that already exists between our peoples, and foster debate and reflection on our capacity and will to deepen and broaden our interaction in all areas.

Our renewed democracy and frank and open dialogue, such as that which we are to have during this important visit, will translate into concrete benefits for all. Let us not fear the future; let us embrace it with determination, imagination and realism. Let us make the most of this historic opportunity to weave a generous net of well-being for our peoples.

Thank you very much.



PALABRAS DEL PRESIDENTE VICENTE FOX QUESADA,  
EN LA LEGISLATURA DE CALIFORNIA.

Sacramento, California  
21 de marzo de 2001

Señor Presidente;

Señores y señoras legisladores:

México y Estados Unidos están íntimamente ligados por la geografía y la historia. Nuestra relación bilateral es ciertamente compleja, pero también es promisoria, fuente de enormes oportunidades y grandes retos. Ambos países vivimos hoy circunstancias inéditas que nos permiten capitalizar, como nunca antes, estas oportunidades y enfrentar de maneras novedosas y constructivas los desafíos presentes y futuros.

Los mexicanos hemos demostrado nuestra madurez política. Ahora ejercemos, en plena libertad, los derechos de una democracia moderna. Los temas nacionales se discuten sin limitación alguna, el debate abierto y franco está adquiriendo carta de naturalización en nuestra vida colectiva y los canales de participación política están más abiertos que nunca. México ha ingresado ya al grupo de las naciones democráticas. El pueblo mexicano está ahora en condiciones para alcanzar las metas que nos hemos propuestos.

Creo realmente que éste es el mejor momento para que los gobiernos de México y Estados Unidos trabajemos juntos, sobre la base de una asociación plena, madura y equitativa que promueva la prosperidad compartida de nuestras sociedades. Cada uno de los rasgos que deseamos imprimir a la nueva relación entre México y Estados Unidos exigirá una estrecha colaboración y un compromiso para alcanzar las metas que nos hemos propuesto. Lo mismo es cierto, más que nunca, en la relación entre México y California.

La relación plena que queremos construir exige que las autoridades de ambos países trabajemos juntas para encontrar soluciones a asuntos bilaterales tan complejos como el crimen organizado transnacional o el fenómeno migratorio, pero que también podamos discutir temas regionales e internacionales de interés mutuo. Evidentemente, alcanzar entendimientos y consensos entre nuestras naciones requerirá un diálogo constante y franco en el que participen todos los niveles de gobierno.

La relación madura que deseamos establecer implica la libertad de expresar claramente las diferencias y las coincidencias. Por ello, la transparencia y la confianza deberán prevalecer en el trato cotidiano entre nuestros gobiernos, de modo que nuestros objetivos comunes de largo plazo no se pongan en riesgo por cuestiones coyunturales. Sólo así podremos construir una relación libre de los obstáculos que en el pasado habían impedido un tratamiento integral de los problemas que enfrentamos.

La relación equitativa que deseamos promover implica dar un lugar prioritario al desarrollo y al crecimiento, de manera que podamos mejorar las perspectivas y las oportunidades de quienes menos tienen. No olvidemos que el progreso económico de la región sólo será sostenible y sólido si logra elevar el bienestar de todos los grupos sociales, en especial de aquellos que hasta ahora han sido excluidos en la repartición de la riqueza. Una relación equitativa también implica que ambos gobiernos deben eliminar acciones unilaterales que sólo minan la confianza.

Qué mejor lugar que el estado de California para impulsar una nueva etapa de desarrollo y prosperidad compartida entre México y Estados Unidos. Quiero por ello expresar en este ilustre recinto mi confianza en que nuestros países, que son socios y amigos en esta vasta empresa, arribarán juntos a un mejor futuro.

Este es el momento de dejar atrás los años de malentendidos y la desconfianza mutua, para concentrarnos en una relación más cooperativa y acorde con el ritmo de los cambios ocurridos en ambas naciones. Reconocemos que en el pasado, el régimen político prevaleciente en México favorecía una percepción monolítica y poco favorable de nuestra nación. El México democrático de hoy, en cambio, revela cabalmente que sólo una mirada superficial o extraviada puede avalar la descalificación sumaria de México y los mexicanos. Vivir en democracia significa aceptar y valorar la diversidad y la riqueza del otro, sobre la base del respeto a las diferencias y la búsqueda de los consensos.

Hemos pagado el costo que nos impuso el autoritarismo del pasado, mas nuestro esfuerzo y convicción nos han permitido superar esta etapa de nuestra historia. De ahí que vislumbremos un mejor y más efectivo entendimiento y concordia entre ambos países, no sólo en el nivel gubernamental, sino también en lo social y lo cultural. Lo sabemos bien: entre democracias, las diferencias enriquecen y fomentan la colaboración. Construyamos una alianza democrática para la prosperidad.

Ustedes, señores legisladores, tienen un papel central que desempeñar en la relación entre nuestras dos naciones. La interacción entre los congresos de ambos países es hoy en día un instrumento vital y poderoso para avanzar en nuestra empresa común. La próxima reunión interparlamentaria México-EU que precisamente se llevará a cabo en Napa, California, el próximo mes de mayo, representa una ocasión oportuna para que se estrechen aún más las relaciones entre los poderes legislativos de ambos países.

Pero no menos importante es la labor que los legisladores de los estados fronterizos pueden realizar para promover esa prosperidad compartida que todos deseamos para nuestras sociedades.

Señores legisladores:

En los últimos años hemos atestiguado la creciente integración de América del Norte, y no solamente en el nivel económico, sino también en el social, político y cultural. Observamos con interés una creciente interacción y mayores esfuerzos de entendimiento en todos los niveles de gobierno, entre los empresarios y entre numerosas organizaciones no gubernamentales. Hoy más que nunca, la relación bilateral no se limita al vínculo entre las capitales, entre Washington y la Ciudad de México,



sino que se extiende a todos los renglones de una activa vecindad entre dos países complejos y florecientes. En esta interacción, la zona fronteriza sobresale quizá como el espacio más rico y a la vez más complejo de la relación. California, sobra decirlo, es un actor prioritario en este entorno. Gracias a su intensa relación con México, California ha incrementado sus exportaciones a nuestro país en casi 200 por ciento en los últimos 7 años, con lo que mi país se ha convertido en el principal mercado en el mundo para las exportaciones californianas. Más de 175 mil empleos en California están directamente relacionados con la actividad exportadora hacia México y la tendencia de estos indicadores nos muestra que estas cifras continuarán al alza.

Esta realidad nos debe alentar en el esfuerzo de encontrar mejores mecanismos de cooperación en todos los ámbitos. Impulsados por el motor comercial, los demás aspectos de la relación podrán integrarse en una matriz de prosperidad si los abordamos de manera plena, madura y equitativa.

México y California enfrentamos la imperiosa necesidad de cooperar a lo largo de la frontera. Debemos concebir a la frontera más como una línea de unión que una línea de división, pues es aquí donde los retos, intereses, objetivos y perspectivas de la relación adquieren una forma tangible e inmediata. Logremos que la cercanía de nuestras poblaciones sea más una fuente de soluciones que un generador de controversias. Creo firmemente que éste es el momento de trabajar juntos hacia el logro de nuestros objetivos comunes. Quisiera referirme a algunos temas específicos que conciernen directamente a la relación de México y California y que demandan nuestra atención urgente.

Un tema de interés mutuo, no exento de dificultades, es el de la migración de México a Estados Unidos y en particular a California. Como ustedes saben, el 90 por ciento de la fuerza de trabajo en los campos californianos tiene origen mexicano y contribuye, con grandes sacrificios, a la productividad y competitividad de este estado. No podemos soslayar este hecho. El trabajo que realicemos de manera conjunta para tratar el tema migratorio en este estado será fundamental no sólo para los californianos y los mexicanos en California, sino para establecer una guía de largo plazo ante un fenómeno que, sin duda, ha adquirido una enorme importancia mundial.

Mi gobierno se esforzará para generar las condiciones económicas propicias para el desarrollo de nuestras ciudades y pueblos. Pero buscará también negociar un esquema ordenado de flujos migratorios que garantice el respeto a los derechos de los migrantes, bajo condiciones dignas de empleo y la consecuente certidumbre para autoridades y empleadores. Queremos trabajar de común acuerdo con las autoridades estadounidenses para abordar el fenómeno de la migración y sus aspectos laborales de forma constructiva y con una visión de largo plazo.

Con este propósito, el Presidente Bush y yo acordamos durante su reciente visita a México instruir a nuestros dos gobiernos para iniciar, a la brevedad, negociaciones formales de alto nivel tendientes a alcanzar acuerdos de corto y largo plazo que nos permitan atender de manera constructiva la migración y sus aspectos laborales.

En este proceso, las experiencias del estado de California serán invaluableles. Desde los programas de braceros de los años cuarenta hasta la cooperación de hoy en día, este estado ha experimentado

directamente el fenómeno migratorio en todos sus aspectos. Con la mirada puesta en el futuro, y sin dejar de reconocer los aciertos y los desaciertos, aprovechemos la oportunidad para colaborar en este asunto a ambos lados de la frontera, con base en visiones realistas y humanas del fenómeno de la migración.

Quiero aprovechar la generosa oportunidad que me brinda el Congreso Estatal para expresar mi reconocimiento al espíritu de trabajo y sacrificio que demuestran cotidianamente los trabajadores de origen mexicano que con su esfuerzo han contribuido al crecimiento y la productividad de la economía californiana. Creo que las mujeres y los hombres de origen mexicano no sólo han hecho posible la actual prosperidad del estado sino que también han dado mayor vitalidad, con sus tradiciones y costumbres, a la rica y diversa cultura de California.

Creemos que el trabajo y las aportaciones de esa gente laboriosa merece ser reconocido y que les debería abrir las puertas hacia una mejor calidad de vida. Por ello, sentimos que se les debe ampliar el acceso al sistema de educación de California, en especial a los programas de educación superior de excelencia del estado. Los mexicanos nos sentimos orgullosos de los logros de nuestro Premio Nobel, Mario Molina, egresado de este sistema educativo, cuya carrera ofrece una prueba fehaciente de lo que se puede lograr con las oportunidades apropiadas. Ayúdenos a darles acceso a las bondades del sistema educativo de excelencia californiano.

Junto con la atención al fenómeno migratorio, el combate al narcotráfico es una prioridad que demanda acciones concertadas de nuestros gobiernos. Ningún país por sí solo podrá combatir y frenar el flagelo que representa este fenómeno. Debemos desterrar la violencia que genera el narcotráfico y no descansar hasta acabar con la inseguridad y la corrupción que minan todos los aspectos de la vida social. Requerimos de la cooperación fluida, en todos los niveles de gobierno, para romper las cadenas de producción, transporte, venta y consumo de estupefacientes en ambos lados de la frontera. La cooperación entre nuestras sociedades favorece claramente el logro de este objetivo; las medidas unilaterales y la falta de confianza y de comunicación lo impiden. No cooperar beneficiaría a los delincuentes.

México y Estados Unidos cuentan con importantes recursos energéticos, renovables y no renovables, cuya generación recae muchas veces en zonas limítrofes y áreas compartidas. No perderemos de vista las necesidades estratégicas de la región en la búsqueda de nuevos mecanismos de producción, venta o intercambio de energía. Buscaremos ser socios cercanos y eficaces para enfrentar los problemas que generan la escasez de los recursos o las imperfecciones del mercado.

El agua es un tema que ha adquirido mayor relieve en la relación bilateral. En el caso de las aguas del Río Colorado, necesitamos asegurar que el entorno ecológico del Delta no se vea afectado por una utilización excesiva de dicho recurso. El 12 de diciembre pasado, nuestros gobiernos se comprometieron a trabajar, en un marco de cooperación, para establecer esquemas que protejan el Delta del Río Colorado. Este es un tema de enorme importancia en el que debemos evitar la adopción de acciones unilaterales. Es preciso que

mantengamos consultas estrechas para asegurar que los legítimos intereses de ambos países sean satisfechos sin poner en riesgo un entorno ecológico irremplazable.

Otro tema central es el de la cooperación energética. Con base en un convenio entre la Comisión Federal de Electricidad y el Gobierno de California, México ha venido suministrando a este estado electricidad suficiente para abastecer a 250 mil hogares californianos. Actualmente, los responsables de los sectores energéticos de los países de América del Norte están explorando los mejores caminos para dotar a la región de certidumbre en esa materia. Nuestro objetivo es responder con eficacia a las necesidades del crecimiento económico. Tenemos el interés de sumar esfuerzos, evitar cualquier rezago, tomando en cuenta la preservación del medio ambiente y la preeminencia de una visión integral y de largo plazo.

México seguirá haciendo un esfuerzo por apoyar las necesidades que California enfrenta en este momento en materia de energía eléctrica. A ello me comprometí con el Gobernador Davis y me comprometo ahora con ustedes. Sin embargo, la energía eléctrica mexicana no es la solución mágica a los problemas del suministro eléctrico en Estados Unidos. En este proceso, prevalecerá el ofrecimiento mexicano de excedentes de energía en la medida de nuestras posibilidades; posibilidades que podremos incrementar sobre la base de nuevas inversiones, desarrollo de infraestructura y proyectos integrales de largo plazo. La respuesta mexicana al respecto será siempre expedita y buscaremos que esta cooperación se presente en el marco de las aspiraciones que ambos países tienen por profundizar sus relaciones en el marco del Tratado de Libre Comercio de América del Norte.

Señoras y señores legisladores:

América del Norte moldea desde hace varios años buena parte del rostro continental en los rubros de comercio, inversiones, transporte o turismo. Nosotros somos parte importante de este esfuerzo. Los temas prioritarios en la relación de México y Estados Unidos tienen un impacto cada vez mayor en la evolución de la agenda hemisférica. Cualquier acción importante en el marco de esta relación incidirá, tarde o temprano, en el desempeño económico, social o político de toda la región. Sin embargo, debemos dar un paso más. Norteamérica debe ser más que comercio. Debemos buscar alentar la enorme interacción social que ya existe entre nuestros pueblos y propiciar un debate y una reflexión en torno a nuestra capacidad y voluntad para profundizar y ampliar nuestra interacción en todos los rubros.

Nuestra renovada democracia y el diálogo franco y abierto, como el que habremos de llevar a cabo en esta importante visita, se traducirán en beneficios concretos para todos. No temamos al futuro, abracémoslo con decisión, imaginación y realismo. Aprovechemos esta oportunidad histórica para tejer una generosa red de bienestar para nuestros pueblos.

Muchas gracias.



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# California State Assembly



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CEREMONY  
IN OBSERVANCE OF  
NATIONAL DAY OF PRAYER  
AND  
REMEMBRANCE

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Assembly Chamber  
Friday, September 14, 2001

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## CALIFORNIA STATE ASSEMBLY SPECIAL CEREMONY

Friday, September 14, 2001

In response to President George W. Bush's call for Observance of a National Day of Prayer and Remembrance, the Members of the California State Assembly were led by Speaker Robert M. Hertzberg in a special ceremony of prayer and remembrance for the people of the State of New York following the tragic terrorist attack on Tuesday, September 11, 2001.

### **PRAYER**

**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 or legislatures nor in its ambassadors or authors, or colleges or 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.

**REMARKS BY SPEAKER HERTZBERG**

“Tuesday’s terrible actions by heartless and cowardly terrorists have shaken our country.

“Across the United States, across California, and in this very building, Americans are struggling today to cope with an unspeakable horror, with the calculated slaughter of hundreds—if not thousands—of innocent people.

“The full human toll is not yet known. What little we know is unfathomable—the images seared forever into the heart of every American. We surely face difficult days ahead, as we learn more about the tragic loss of life—including the 266 people lost aboard aircraft bound for Los Angeles and San Francisco.

“In California, where we have known fires, floods and earthquakes, we often see firefighters and police officers rushing into harm’s way to render assistance.

“Tuesday’s tragedy is compounded by the fact that so many emergency personnel also lost their lives in a valiant effort to save others.

“We send our heartfelt condolences to the families who will bear forever the scars of this atrocity—and they will remain in our thoughts and prayers. But we will not let these acts of terrorism bring our country to a halt, nor can they stop the process of government that guarantees our cherished freedoms.

“So, after a brief ceremony this morning to honor those who have been killed, we will go on with the business of the people.

“That is what we were elected to do. That is what democracy calls on us to do. And the best memorial we can offer to those who have died is to see that our democracy—and the free and open society that nourishes it—goes on. God bless us all.”

**SPECIAL ORDER OF BUSINESS****ASSEMBLY CONCURRENT RESOLUTION NO. 118**

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

WHEREAS, On Tuesday, September 11, 2001, unknown terrorists hijacked an American Airlines flight and a United Airlines flight and flew the planes into the World Trade Center buildings in Lower Manhattan, and also hijacked another American Airlines flight and crashed it into the Pentagon building; and

WHEREAS, A separate United Airlines flight also was hijacked on that day and crashed in Pennsylvania near Camp David; and

WHEREAS, These acts of terrorism have caused the destruction of the two giant World Trade Center towers, nearby buildings, a portion of



the Pentagon building, four airline jets, and the loss of an untold number of innocent American lives and injuries to many others; and

WHEREAS, The scale of destruction and loss of life is unimaginable and horrific, and all Californians join with the American public in pouring out their hearts in grief and sympathy for our beloved fellow citizens who have perished or suffered injuries in this profoundly shocking tragedy; and

WHEREAS, The Legislature salutes and remembers the hundreds of heroic men and women of the police and fire departments, and the paramedics and medical personnel at the disaster sites who put their personal safety at risk and lost their lives or were seriously injured in their courageous efforts to protect and serve their fellow citizens; and

WHEREAS, It is fitting at this point in history for all Americans to remind ourselves that the United States is a nation of healing, hope, and resilience; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature joins freedom-loving people around the world in condemning the vicious attack aimed at the United States and in observing a time of prayer and remembrance for the victims of this tragedy and for their families; and be it further

*Resolved,* That the Legislature stands firm with all Americans to preserve our liberties and our freedom, and wholly supports our national efforts to obtain justice against the cowardly terrorists who destroyed so many innocent lives; and be it further

*Resolved,* That our nation, firm in purpose and direct in its response, will thereby safeguard our national heritage and honor the memory of the Americans who died as a result of this unprecedented act of terror.

#### **Consideration of Assembly Concurrent Resolution No. 118**

Assembly Concurrent Resolution No. 118 was presented by Assembly Member Dennis Cardoza.

The roll was opened and Assembly Concurrent Resolution No. 118 was 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**

### INTRODUCTION OF ATTORNEY GENERAL

Speaker Hertzberg introduced the Honorable Bill Lockyer, Attorney General for the State of California, who was present at today's ceremony.

### INTRODUCTION OF GOVERNOR

Speaker Hertzberg then introduced the Honorable Gray Davis, Governor of the State of California, who was accompanied by the First Lady, Sharon Davis.

### MOMENT OF SILENCE OBSERVED

Upon request of Speaker Hertzberg, the Assembly observed a moment of silence.

### PRESENTATION OF STATEMENTS

All Members of the Assembly formed a procession to the Dais and presented the following letters of condolence and support to the people of the State of New York:

September 14, 2001

*To The People of the State of New York and Washington, D.C.:*

At this time of great sorrow and loss, I wholeheartedly offer my support and prayers to the victims and families whose lives have been forever altered by the recent events in New York and Washington, D.C.

As a fellow American, I am at a loss of words. I cannot comprehend the disregard for human life displayed through such a senseless and horrific act. I share your anger and frustration, and pray that the responsible individuals will be held accountable for their actions and the pain they have caused.

During this difficult time, I hope that you can take solace in the thought that you are in the heart of the American people, and the entire nation stands behind you to offer you comfort and strength.

Sincerely,

SAM AANESTAD  
Third Assembly District

September 12, 2001

*Dear Friends and Families of the Victims of  
the Terrorist Attacks on America:*

Yesterday, it was with great sadness and disbelief that I learned of the tragedy you and your family experienced by the cruel acts of terror directed toward our loved ones and great nation.

Please accept my deepest sympathy for the loss you are experiencing. I wish I could ease your pain, but I can only hope that this grief will ease over time and that hope and justice will prevail. Your loved one(s) have been in my prayers and I will continue to pray for mercy and healing for your family and our nation.

With my deepest sympathy,

ELAINE KONTOMINAS ALQUIST  
Twenty-second Assembly District

September 13, 2001

*To the Citizens of New York City and Washington, D.C.*

Dear Friends:

Words cannot begin to express the horror and grief I feel following the tragic events of September 11. We share uniquely in your sadness, as many of the airplane passengers were returning to their homes in California.

May each of you take comfort in knowing you are in our thoughts and our prayers, and that all of America reaches out to support you in this painful time.

Sincerely,

DION LOUISE ARONER  
Fourteenth Assembly District

September 13, 2001

*Fellow Americans,*

I am breathless from the unbelievable events of Tuesday morning, September 11, 2001. Our nation's spirit has been shaken and our perceptions have been turned upside down. It all seems so unreal that in our country, where we are free, someone or something would steal a precious piece of who we are.

My heart breaks for the families and the children who are gone or hurting. We are all hurting . . . we are all wounded. Buried in the rubble of destroyed structures are souls stamped out, literally blasted from shelter and safety. We pray that there are more lives, just one more miracle, spared from the explosion of evil.

We are learning that terror is not confined to a single explosion or even the tallest building crashing to the ground. We are all terrified and frightened, but we are also calm and determined.

Freedom is who we are—we are Americans and we live and love our liberty and opportunity. We are not going to give it up, not now or ever.

I pray that God will hold in His arms each lost person. That He will heal each Mom and Dad and every child. We look also to God to give each of us strength and courage. May God bless each firefighter and police officer and every brave soul who stepped forward to save a life and especially those who gave their own lives in this courageous way.

I do not know what is ahead, but I have faith in God and confidence in our country. We will make it though this terrible test. Good and freedom will prevail.

Best regards,

ROY ASHBURN  
Thirty-second Assembly District

September 14, 2001

*To the People and Legislature of the State of New York:*

While our states are thousands of miles apart your pain and grief rest close to our hearts. In the first days of the tragedy, horror and disbelief were our dominant emotions. In the days that followed, we watched New York City literally dig itself out of the rubble. It has filled us with admiration, respect and a renewed sense of patriotism. New hope is born with every inspiring story of the heroism of New Yorkers. You have responded to unspeakable evil with unshakable resolve.

The pictures of mountains of steel, concrete and glass will never be forgotten. The hole in your city, however, is insignificant compared to the gaping holes left in the lives of your people. One enduring image of September 11th is devastation, but that image has been transcended by the unification of your people, your city, and state. Your courage has inspired us as a nation and each of us individually. The image of a united city and a courageous people, rather than the deeds of a cowardly few, will be remembered in history.

I represent over 423,000 Californians in the State Legislature. On behalf of each and every one of them I convey our profound sympathy for your loss, and a deep gratitude and admiration for inspiring our nation to a higher calling through your heroic response.

With Admiration and Deepest Sympathies,

PATRICIA C. BATES

Seventy-third Assembly District

September 14, 2001

*To all touched by these events:*

*“Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. . . . It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.”*

Let us remember the depth of emotion and resolve in Abraham Lincoln’s beloved Gettysburg Address first spoken 138 years ago, which today resonates in every one of us. In the aftermath of Tuesday’s atrocities we must find within ourselves a renewed resolve somehow to transform a great national tragedy into a new birth of freedom.

This massacre of innocent people, going about their daily lives, is a sad reminder of the callous disregard our enemies have for humanity. But have no doubt, from our tears and anger will spring an even stronger commitment to the principles of justice and democracy. Our faceless adversaries were mistaken to underestimate the American spirit, which makes our nation the greatest, freest country on Earth.

My prayers go out to the families who lost loved ones in these unprovoked attacks. As Americans, we share their pain and remain by their sides, reaffirming their strength while offering hope and encouragement of a safer tomorrow.

I salute those who have begun the healing process. In every community across our state, people of all races and religions are united in prayer. Flags are everywhere. Voices come together to sing America The Beautiful and our National Anthem. Our spirit will never be crushed.

As our nation heals from these dark days, I stand proud and proclaim myself an American. We were attacked, but we will never, ever, be defeated. For it is the people—all of us, united—who make our nation strong.

With deepest sympathy and resolve,

**RUSS BOGH**

Sixty-fifth Assembly District

September 12, 2001

My thoughts and prayers go out to the victims, families, and all people who were affected by the atrocious activities that were afflicted upon our great country yesterday. At a time like this, we are reminded of the uncertainties of life and we are thankful for Christ's promise of comfort in our immediate loss, and hope in the life after.

I am amazed and grateful for the heroism of those who are putting their own lives in danger while attempting to put things right after such devastation. I am always in awe of the way in which this country pulls together in times of distress and the willingness of the citizens to give whatever they can in order to help.

I am confident that the President and other leaders will do all that is necessary to make sure that justice is done. Here at our state's Capitol, our greatest tribute to the victims of this horrible act is to continue to do the work of the people. The cowardly madmen who committed this atrocity thought they would scare us into inaction and hiding. They were wrong. Our way of life and freedom will be restored.

“The everlasting God, the LORD, the Creator of the ends of the earth, neither faints nor is weary. His understanding is unsearchable. He gives power to the weak, and to those who have no might He increases strength. Even the youths shall faint and be weary, and the young men shall utterly fall, but those who wait on the LORD shall renew their strength; they shall mount up with wings like eagles, they shall run and not be weary, they shall walk and not faint.” (Isaiah 40:28–31)

My family, my staff, and I will continue to keep all the victims in our thoughts and prayers.

Sincerely,

**MIKE BRIGGS**

Twenty-ninth Assembly District

September 14, 2001

Statement from Assemblyman Thomas M. Calderon in response to Tuesday's tragic events in New York and Washington D.C.

Words cannot express the emotions that Californians and all Americans are experiencing during this time of terrible tragedy. Never before in the history of our country has America been attacked with such disregard for human life. During this difficult time of mourning, all Americans, regardless of race or background, must unite and stand strong and not allow these horrors to defeat our great nation or our spirit.

**THOMAS M. CALDERON**

Fifty-eighth Assembly District

September 14, 2001

*To All Americans:*

My heart goes out to all the families who have lost loved ones in the World Trade Center, the Pentagon and on the four hijacked flights, as well as to the families of the brave firefighters and police officers who perished trying to rescue others.

At the moment I heard of the tragedy I prayed for the safety of all individuals involved and I now include in my prayers the families and friends of those people.

My son Brian was in Manhattan the day this tragedy occurred. The panic and fear that my wife and I had for the one hour when we did not know of his safety was a feeling that we will never forget. We thank God for his safety.

This is a time for all Americans to come together. We will protect ourselves and stamp out the terrorism that has been virulent in the world and has now thrust itself so violently into our nation. I hope everyone will be supportive of the efforts to bring those to justice responsible for these acts of terrorism.

God Bless America,

BILL CAMPBELL  
Seventy-first Assembly District

September 14, 2001

## Letter to the Journal:

This week, we are neither Republicans nor Democrats. Neither men nor women. Neither rich nor poor. The origin of our ancestry is insignificant. We are neither for one bill nor against another. We are Americans. We are unified. Unified not by a thread, but by an enormous unbreakable bond. A bond that was forged with courage in Philadelphia 225 years ago. A bond that was confirmed with courage in places like Shiloh and Gettysburg some four score years later. A bond further strengthened with courage more recently at Iwo Jima and Inchon and Khe Sahn. And through it all, a bond blessed by God.

Our sadness this week is matched only by our unity. Our shock matched only by our sense of purpose. Our grief matched only by our resolve. Our prayers for healing equaled only by our prayers for guidance.

On December 7, 1941, over 2,000 Americans in uniform lost their lives in a surprise attack by a foreign power. September 17, 1862 was the single day in American history when the most Americans lost their lives in conflict during the battle of Antietam in the Civil War. Nearly 20,000 Americans were killed, missing or wounded while in uniform, during a war in which Americans were both sides.

It now appears that September 11, 2001, will rival if not surpass that greatest day of American loss. But we were not both sides. And very few were in uniform. Most were just going to work. That puts the enormity of historical perspective on what has just happened.

The level of our response should reflect that historic magnitude. With the President we have, and the Vice President we have, and the Secretaries of State and Defense and the Attorney General we have, I am confident that our response will be appropriate.

As the surrender at Appomattox followed Antietam and signatures on the USS Missouri followed Pearl Harbor, so shall another day of victory come.

May God guide us as we write the history of the next year. May He give us wisdom. May He cause his face to shine upon us. May He give us peace.

And may God Bless America.

JOHN CAMPBELL  
Seventieth Assembly District

September 14, 2001

Tuesday, September 11th, 2001 will be remembered as the day America was rocked to its very core.

The terrorist attacks on New York's famed Twin Towers and the Pentagon have permanently changed all Americans forever. Our country has been violated in the most severe and cowardly way.

The goal of these unspeakable acts was to create chaos and disrupt our way of life. We must not allow this to happen. We must, and will galvanize as a society—as Americans and stand strong together in unity.

We will stand together and use every resource at our disposal to help the victims, those searching for survivors, and attending to the injured. Terrorists may destroy property and even take lives, but they cannot break the American spirit. We will overcome this, and we will endure.

Our hearts, hopes, and prayers go out to all the victims their families and all of us who have been touched by this terrible tragedy.

JOSEPH CANCIAMILLA  
Eleventh Assembly District

September 14, 2001

*My Fellow Americans:*

On September 11, 2001 an attack was waged on our entire country.

While a handful of people trained and plotted to kill thousands of innocent people, the people of this country were teaching their children to love, build, and have faith in themselves and their fellow human beings.

Our challenge today and forever will be to continue to live our lives believing in the goodness of mankind and to continue to teach our children to love their fellow human beings. For us to abandon our responsibility and commitment to these values would be far more destructive and tragic than any violent act anyone can commit against us.

May God Bless America and all of its children.

Sincerely,

TONY CÁRDENAS  
Thirty-ninth Assembly District

September 14, 2001

*My Fellow Americans:*

There are events during the course of history, which forever change our lives. Last January, I witnessed a plume of smoke escape from the south side of our Capitol building. The smoke quickly became a conflagration, the result of a madman running his tractor trailer truck into the people's legislative house.

At that time, I was shocked that anything like that could happen. How much more I feel that inescapable feeling of horror as I watched the violent attacks on innocent people in New York and Washington, D.C. The mindless viciousness of this slaughter left me speechless. In but a brief moment, many thousands of lives were taken from our world.

Life is fleeting. But how terrible to lose so many souls to such terror. And how great the pain to the husbands and daughters, fathers and wives, mothers and sons who are now left behind with memory of a sunny day filled with dreadful loss.

We will never fully know who and what we have lost. Maybe we lost the person who would have developed a cure for cancer. We will never know if lying in the rubble is the man or woman who held the key to a solution to the Middle East situation. The very crisis that probably brought on this tragedy.

Maybe a child will drown because that one fireman will no longer be on the planet at the right time and the right place to save them. A bank may be robbed because the police officer who could have stopped it died attempting to rescue others. We will never know the full extent of lost opportunity of our lost heroes!

Terrorist acts so horrific as these are unexplainable to all civilized people. How can I even teach my own children about what has happened when such events make no sense? We want to protect them, but we cannot always be there throughout their lives. So, we must teach them about good and evil in this world, and how to distinguish between them.

We must tell them that freedom comes at a cost. And sometimes that cost is very high. There are times when we must stand for our democratic principles and there are times when the price of democracy is oh so dear. But we will never be deterred from our path by those, whose despicable acts create pain and suffering.

Senseless violence begets nothing. It will not break us, or the spirit of our great country. My sincere hope is that my children will see the day when all people around the world will be able to coexist in peace. My prayer is that my children—and children everywhere—will be delivered from evil, from violence, from want and from terror.

Until that day comes, we must all stand together to repel these devilish acts. Today, and in all days, we stand united.

May God Bless You,

DENNIS CARDOZA, Chair  
Assembly Rules Committee



September 14, 2001

*Dear Fellow Americans in New York and Washington, D.C.:*

It is with heartfelt sadness that I write to extend my deepest sympathies for the losses that have been sustained as a result of Tuesday's incomprehensible events. Here in California, across many miles from you, we share your grief and offer our thoughts and love during this very trying time.

Like so many others, we pray and hope that some who have not yet been found may still be located and reunited with loved ones. As the stories of that tragic morning continue to unfold and reach us, we mourn our collective loss and can only offer these small words to communicate the depth of our compassion.

Our pride in being Americans never wanes, but is only strengthened by the high examples of courage, heroism, and unity displayed in our country during times of difficulty. We are a strong nation, and we are fortunate to stand in solidarity with a family of nations around the globe that together condemn the cruel acts to which so many innocent lives fell victim.

I pray in earnest that these awful events can reinforce our resolve and commitment to peace, non-violence, non-discrimination, and diplomacy. God bless America.

Respectfully,

GILBERT CEDILLO  
Forty-sixth Assembly District

September 13, 2001

*Dear Friends,*

A horrible tragedy has occurred. Our nation is in shock and we offer concern and prayers to the victims and their families.

At times like these, grief can easily turn to anger. However, history has shown that responding to crisis with inflammatory words or actions only exacerbates tragedy.

In these next days and weeks, we have an historic opportunity to shape the future of our country. Our reaction can either strengthen our society or divide it. We have a responsibility not to allow the scapegoating of anyone, foreign or domestic, in our fear and hurt. We must show common sense, restraint and, above all, we must learn from the lessons of history as we move forward to heal from this tragedy and to bring the perpetrators to justice.

My heart goes out to you and to the families of those injured and killed. You are in my prayers.

Sincerely,

WILMA CHAN  
Sixteenth Assembly District

September 14, 2001

Dear Colleagues: I cannot adequately express the profound sadness we in the California Legislature are experiencing with you. The brutal acts perpetrated upon your communities are truly unspeakable. While your communities struggle to rebuild, our thoughts, prayers, and hopes are with you and with the countless Americans who lost husbands, wives, children, friends, and relatives in these acts of terror.

On behalf of those I represent in the California State Legislature, and myself, please accept my condolences.

Sincerely,

ED CHAVEZ  
Fifty-seventh Assembly District

September 12, 2001

*The Honorable Robert Hertzberg*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Hertzberg:

I am respectfully submitting the following comments to be printed in the Assembly Daily Journal:

I am greatly saddened by the horrifying loss of human lives on September 11, 2001. Thousands of innocent lives were needlessly taken by cowards in a heinous act of terror.

Violence can never be an acceptable substitute for dialogue and diplomacy in a Democratic and free society. Those who resort to terror to enforce the beliefs of the fanatical few are a threat to global Democracy and I urge all people from every corner of the world to rise up in defiance of terrorists and their immoral acts of violence.

The perpetrators of the attack exemplify the evil of intolerance and extremism that we must be committed to fighting in all forms and all fronts, foreign and domestic.

I am confident that the United States will rebuild and rebound stronger than ever with even greater resolve and determination to persevere in the name of freedom. America will never bow to the tyranny of cowards.

I respectfully express my sincerest condolences to the families and friends of those brave and innocent souls who perished in this attack on our nation.

Sincerely,

JUDY CHU  
Forty-ninth Assembly District

*Dear Friends:*

It is with great sadness that I write to you today. My heart fills with grief when I think of what you the citizens of New York and Washington, D.C. are going through.

I am confident that those who are responsible will be brought to justice. We must support our President during these difficult times.

My family and I are praying for the survivors and for the families of all those who have been affected by these horrendous acts.

God Bless,

DAVE COGDILL

Twenty-fifth Assembly District

*To all Citizens of the City of New York and Washington DC:*

Alexis de Tocquville wrote of America's democracy that it did not give people the most skillful government, but it produces what the ablest governments are frequently unable to create: the ability, however unfavorable the circumstances may be, to produce wonders.

America's reaction to the recent terrorist actions will illustrate the wonders we can produce. We will once again demonstrate our ability to set aside the differences we are privileged to express and show our resolve as one people, one country, with one common goal.

We have already seen the wonder of the willingness of police and firefighters to charge into the face of danger to save lives. These brave men and women who rushed to the aid of the fallen simply to lose their lives can only be looked at with awe, admiration, and appreciation.

In the days and weeks to follow we will hear and see repeated examples of selfless heroism. This is the American way. These are wonders we can produce because we all share the gift of Democracy.

Our prayers and thoughts are with the families of the victims. We feel their pain, their loss, and their bewilderment at the hate that could lead to these actions as if it were our own. We share these emotions because these acts of depraved violence were committed against everyone in America.

The cowardly evil people who thought they could somehow diminish the greatness of our country's founding principle will be disappointed. We will not succumb to fear. We will not succumb to chaos. We will not succumb to intimidation. Martin Luther King Jr. said in his letter from Birmingham City Jail "There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into the abyss of despair."

Mr. King was talking about the civil rights battle but his words are equally appropriate for this circumstance. We will no longer endure these mindless acts of violence. We will no longer tolerate governments and organizations without which these terrorists could not exist. And we will no longer choose to accept the threat of terrorism as an ever-present possibility.

We can be confident that America will act justly, appropriately, and successfully. We celebrate our diversity because we know that in our hearts we are the same. We are Americans and we produce wonders.

In Solidarity,

REBECCA COHN

Twenty-fourth Assembly District

In this time of great sorrow our hearts and thoughts are unified with all Americans. We pray for the dead, the physically and psychologically injured, and their families and friends.

In the wake of this horrific national tragedy the people of the United States stand together even stronger than ever. This is because our foundation is built upon our unequivocal dedication to the preservation of freedom, liberty and basic human rights.

We have freedom because Americans live in hope not fear. We will have no less hope or freedom for even the most heinous and cowardly acts cannot shake Americans of these beliefs.

My deepest condolences to all who suffer, who worry and who have lost loved ones.

United we stand with you.

ELLEN CORBETT  
Eighteenth Assembly District

September 14, 2001

As Americans, we stand united with you on this National Day of Prayer and Remembrance. We feel your pain. We share your loss.

On behalf of the 69th California State Assembly District, we wish to extend our deepest sympathies and condolences to all of those affected by this national tragedy. God bless America.

Sincerely,

LOU CORREA  
Sixty-ninth Assembly District

September 13, 2001

*To the Citizens of New York and Washington D.C.:*

The tragedies and images of September 11, 2001 will forever be ingrained in the minds of all Americans. The horrific site of the death and destruction will certainly never be forgotten. Californians have faced tragedy in the past, but nothing has compared to the terror that has been brought upon your glorious cities.

Californians are now witnessing the strength and character of the citizens of your cities in the aftermath of Tuesday's terrible tragedy. We continue to be amazed at your courage and your fortitude to go forward with not only the recovery efforts, but your everyday lives. On behalf of the entire Assembly Republican Caucus and the over 12 million Californians we are privileged to represent, our prayers, thoughts and assistance are with you. God Bless you and God Bless America.

Sincerely,

DAVE COX  
Assembly Republican Leader

September 14, 2001

*To the People of New York City and Washington, D.C.:*

Wednesday morning I awoke to my radio alarm and heard the tearful voice of a young woman agonizing about her lost husband, tortured that she could not hold his hand as he died in the rubble. The numbness of Tuesday fled in a deluge of tears.

As we vote on hundreds of end-of-session bills, and for brief moments watch rescuers, victims and public officials struggle with devastation, I thank God that I live in a free country that cares. Please know that we in California consider you family and offer our strong support and sympathy.

Sincerely,

LYNN DAUCHER

Seventy-second Assembly District

*To the Citizens of the State of New York  
and Washington, D.C.,*

As the representative of the 23rd Assembly District in the California State Legislature, I would like to express my deepest sympathies for the victims of this unspeakable tragedy and extend my heartfelt prayers to the families and friends who have lost loved ones.

We here in the San Jose/Silicon Valley area cannot begin to imagine the grief and pain that you are experiencing right now. We can only express our compassion and condolences to those who are mourning.

This is a time when our communities must come together and show support and tolerance to one another. We must embrace our diversity in this country and not let this event drive a wedge in our communities.

Although we are thousands of miles apart, we are with you in spirit and in prayers. God Bless You.

Sincerely,

MANNY DIAZ

Twenty-third Assembly District

September 14, 2001

This is certainly one of the saddest moments in my life to watch such total loss and destruction. At the same time, I am encouraged that our nation has risen above and banded together to offer hope and healing to our fellow Americans.

For quite some time there has been a general feeling that our children and grandchildren have no hero; that there is not a single person that can prove to children what it means to be a hero. Though this horrendous attack should not have occurred, we have witnessed en force all of the silent heroes, silent like angels, that went to work to save lives—firefighters and police officers.

Tragedy has struck in the name of terrorism but what will strike back at Tragedy is an unfathomable, unwavering unity and resolve as our country moves together to rescue and console those who have lost family members or friends.

Please know that my thoughts and prayers go out to each person who has been affected and those who have been instrumental in search and rescue. My confidence in the leadership of our fine country, as well as the exemplary leadership of Governor Pataki and Mayor Guiliani, has only been solidified by their actions.

With warm thoughts and Prayers,

DICK DICKERSON  
Second Assembly District

September 12, 2001

*Dear Citizens and Legislators of New York City and Washington, D.C.:*

Although we are thousands of miles away, those of us in California feel grief, anger, and unspeakable loss as a result of the terrorist attacks on your cities on September 11.

These attacks were nothing less than an assault on our humanity and everything we hold dear in the United States. My prayers and condolences go out to the victims, their friends and family, and to everyone in this country whose life has been irreparably affected by these crimes.

We must not yield to our attackers. As a country, we must stand firm and united. Let us approach the future with resolve, recommitting ourselves to the ideals that make this country great.

Remember that you are not alone. From far across our country, we are ready to offer help and support in any way as you reconstruct your buildings and your lives. God bless you and our great country.

Sincerely,

JOHN A. DUTRA  
Twentieth Assembly District

STATEMENT ON THE TERRORIST ATTACKS BY  
ASSEMBLY MEMBER MARCO ANTONIO FIREBAUGH

On behalf of my constituents in the 50th California State Assembly District, I offer our condolences and prayers for the victims and families of the unspeakably horrific terrorist attacks in New York and Washington, D.C. We also pray for the safety of the rescue workers and hope that their heroic efforts to find and care for individuals trapped in the ruins prove fruitful. Today, more than ever, we are united as a nation as the strength of our character and resolve is tested in the midst of an unprecedented tragedy. We stand side by side with the people of the great City of New York and our nation's Capitol in this shared American experience.

September 14, 2001

*To the Victims of Tuesday's Tragic Events and their Families:*

On behalf of the citizens of the Thirtieth California Assembly District and myself, I am writing to express the sympathy and profound grief we are all feeling at your immeasurable loss.

We realize your lives have been forever changed by Tuesday's heartless, cowardly acts of terrorism against the United States of America, and we intend to pull together as a nation to assist in your communities' recovery in any way possible.

Please accept our sincerest condolences as the nation comes to terms with this terror that has befallen us. Our thoughts and prayers are with you in this time of healing.

Sincerely,

DEAN FLOREZ  
Thirtieth Assembly District

September 12, 2001

*To the People of the Great State of New York:*

As a graduate of Colgate University, I feel like New York is my adopted home state. No words can express the great sadness I feel about this incomprehensible tragedy. My heart aches for New York her sons and daughters. You are in the thoughts and prayers of all Californians. We know that no words can console your pain, anguish, or anger on these dark days. We also know that no deed, no matter how evil and hurtful, can suppress the indomitable spirit of the people of the Empire State and the residents of The World's Greatest City. We stand shoulder to shoulder with you in these difficult times.

In Friendship and Peace,

DARIO FROMMER  
Forty-third Assembly District

September 13, 2001

*Dear Sister and Brother Legislators of Washington, D.C. and the Great State of New York:*

There are no words sufficient to describe my grief for the incalculable loss of life, injury, and destruction that were visited upon New York City, Washington, D.C., and upon the nation as a whole.

It is difficult to contemplate the immensity of the hate that led to these horrendous acts. In contrast, the response of each of you and of the people of Washington, D.C. and New York was inspired by love and compassion far exceeding what one could have hoped for. Your leadership during this crisis has been critical. Your role in the healing of lives and reconstruction of property is essential as the people of Washington, D.C. and New York contemplate their future. You will be called upon to provide resources, and I know you will. But even more important, you must offer hope where there is despair, and light where there is darkness.

I cannot imagine the pain each of you is experiencing. The enormity of this tragedy is almost too much to bear—even for those of us living several thousand miles away. I hope you are gathering strength from the

sympathy, thoughts, and prayers my colleagues and I are herewith sending to you. I am sure it will take all your strength to deal with what lies ahead.

In my heritage, I am taught that if you save one life, you save the world. I thank each of you for saving the world.

With great sympathy and deep affection, I am sincerely yours,

JACKIE GOLDBERG  
Forty-fifth Assembly District

September 14, 2001

To: Assemblyman Dennis Cardoza  
Fr: Assemblyman Tom Harman  
Re: Special Assembly Journal

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Please include the following note in the Journal:

“My thoughts and prayers are with the victims and families of the recent tragedy in New York and Washington, D.C.”

TOM HARMAN  
Sixty-seventh Assembly District

September 14, 2001

National Day of Prayer & Remembrance

*Hon. Rudolph Giuliani, Mayor  
City of New York  
330 West 42nd Street  
New York, NY 10036*

Dear Mayor Giuliani:

As your great city emerges from the brief siege laid upon it by cowards and as the bustle of our nation again returns, we each wonder why such tragedy befalls us and how we can each play a role in healing the immense sorrow around us.

In moments of such travail, it is worth remembering that the great strength of America is found in the resilience of our people.

Tragedies like this may shake us, but the innate goodness of our people tempers us as we reach a tender hand forward to the victim, to the grieving and to the shaken people of our nation. And the determination of our nation aroused gives absolute firmness to our resolve that acts such as these shall not go unavenged.

Please know, Mister Mayor, from the individual and collective expressions by Members of the California State Legislature, that our thoughts and prayers are with you and with the people of your fair city at this very difficult moment.

It is of great comfort to me that you have assumed with utmost vigor the leadership role that falls upon you. The residents of your city are fortunate indeed that you are in place to direct the decisive, compassionate and swift actions in response to Tuesday's events. As a member of a law enforcement family, I wish to extend my heartfelt condolences to you and the families of the police and firefighters who lost their lives in the course of rescuing others.



I stand just a JET BLUE AIRLINES flight away and therefore hope that you may call upon me, if there is any personal role that I can play in assisting you with the tasks of restoring and rebuilding the lives and well-being of your residents.

Sincerely,

SALLY M. HAVICE  
Fifty-sixth Assembly District

September 14, 2001

*To the People of New York City and Washington, D.C.:*

I am deeply saddened by the suffering and loss of life inflicted upon your communities this past week. Please accept my weak attempt at sharing in your grief.

On behalf of my constituents and the California State Assembly, I offer our deepest sympathies. We share in your anger, your sadness and your healing—and cry openly with you for those you have needlessly lost.

Our thoughts and prayers are with you and will remain with the long-suffering rescue workers as they proceed through what will undoubtedly be a long and painful recovery effort.

May you know that we stand united as Americans.

I have found great comfort in the prophet Isaiah's words:

“He will swallow up death in victory; and the Lord GOD will wipe away tears from off all faces . . .” (Isaiah 25:8).

I pray that God will strengthen your souls, bolster your spirits and sustain your families during these difficult days.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

September 13, 2001

*Dear Residents of New York City and Washington, D.C.:*

No words can properly reflect the sorrow and horrified outrage due this evil act. When thousands of our own die, nothing could ever feel like it is enough. My wife, Natalie, and I extend our prayers for the families and loved ones of the World Trade Center workers, the airline passengers, and military personnel killed and injured. In addition to our prayers, I give a solemn salute to the firefighters, police and rescue workers who put themselves in harm's way in order to save others, thereby risking and losing their own lives.

We should also remember that, no matter how long it takes, America will assure that justice is achieved. I am confident that the president's words that the perpetrators will be caught and punished will ring true.

Recognizing my proper role in our state's government, and working with other Americans like you, I will do what I can to make sure that the United States continues to stand as a symbol of freedom and liberty to the world. We will not be bowed, and we will not live our lives in fear. Let this horrible day live as a reminder that we must always be vigilant, and we must always stand prepared. May God bless all those affected by this and may God bless our United States of America.

Sincerely,

DENNIS HOLLINGSWORTH  
Sixty-sixth Assembly District

September 12, 2001

*To the Citizens of New York, Washington, D.C. and  
the Families of the missing and deceased:*

I wish you peace, tranquility and the strength to sustain you during this time of need. You, who have suffered the most are our beacon of light and hope for freedom and justice.

As the tears of America roll down the faces of our people, I encourage all of us to rise above our differences and set aside our individual biases to unite as a people and defeat the evil influence of international terrorism. Given the barbaric acts of war perpetrated by the bombing of our historical buildings and landmarks in Washington, D.C. and New York, it is time for us to exhibit a national solidarity for the purpose of defending and protecting our Nation.

I pray that we remember that we are not the barbarians and that our ultimate response is one of justice and righteousness steeped in our Christian experience and guided by our belief in God. It is my hope for all Americans that we search our hearts to find the patience and resolve to not act out of hatred.

Instead, let us accept the challenges that are concurrent with the fight for liberty which requires us to use every weapon in our arsenal to defend our country when it is attacked; demand justice when America is threatened, and never negotiate when our country's defense of freedom is compromised. I hope that we will reconcile our anger in our conscious response to this act of terrorism, in such a way that it is consistent with the will of God and allows our wisdom to help us be effective in our fight to maintain a free America.

God Bless America,

JEROME E. HORTON  
Fifty-first Assembly District

September 12, 2001

*Dear Fellow Americans:*

I awoke the morning of September 11, 2001 to the news of the appalling terrorist attacks on the World Trade Center in New York, the Pentagon in Washington, D.C., and the fatal crash of a fourth commercial airplane outside of Pittsburgh, Pennsylvania. Like most Americans, I felt shock and outrage and a deep sense of sorrow for the innocent victims, their families and friends, and for the nation.

This is a time for all of us to come together as a community and a country to grieve for the innocent victims and share our sorrow and sympathy with their families and loved ones. I know we join together to send our prayers and thoughts to those who lost their lives or were injured in this unspeakable tragedy—including the heroic men and women who sacrificed their own lives in an attempt to save others. Our love goes out to all the families and friends of the victims.

This is a time for us to reflect on the importance of family, friends and loved ones in our lives. We need to reflect and remind those most important to us how much we care for and love them. We need to offer our help and support to our community and our nation as it begins the long process of healing from this devastating and unspeakable act. We need to restrain from allowing our anger and fears to betray our spirits and lead us down a besieged path. America's spirit is far greater than that and in the end we know justice will prevail.

As we mourn our personal and collective loss, we should continue to work toward, and pray for, a world where people do not wish or inflict harm on one another. Our hearts are heavy but we must hold our heads up high. Our fists are clenched but we will move forward in unity. We shall overcome.

HANNAH-BETH JACKSON  
Thirty-fifth Assembly District

*People of New York, Washington, D.C.  
and the United States,*

Our prayers and thoughts are with you during this difficult time.

FRED KEELEY  
Speaker pro Tempore

*To the citizens,*

I join the people of California and our whole country in condemning the hideous attacks on New York City's World Trade Center and on the Pentagon in our nation's capitol.

These acts of the most extreme and senseless violence have left all of us stunned, grieving and determined to seek justice.

Our citizens demand that the full resources of the United States government are brought to bear in the pursuit and capture of those responsible for these yet uncounted murders and to ensure that they are held fully accountable for their cowardly acts.

My thoughts are with the families and friends of all the thousands who lost their lives so tragically in New York, Washington and Pennsylvania and with the survivors who struggle for life. At the same time we hold in special remembrance the courageous efforts of the many everyday heroes—the flight crews, passengers and hundreds of police and firefighters who lost their lives.

Someday this catastrophe will be an awful chapter in our country's history and far less wrenching to contemplate than it is today.

We have never known such tragedy on our soil. We will never forget September 11, 2001. My hope is that every American unites in this terrible time—as we always have in our great country.

We must affirm the tenets of democracy and hold in our hearts the words of Abraham Lincoln: “that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from this earth.”

CHRISTINE KEHOE  
Seventy-sixth Assembly District

14 September 2001

While the tragic events of September 11, 2001 have most assuredly affected the psyche of the residents of this Great Country, we must never lose sight of the fact that our Democracy has survived great loss in the past, and it will survive these recent acts of terrorism as well.

As Americans we may feel vulnerable today, but we are strong and we will survive. We will work together, and we will reaffirm our freedom.

God Bless the United States of America and its citizens!

DAVID G. KELLEY  
Eightieth Assembly District

*Dear Friends,*

Words fail me to express my shock and sadness at the horrible events of this week.

My heart and my prayers go out to the victims, their families and friends.

I know we will all work for peace, and to make sure that such an event never again happens in human history.

Best regards,

PAUL KORETZ  
Forty-second Assembly District

September 12, 2001

*To my fellow Americans:*

There is no nation on earth that comes close to equaling the strength, resolve, and independence of the United States of America. There is no nation whose citizens can match the determination, generosity and compassion as those who reside within our borders. No assault will change the virtue of America. No terrorist act can change the freedom that only we as Americans possess, nor will it divide us.

I grieve for the lost and their loved ones, and I mourn that the shores of our nation have been penetrated by evil. My personal prayers and those of my family will be that the comfort of the Lord will be with our country as we step forward as a nation, united in our resilience, fortitude and courage.

I support the statements of our President pertaining to the punishment of the perpetrators and those who harbor them. May God bless our nation, our resolve and our determination to punish those involved.

JAY LA SUER  
Seventy-seventh Assembly District

September 12, 2001

*To The Citizens of New York and Washington, D.C.,*

I want to extend my support for Assembly Concurrent Resolution ACR 118 and heartfelt condolences to the communities of New York City and Washington, D.C. for the atrocities that have taken place in our Nation.

Though we are all the way across on the West Coast, this event has affected every American. To the many firefighters, law enforcement, emergency services and endless volunteers who are working hard to put our Nation back together, I want to commend them on their strength and efforts to protect the spirit of freedom that has been violated. I am confident they will all continue to serve us well.

The healing of your communities and the rest of our Nation is in my thoughts and prayers.

Sincerest Regards,

LYNNE C. LEACH  
Fifteenth Assembly District

September 12, 2001

*To the people of New York and Washington, D.C.:*

There are times when we Americans are reminded what our country stands for and why we value peace and freedom. The recent tragedy that has shocked, outraged, and saddened our country is one of these times.

I was reminded of the power of our country's faith this week when the Legislature reopened to conduct the people's business one day after terrorists attacked our nation's capitol and the city of New York. We opened our session on that somber day with prayers for peace.

I was joined by the other 79 members of the state assembly and my staff on the Assembly Floor to hear spiritual leaders from many denominations pray for the victims of these horrible acts and to pray for our country. Christian, Jewish, Buddhist, Hindu, Muslim, and Native American spiritual leaders all added their prayers and voices in reflection.

I wish that all of you could have been with us that day. The ceremony illustrated to me and all who attended the power of the American people. We come from so many disparate backgrounds and yet we share the common value for human life and condemnation for those who callously kill for their political purposes.

Many Americans and Californians wrongfully assume that all those of the Muslim faith share the same radical beliefs of those terrorists who will commit crimes against humanity in an effort to further their cause. It was heartening to hear the Muslim clergyman add his voice to all of ours in condemning these horrible acts and praying for the victims.

Americans are Americans. It does not matter what race, religion or political party we belong to. When our country is attacked we all join together in support of our nation and our nation's leaders. The prayer for peace was a wonderful reminder of this fact during an otherwise sad and somber time for all of us.

As we go about our daily lives, which have been changed forever by this tragedy, we must look at our fellow Americans as brothers and sisters in this time of crisis regardless of their race or religion.

As more information regarding the culprits of these acts is discovered, we must all join together to focus on bringing the criminals to justice. We can do this while upholding the foundations of our great country: truth, justice, freedom, democracy and tolerance. To do otherwise would only allow these vile terrorists to claim victory.

God Bless,

BILL LEONARD  
Sixty-third Assembly District

September 12, 2001

*New York State Legislature  
Albany, New York*

*Legislature of the Commonwealth  
of Virginia  
Richmond, Virginia*

*Dear Colleagues:*

On behalf of the residents of California's Fourth Assembly District, please accept our sincere and heartfelt condolences. This is a profoundly saddening and tragic time in our nation's history.

People lost family members, coworkers, peers, colleagues, and good friends. Many children went to bed last night without a mommy or daddy to tuck them in; indeed that mommy or daddy will never tuck them in again. Just as profound is the loss of energy and talent this represents to America.

Even 24 hours later, what befell lower Manhattan and northern Virginia is hard to fathom. All of us watch the images that loop continuously on our televisions and the feeling that is left is one of disbelief and horror, not to mention a fervent wish that this will all turn out to be a bad dream.

But we know that this wasn't a bad dream. Rather, this was an outrageous act of cowardice that will not go unanswered. Our nation must respond with as much force as can be brought to bear on those responsible for this horrible day.

For the time being, the only appropriate response in a time such as this is to pray, and I have asked the citizens of the Fourth Assembly District to join with me in praying for the families that they may know God's consolation and peace; for the injured that they might have a speedy recovery; for those trapped and still alive that they may be freed shortly; for those mortally injured that they may have a blessed eternal reward; and for the perpetrators of this horrible deed that they would come to see the evil they have perpetrated and will come to seek God's mercy and forgiveness for their heinous sin.

Sincerely,

TIM LESLIE  
Fourth Assembly District

September 14, 2001

*Dear Fellow Americans,*

No words can properly express the outrage and grief we in California feel at America's tremendous loss. We share your anguish as you mourn those who have lost their lives and we stand behind you in your search for those who are still missing.

The people of California watch in awe as courageous firefighters, police, medical personnel, and volunteers continue rescue efforts. We are inspired by your steadfast resolve and unwavering spirit of hope as these activities continue. We are grateful each time another victim is found alive and pray that there will be many more.

Collectively, we struggle to understand what has occurred. Through faith and hope and unity, we must gather strength as a nation that will bond us together forever to fight the enemies of peace, freedom, and democracy.

Today and tomorrow we will share this tremendous pain and suffering with you and communities all over the world. As the future is unknown, there is one certainty that somewhere, somehow, we will find room for peace in this world.

With deepest sympathy,

CAROL LIU

Forty-fourth Assembly District

September 14, 2001

*To the People of New York City and Washington, D.C.*

*Dear Friends,*

I find it impossible to wrap my mind around the immensity of last Tuesday's tragic events.

The only way I can even begin to conceive of the sheer scale of these losses is to think of what my own family was forced to endure when my wife was killed ten years ago, and then to imagine that pain multiplied by the thousands of families devastated by these latest acts of religious fundamentalist insanity.

On behalf of the nearly half a million people I represent here in California, please accept my deepest heartfelt sympathy for you and yours. I pray that all of those personally touched by this horror will find the strength to carry the crushing burden so cruelly imposed by merciless zealots and fanatics, and eventually—impossible as it may seem today—will find happiness again, as I have, albeit leavened with the grief forever buried in my heart.

Sincerely,

JOHN LONGVILLE

Sixty-second Assembly District

September 14, 2001

My favorite poet Walt Whitman wrote of the strength and extraordinary spirit of ordinary people in, "I hear America Singing." Since Tuesday, "I hear America Crying".

From every corner of our land, teachers, clerks, laborers, police officers, farmers, have been sharing their tears and pain, and we are stronger for it.

God bless America.

ALAN LOWENTHAL

Fifty-fourth Assembly District

September 14, 2001

*Dear Friends,*

I wish to express my support and condolences to the people of New York on behalf of the 68th Assembly District, representing the California cities of Anaheim, Buena Park, Garden Grove, Stanton, and Westminster.

Be assured that Californians, and all Americans, hold you in our prayers and thoughts. May God bless you in the days ahead and give you strength and wisdom to face the challenges placed before you.

Sincerely,

KEN MADDOX

Sixty-eighth Assembly District

September 14, 2001

I join with my colleagues in expressing my deepest sympathies for those who lost their lives in Tuesday's horrific attacks. My thoughts and prayers are with the families of those who have lost their loved ones and for those poor souls who are still searching for family and friends.

My four children, although too young to comprehend the magnitude of this disaster, understand that children have lost their mothers and fathers. Every night before bed, they pray that a child somewhere may find their mother or father still alive.

While I join many others in my surprise at the sophistication and planning involved in this despicable attack, I am even more surprised at the ignorance of these terrorists as it relates to the American psyche.

For in their attempt to divide us, they have made us more united.

In their attempt to weaken us, they have only made us stronger.

And in their attempt to douse the flame of American liberty, they have instead lit the fire of patriotism in every American's heart.

Offering my sincerest condolences,

ABEL MALDONADO

Thirty-third Assembly District

As the last few days pass to vote on legislation in the California Legislature for the year of 2001, I have never felt such a range of emotions. This tragic event has left me with feelings of sadness, fear, anxiety, but most of all a sense of unity.

My sadness is for the loss of innocent lives and families. My fear is for the hatred that led to this tragedy. My anxiety is for the future of our children, in hopes that they never learn such hatred. And my sense of unity is strong with my fellow colleagues both Democrat and Republican, and all Americans.

My thoughts and prayers go out to all the friends and relatives who are affected by this terrible event. As we all come together in a time of tragedy, our country will remain strong and continue to prosper. Most importantly, support each other and the spirit of our nation.

BARBARA S. MATTHEWS

Seventeenth Assembly District

September 12, 2001

*Dear Fellow Americans:*

I am deeply saddened by the tragic loss of life and great personal injury suffered by the victims of the terrorist attacks in New York, Pennsylvania, and Washington, D.C. on September 11, 2001.

On behalf of the citizens of the 13th Assembly District (San Francisco), I would like to offer our deepest sympathy to the families and friends of those who suffered loss due to these unconscionable acts. Please know that you and your loved ones are in our thoughts and prayers. As fellow Americans we join in your sorrow and share in your grief.

I know that all Americans, regardless of race or religion, will stand united as a great force to rise above these horrific terrorist attacks. We are and will remain a United States of America.

Sincerely,

CAROLE MIGDEN

Thirteenth Assembly District



September 12, 2001

*My fellow Americans:*

It is with heartfelt concern and deep sympathy that I take pen in hand today to express both my great sorrow and deep anger at the atrocities perpetrated by ruthless terrorists against innocent Americans yesterday.

I pray that God will strengthen the rescue workers and enable them to free any victims who are still alive from the rubble of the World Trade Center and Pentagon.

My thoughts and prayers are also with those who have lost relatives, friends and business associates in the horrific destruction. It is at times like these that Americans come together bearing each other's burdens and standing shoulder to shoulder to overcome common enemies. This attack was on our republic and the freedom that is the hallmark of our society.

Be assured that I share your loss and stand ready to assist in any way I can.

With my prayers and deepest sympathy,

DENNIS MOUNTJOY  
Fifty-ninth Assembly District

STATEMENT BY ASSEMBLYMAN GEORGE NAKANO (D-TORRANCE)

It is a dark day in human history.

America represents an ideal of opportunity and freedom; a shining example of hope, peace and justice, a beacon of democracy. It is these very ideals, the foundations upon which our great nation was built, which have been attacked.

In our vigilance to defeat the tyranny of hate, we must never forget the lessons of the internment camp experience during World War II. For we are a nation of many cultures, religions and colors; bound together in a fabric of democracy, unyielding in our commitment to freedom and liberty.

These are the very ideals from which the United States was born, and the ideals that will grow anew from underneath the rubble and ash.

Terror seeks only to divide; yet we remain one nation, indivisible under God.

Our prayers are with you.

GEORGE NAKANO  
Fifty-third Assembly District

September 17, 2001

*To the People of New York and Washington, D.C.*

I am deeply saddened and disheartened by the events that happened last week in our country.

I would like to send my condolences to the families and friends of the victims of this terrible tragedy. I know this is a time of sadness and grief for many and my prayers and best wishes are with you and your families.

I hope that with time and faith our nation can heal from the losses that we have all experienced and be stronger for it. Again, my prayers and thoughts are with you.

Sincerely,

JOE NATION

Sixth Assembly District

*To the people of New York, Washington, D.C. and  
all those who have lost loved ones:*

Please accept my condolences for the untold loss you have endured. I mourn, along with the rest of the world, for those people who lost their lives needlessly and unknowingly, and for those who bravely gave their lives to help their fellow man.

The bravery shown has been inspiring. In time of disaster, human beings always find the courage to do even more than what is thought possible. The people of the United States have always rallied during crises in aid of their fellow Americans.

May you continue to find strength in this enormous time of tragedy and national sadness.

Respectfully,

GLORIA NEGRETE McLEOD

Sixty-first Assembly District

September 14, 2001

*To The People of New York and Washington, D.C.:*

The most horrific and tragic events I have witnessed in my life occurred on Tuesday, September 11, 2001.

When I first learned that two jets had crashed into New York's World Trade Center I could not believe it. Incredibly, the nightmare continued with a jet plunging into the Pentagon and yet another into a wooded area of Pennsylvania. As the morning's events unfolded, the sorrow was unrelenting. It was heartbreaking to see people jump from the World Trade Center in what was surely a futile attempt to save their lives. As a nation we were horrified, but we could not look away.

Along with many others, I thought our sense of security had been shattered. I feared that irreparable damage had been done to our nation's psyche by people who have no regard for human life. These evil acts, carried out by individuals who possess neither honor nor courage, shocked and wounded us all.

I saw the worst that humankind has to offer. I also saw the best. Firefighters and police officers ran toward a building to help others while surely most of us would have run away. People all over the country lined up to donate blood; some waiting in line for hours to do so. Volunteers came forward in our nation's capitol to help carry stretchers bearing the injured. Americans, as one, looked to our national and local officials for leadership and information. Our nation did not panic or riot and our despair was for those who were lost, not for our country or our spirit.

Californians grieve with you and we also share your admiration for the heroes, of which there are many. My heart goes out to all who were injured, both physically and emotionally, and those who lost their loved ones. You are in my thoughts and my prayers.

Sincerely,

JENNY OROPEZA  
Fifty-fifth Assembly District

On behalf of my constituents, I wish to extend condolences to the families and friends of the victims of the terrorist attacks on September 11, 2001. Furthermore, I thank the millions of individuals, both those within the United States and throughout the world, who have come forward to offer their aid and assistance.

The horrific actions undertaken by a handful of hateful terrorists on September 11, 2001, deliberately targeted international symbols of American strength and leadership—the economic might and dynamism embodied in the World Trade Center; the unparalleled military strength that ensures international peace and stability exemplified by the Pentagon; and the planned attack on the White House, an international representation of democratic values and institutions.

While these symbols sustained significant damage or were destroyed, the fundamental principles and values upon which our democracy rests remain intact. The horror and moral outrage these attacks elicited the world over are accompanied by a national community committed to preventing a further loss of life, assisting those in need, and bringing the perpetrators of these heinous crimes to justice.

As the coming weeks reveal the losses these dastardly actions inflicted, they will also demonstrate the humanity and decency of our society and the community of nations. The unforgettable hours of September 11, 2001, will forever be etched in our national memory. It is my sincerest hope that our actions in the coming days and weeks will demonstrate our resolve to resist such cowardly attacks on our way of life.

ROBERT PACHECO  
Sixtieth Assembly District

September 14, 2001

I write today with a heavy heart and great sadness for the loss of life our country has suffered. My prayers and thoughts are with the victims who suffered their horrific attack and their family members. Our nation has not only lost the lives of so many individuals, but also our sense of innocence.

For the thousands of individuals who simply went to work on a clear and sunny Tuesday morning, their lives have been changed forever. For the hundreds of faithful firefighters and peace officers who died charging the building to save lives, my heart goes out to them and their families. For all of us who witnessed these acts of nobility and the self-sacrifice, we will forever be changed.

Faithfully, our Nation has once again come together in this hour of tragedy. We have proven that we will not falter, that we will overcome. We will stand united. Times like these renew our values, our beliefs and our resolve to protect the freedoms we hold close.

Finally, justice will come. We are committed to that finality on behalf of the victims of this national tragedy. Our Nation stands united in this great struggle.

ROD PACHECO  
Sixty-fourth Assembly District

September 14, 2001

*TO THE PEOPLE OF THE UNITED STATES:*

As an American I cannot help to be outraged, horrified and saddened by the vicious and unprovoked attack upon American citizens, safety personnel and Innocents. This is not the first time our nation has been so tested nor will it be the last. In this tragic hour I believe we may take some solace from the words of our great president Abraham Lincoln delivered at Gettysburg on November 19, 1863:

“It is rather for us, the living, we here be dedicated to the great task remaining before us—that, from these honored dead we take increased devotion to that cause for which they here, gave the last full measure of devotion—that we here highly resolve these dead shall not have died in vain; that the nation, shall have a new birth of freedom, and that government of the people by the people for the people, shall not perish from the earth.”

God Bless and Help us,

LOUIS J. PAPAN  
Nineteenth Assembly District

September 12, 2001

*To the people of New York and Washington, D.C.:*

The terrible massacre of innocent people that occurred on September 11, 2001 will be etched into our minds forever and will always stir pain and suffering in our hearts. During a special memorial service, the 80 members of the California State Assembly and representatives of over twelve religious denominations joined together to mourn the tragic loss of so many of our fellow Americans.

My deepest sorrow goes out to the victims and their families and friends of this outrageous and unspeakable act. Your pain and suffering are unimaginable and you will forever have the greatest sympathies of my family and I.

As we deal with the shocking pain of our nation's horrific loss, I know that the strength of our resolve and the spirit of our unity will see us through these terrible times. This strength and spirit are apparent on an ongoing basis as we recover from this terrorism. Tens of thousands of people have responded to the tragedy by giving blood, volunteering services and showing uncommon compassion to their fellow citizens.

The valor and courage of our public safety officers is a symbol of our ability to move forward steadily and forcefully in the wake of such barbarism.

Californians feel that the attack on your States were attacks on all Americans. America's spirit will help you in the days ahead as you work to repair the lives and the economy of the State of New York City and our nation's Capitol.

In Sympathy,

FRAN PAVLEY  
Forty-first Assembly District

September 11, 2001

We kneel in sorrowful prayer for our dead. We sit composed, awaiting answers. We stand united as a nation reinforced by our faith in God and individual freedom, collectively embracing our liberty and vowing to never lie down to terrorism or forget New York City and Washington, D.C. on September 11, 2001.

Sixty years ago our nation was caught unprepared on our West Coast. September 11, 2001 our eastern borders were attacked. We must now and forever be vigilant in our watch. We must also draw from this tragedy and focus on our duty and privilege as Americans to assist those in need, protect those in fear of tyranny and deal judiciously with those whose moral depravity is an abomination in the eyes of men and the heart of God.

ANTHONY PESCE  
Tenth Assembly District

September 14, 2001

*To the Citizens of New York and Washington, D.C.,*

I will never forget the images I saw as I watched in horror the vicious terror that struck New York City and our nation's capital on September 11, 2001. The images of innocent people targeted for no rhyme or reason. My thoughts every minute since that one moment in time has been to question why did this happen? Why the United States of America? Why innocent people?

I now understand that I may never get those answers. While these terrorists left me and everyone else with plenty of questions and no answers, they did not take away our resolve, our strength as a people, and our belief in our democracy and freedom.

We must now turn our thoughts and prayers to those who were struck down and to those whose loved ones are struggling to get through this unbelievable event. We will get through this horrific tragedy and we will be stronger. It will be our prayers and joining together that will help us go on.

We must never forget. We must never let those citizens whose lives were lost be forgotten. We must be strong and persevere. While New York City and Washington, D.C. are thousands of miles away from California, as a result of this tragedy it has drawn us closer. You are in our thoughts, our prayers. God Bless us all.

Sincerely,

SARAH REYES  
Thirty-first Assembly District

September 12, 2001

*Dear Mr. Speaker and Members,*

Yesterdays tragedies' in New York, Washington, D.C., and Pennsylvania, will long live in our memories as the work of faceless cowards sending a heinous message of fear to decent law abiding citizens.

Rather than a military target they selected innocent civilians who reported for work—as millions of Americans do everyday—and the moms and dads, sons and daughters, died a horrible death in the ashes of American Landmarks. The sight of an aircraft crashing into the World Trade Center and the Pentagon will forever be a memory of sorrow and sadness for all of us.

What happened to those working in the Pentagon and the World Trade Center, and the brave firefighters, and police officers that died in heroic efforts to rescue them must never be forgotten. The hideous merchants of anonymous death must be sent the message that these acts will not be tolerated. Franklin Roosevelt led our nation through the Second World War and said that America must constantly guard its freedoms. One of our greatest freedoms that we cannot lose is the freedom from fear. We must be vigilant and constantly on guard.

We must support the efforts to hunt for those who committed these horrendous acts and they must be brought to justice. The message must be clear and unmistakable—our nation stands for freedom.

As we mourn those who died in these senseless acts, we must have a renewed resolve to preserve our basic rights and freedoms. Our nation has a long history of heroes who died because they believed in the compact that created this great nation.

Our Assembly Chamber is a direct descendent of our Founding Fathers and others who fought for our freedoms—a heritage that places a heavy mantle of responsibility on all of us here.

In the loss of yesterday, let us find new hope for tomorrow. We cannot let these despicable acts keep us from the greatness that is within each of us. Let us—in this moment—remember in our respective religious traditions those families who were forever changed by terrorists. The pain for their family members is just beginning and will forever leave a scar. And let that scar remind all of us, our family of Americans, to never forget.

With deepest Sympathies and Regrets,

KEITH S. RICHMAN, M.D.  
Thirty-eighth Assembly District

September 14, 2001

*To Whom It May Concern,*

I just wanted to share with you that my heartfelt prayers go out to the families and friends who have lost loved ones as a consequence of the recent tragedy in our Nation.

Sincerely,

GEORGE C. RUNNER, JR.  
Thirty-sixth Assembly District

September 12, 2001

The thoughts and prayers of the people of the Central Coast in California are with the victims and the rest of the country as we mourn the loss of so many people as a result of these unspeakable acts of terrorism. Our hearts are heavy for all of those who have been so devastated by these atrocities in Washington, D.C., New York and Pennsylvania.

I wish to express my sincerest condolence to the victims and the families of this tragedy. In this time of sadness and grief, I would like to lend my thoughts and prayers of support for the healing of our country. The events have been so catastrophic it is impossible to adequately convey our loss, sorrow and shock. However, I would like to extend my deepest sympathies and wishes of hope to all the families and friends of those who lost their lives.

Sincerely,

SIMÓN SALINAS  
Twenty-eighth Assembly District

September 13, 2001

*Assemblymember Dennis Cardoza  
Chair, Assembly Rules Committee  
Room 3016, State Capitol  
Sacramento, California*

Dear Assemblymember Cardoza: Few of us today knew the shock of Pearl Harbor. On Tuesday, our nation experienced an incomprehensible tragedy. We are all stunned into disbelief over the past 48 hours and we are overcome with sadness.

We can rebuild or replace a building or aircraft, but we cannot replace the lives of our loved ones, our friends, our neighbors.

As a community and as a country, we will not be defeated. Terrorism cannot shake the foundation of what America stands for: truth, justice . . . freedom.

Sincerely,

KEVIN SHELLEY  
Majority Leader

September 12, 2001

*Dear Friends,*

Somewhere in the world someone has badly misjudged the American public. The American people are extraordinarily resilient; and after an appropriate period of mourning we will put ourselves back together as a people and as a nation.

Ultimately, our resolve and determination to lead the world community as a free and peaceful nation can only be strengthened by the horrific events of September 11. For now, please know that we join you in your extraordinary sense of loss, and that we will join in your every effort to rebuild your community, both physically and spiritually.

Sincerely,

S. JOSEPH SIMITIAN  
Twenty-first Assembly District



September 12, 2001

*To the residents of New York City, Washington, D.C.  
and the entire nation that mourns with you:*

It is with heavy hearts that I, my family, and my staff extend our most sincere condolences to the many families who lost loved ones in the horrific acts of terrorism in New York, Washington, D.C., and in Pennsylvania. For those who miraculously survived the initial blasts and who will be rescued in the hours and days ahead, our best wishes for the speediest of recoveries.

The swelling sense of unity and community spirit of Americans nationwide in the aftermath of this tragedy has been truly inspirational. This event has not weakened America. On the contrary, it has revitalized our humanity.

We will emerge from these ashes a stronger, more unified nation, committed to regaining the sense of personal and national security we once took for granted. Our thoughts and prayers are with you.

Very Sincerely,

DARRELL STEINBERG  
Ninth Assembly District

September 12, 2001

*To the Members of the New York State Legislature:*

I want to express to you my sincere condolences for the devastating event that has befallen your great state. I share your sense of outrage and overwhelming grief from this tragedy.

You are to be commended for the great bravery and sense of community that your citizens have shown in the face of this tremendous adversity. The heroic deeds of your police officers, firefighters, and ordinary citizens have set an example for all Americans to follow.

Audra and I have you in our thoughts and prayers.

With Sympathy,

TONY STRICKLAND  
Thirty-seventh Assembly District

September 11, 2001, was a day filled with vivid images of destruction and terror. We watched in horror the sudden ending of life and the search for survivors. We asked "How could this happen? Who would do this evil thing?" From the rubble comes the resolve of the American people to reach out to help those who have been stricken by the incidents in New York and Washington, D.C. As the smoke clears, we will rebuild ourselves, stronger than ever, united and resolved as never before to defend our freedoms.

VIRGINIA STROM-MARTIN  
First Assembly District

September 14, 2001

*To the People of New York and Washington, D.C.:*

As an American and human being, I was shocked, saddened and angered by the tragic events of Tuesday, September 11, 2001 in New York City and in Washington, D.C. The grief I feel for the victims, their families and our nation is matched only by the tremendous pride I feel in the strength and generosity of New Yorkers and the strength of human spirit displayed by all Americans in the days following this tragedy.

Those who risked their own lives to rescue victims—including the firefighters, police, doctors, nurses and many civilians who responded—as well as all those who volunteered their assistance at local New York City hospitals, and all those who lined up around the country to donate blood, are a great tribute to the resiliency of Americans.

As an elected official in California, I offer my support for our state's assistance to the people of New York City and Washington, D.C. I also pledge my support for our national government's efforts to take all necessary steps to vanquish the perpetrators of this brutal act and to prevent such a horrific devastating event from ever occurring again.

My thoughts and prayers are with you and your families.

Sincerely,

HELEN M. THOMSON  
Eighth Assembly District

September 14, 2001

*To Our Brothers and Sisters,*

My heart is with all of you in this time of intense mourning. The tragedy that occurred last Tuesday may have taken place in New York and Washington, D.C., but it struck at the soul of the entire nation. Here in California, we may be thousands of miles away but we stand beside you all, as your brothers and sisters, ready to help and pray.

We are all deeply affected, full of sorrow and anger, by our loss. For the past few days, I have been overcome by sadness. My family and I cannot find words to describe the pain and frustration that we feel.

As a Jesuit I walked alongside a suffering people: men, women and children who were terrorized, murdered and abandoned in war-ravaged El Salvador. Never could I have imagined such turmoil inflicting my home before the eyes of my daughter.

Our future will hold sad memories of the recent attack on innocent human beings. However, as an American family, we will re-build ourselves into a stronger people, in the name of all who perished.

You are in our prayers. God bless you.

JUAN VARGAS  
Seventy-ninth Assembly District

TO THE PEOPLE OF THE UNITED STATES  
AND THE GREAT STATE OF CALIFORNIA:

On September 11, 2001 acts of unspeakable horror and destruction were inflicted upon the people of California and the United States. Many Californians lost their lives yesterday and we shall miss them deeply. Our hearts and our prayers go out to all the families directly impacted by this pure unadulterated evil. Our prayers go out to mothers and fathers, sisters and brothers, and to all of the children who will be forever impacted by this callous act. These cold, heartless, and despicable acts were designed to break our spirit as a nation, as a united people.

Our state will become stronger as a result of the love, unity and support that all Californians have demonstrated at this moment in our history.

May God bless all of our families now and forever more.

CARL WASHINGTON  
Fifty-second Assembly District

September 14, 2001

Words cannot convey my intense grief on the loss of life resulting from the terrorist attacks.

As I look at the faces of the survivors and of the families trying to find their loved ones, I know the repercussions of those deaths will affect these people for the rest of their lives.

And I think of the wonderful people whose lives have been tragically truncated. I think of the firefighters and police who died trying to save others. And I think of those doomed heroes on the San Francisco bound flight whose courage prevented even greater loss.

HOWARD WAYNE  
Seventy-eighth Assembly District

September 14, 2001

*To the Citizens of New York City and Washington, D.C.:*

Please accept my heartfelt sympathies on your tremendous loss.

Like you, I mourn for those who did not survive, pray for those who have not yet been found, and applaud the brave rescuers whose courage and self-sacrifice is in the greatest American tradition.

So many of the passengers from the four ill-fated flights were from California. Their families, our friends, grieve for them. Like you, our grief is tempered by the heroism of the Californians who acted so heroically in bringing down their own flight to save the lives of others.

America's enemies have underestimated the strength of America's diverse people. We will not be divided by race or religion nor will we be conquered by fear or trepidation.

Sincerely,

HERB J. WESSON JR.  
Forty-seventh Assembly District

*Fellow Americans,*

No one is immune from the tragedy that fell upon so many innocent citizens across our nation. We in California extend our sympathy and support, in any and every way possible.

PAT WIGGINS  
Seventh Assembly District

September 14, 2001

Our lives will be changed forever following the events of September 11, 2001 when hijacked jumbo jets flew into the World Trade Center in New York and the Pentagon in Washington, D.C. All of us around the country are either connected to someone who was a victim or knows someone who was connected to a victim. In any event, we are all impacted by this horrific event.

My heart is with each of the families that have lost loved ones in this national tragedy. I pray that God place a special heir of comfort over their hearts as they adjust to their loss. Psalms 46:1 says, "God is our refuge and strength, a very present help in trouble."

It is also my prayer that we stand united as a nation so that we can protect our children and future generations from harm and unjust acts.

God Bless,

RODERICK D. WRIGHT  
Forty-eighth Assembly District

September 12, 2001

*Fellow Americans,*

In this time of national tragedy, our thoughts and prayers are with the many victims and their suffering relatives and friends. No words, no resolutions, no sympathy can make up for what has been taken away.

The will and unity of the American people will be demonstrated to the world during this crises. A nation of wide diversity, we will stand together as one to defend our homes, our loved ones, and our precious freedoms.

Sincerely,

MARK WYLAND  
Seventy-fourth Assembly District

September 12, 2001

*Fellow Americans:*

The events of September 11th, are of such tragic proportion that even those of us who witnessed the scenes from afar are unable to shake the horrific and unbelievable images from our minds. The overwhelming disregard for human life shown by those responsible for this disaster is impossible to understand.

The American spirit is resilient. We have always found ways to unite during times of tragedy. Even during the past day—in some of our nation's darkest hours—countless stories of heroism and bravery emerge. We look to the courage and selflessness demonstrated by the hundreds of emergency personnel who sacrificed their lives to gain entry into the World Trade Center Towers, even as the towers were being evacuated. We must also look at the rescuers who are working relentlessly to search for survivors and the numerous acts of generosity exhibited by unnamed individuals. Finally, we look to the heroic acts of our fellow citizens aboard United Airlines Flight 93. Their actions to prevent the loss of more lives at the expense of their own are the embodiment of John 15:13, "Greater love hath no man than this, that a man lay down his life for his friends."

As a Nation we must find comfort in the knowledge that we will rally behind our President as the faceless terrorists responsible for these cowardly acts are caught and justice is served.

Our hearts go out to the families and friends of the victims of this disaster. You are in our thoughts and in our prayers. God bless you and our Nation in the days and weeks ahead.

My deepest sympathy,

PHIL WYMAN  
Thirty-fourth Assembly District

September 14, 2001

At times like this, it is difficult to find the appropriate words to express my profound sorrow. My thoughts and prayers go out to all those who were touched by these horrific events in New York, Pennsylvania and Washington, D.C. I will never forget this tragic day.

Now is the time to stand with each other, as Americans, and show the rest of the world that we will not tolerate terrorist activities on our shores. We must not allow those who would perpetuate evil to dictate their will over us. It is time to rally around the flag once more, showing faith in our President, our Nation and each other.

This great Nation was founded upon the principles of freedom and independence. We will overcome this tragedy, united and strengthened in our resolve to overcome the forces of evil.

Sincerely,

CHARLENE GONZALES ZETTEL  
Seventy-fifth Assembly District

**REMARKS BY GOVERNOR DAVIS**

Upon invitation of Speaker Hertzberg, Governor Gray Davis, then addressed the assemblage.

**CONCLUSION**

At 12:53 p.m. Speaker Hertzberg declared today's ceremony in observance of the National Day of Prayer and Remembrance concluded.

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The above published Appendix to the Assembly Daily Journal was forwarded with the following letter signed jointly by Assembly Member Dennis Cardoza, Chair, Assembly Rules Committee and Assembly Member Dave Cox, Republican Floor Leader to:

The Honorable Richard Cheney  
Vice President of the United States  
27 Dwight D. Eisenhower Executive Office Building  
Washington, D.C. 20501

The Honorable Robert C. Byrd  
President pro Tempore  
S-237 Capitol Building  
Washington, D.C. 20510

The Honorable J. Dennis Hastert  
Speaker of the House  
H-232 Capitol Building  
Washington, D.C. 20515

The Honorable Lieutenant Governor Mary O. Donahue  
President of the Senate  
Legislative Office Building  
Albany, NY 12247

The Honorable Sheldon Silver  
Speaker of the Assembly  
Legislative Office Building  
Albany, NY 12248

September 15, 2001

The California Legislature recently convened a memorial ceremony. It was part of the President's call for a National Day of Prayer and Remembrance in memory of the thousands of Americans who lost their lives or were seriously injured by the terrorist attack at the Pentagon and in New York City. This national tragedy deeply touched so many Americans from coast to coast that words cannot express the magnitude of this national tragedy.

The Legislature unanimously adopted Assembly Concurrent Resolution 118 by Assembly Member Cardoza expressing its support of Americans' liberties and freedom. The resolution strongly condemned the cowardly terrorists who destroyed the innocent lives of our fellow American citizens and expressed the Legislature's commitment to stand firm with all Americans to preserve our liberties and our freedom.

Please find enclosed an Addendum to the Assembly Daily Journal. This special publication in honor of our beloved fellow citizens includes a record of the floor proceedings and personal letters from each of our 80 Assembly colleagues.

Sincerely,

ASSEMBLYMAN DENNIS CARDOZA  
Chair, Assembly Rules Committee

ASSEMBLYMEMBER DAVE COX  
Republican Floor Leader

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Volume 6

# Journal of the Assembly

Legislature of the State of California  
2001–2002 First Extraordinary Session  
January 3, 2001 to May 14, 2001



HON. HERB J. WESSON, JR.  
Speaker

HON. FRED KEELEY  
Speaker pro Tempore

HON. KEVIN SHELLEY  
Majority Floor Leader

HON. CHRISTINE KEHOE  
Assistant Speaker pro Tempore

HON. DAVE COX  
Minority Floor Leader

E. DOTSON WILSON  
Chief Clerk of the Assembly

PAM CAVILEER  
Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, January 3, 2001**  
**FIRST SESSION DAY**  
**FIRST CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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  
Wednesday, January 3, 2001

At 12:46 p.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Gray Davis, Governor of the State of California, dated January 3, 2001, convening the Legislature of the State of California on this day in extraordinary session.

In conformity with Government Code Section 9150, the following officers for the 2001–02 Regular Session were present and performing their respective duties: E. Dotson Wilson, Chief Clerk; Pam Cavileer, Minute Clerk; and Ronald E. Pane, Chief Sergeant-at-Arms.

Fred Keeley, Speaker pro Tempore of the Assembly for the 2001–02 Regular Session, presiding.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called, and the following answered to their names—77:

Aanestad	Diaz	Liu	Salinas
Alquist	Dickerson	Longville	Shelley
Aroner	Dutra	Lowenthal	Simitian
Ashburn	Firebaugh	Maddox	Steinberg
Bates	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, Rod	Wright
Chavez	Kehoe	Papan	Wyland
Cogdill	Kelley	Pavley	Wyman
Cohn	Koretz	Pescetti	Zettel
Corbett	La Suer	Reyes	Mr. Speaker
Correa	Leach	Richman	
Cox	Leonard	Romero	
Daucher	Leslie	Runner	

Quorum present.

**PRAYER**

Upon invitation of Speaker Hertzberg the following prayer was offered by Rev. Constantine C. Pappademos, Alternate Chaplain of the Assembly for the 2001–02 Regular Session:

*Great Shepherd of Our Souls and Bodies,* From age to age, You have led Your people in the paths of righteousness and truth for Your Own Name's sake. Throughout the years of our lives, You have guided us faithfully into green pastures and beside still waters. You have restored our souls. Even in the valley of the shadow of death, You are with us there, to find us, to rescue us, and to restore us to Your flock once more. Will You grant us also, O Good Shepherd of Lives, in the year and the millennium that lie ahead, that Your sheep throughout this beautiful state, this country and the whole world may hear Your voice and follow You, so that as one flock under One Shepherd, we may glorify You in all that we do.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker Hertzberg, Assembly Member Vargas then led the Assembly in the pledge of allegiance to the Flag.

**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 Member Robert Pacheco.*

*Due to a flight cancellation: Assembly Member John Campbell.*

(NOTE: For explanation of absence of Assembly Member Robert Pacheco on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

**Leave of Absence—Balance of the Day**

January 3, 2001

*The Honorable Robert M. Hertzberg  
Speaker of the Assembly  
California State Assembly  
State Capitol  
Sacramento, California*

Dear Mr. Speaker: This letter respectfully requests that I be excused early from session on Wednesday January 3, 2001. I will be conducting official business in my district due to the devastating fires currently raging in East San Diego County.

Thank you for your assistance.

Sincerely,

CHARLENE ZETTEL, Assembly Member  
Seventy-fifth District

**PROCLAMATION OF THE GOVERNOR**

Speaker pro Tempore Keeley directed the Clerk to read the following Proclamation of the Governor convening the Legislature in extraordinary session:

*A PROCLAMATION*

by the

Governor of the State of California

WHEREAS, an extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; now therefore,

I GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by Section 3(b) Article IV of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California, on the 3rd day of January, 2001, at a time appointed by each house of the Legislature of said day for the following purpose and to legislate upon the following subjects:

1. To consider and act upon legislation affecting the availability, supply, consumption, and use of energy in California.
2. To consider and act upon legislation affecting the organization, corporate governance, including finances, and oversight of the California Independent System Operator (CAISO) and the California Power Exchange (CalPX), California not-for-profit corporations.
3. To consider and act upon legislation affecting the operation, maintenance, and finances of facilities owned or controlled directly or indirectly by persons or corporations that provide heat, light, and power to California residents and businesses.
4. To consider and act upon legislation affecting the interaction between wholesale and retail markets for energy supply, capacity and reliability.
5. To consider and act upon legislation protecting the health and safety of California residents with respect to facilities that generate and deliver energy service in California.

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of the State of California  
to be affixed this 3rd day  
of January 2001.

GRAY DAVIS  
Governor of California

ATTEST:  
BILL JONES  
Secretary of State



**ELECTION OF SPEAKER**

Assembly Member Shelley moved that the vote electing Assembly Member Robert Myles Hertzberg to the Office of Speaker of the Assembly for the 2001–02 Regular Session (Assembly Journal, page 6), and the oath of office administered (Assembly Journal, page 7) be substituted in the 2001–02 First Extraordinary Session.

Motion carried.

**OATH OF OFFICE**

The following oath of office was administered to Speaker-elect Robert Myles Hertzberg on Monday, December 4, 2000, by the Honorable Ronald M. George, Chief Justice of California:

**OATH**

*for the Office of Speaker of the Assembly*

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

**REMARKS TO THE BODY**

Speaker Hertzberg and Minority Floor Leader Bill Campbell then offered remarks to the Body.

**ADOPTION OF STANDING RULES OF THE ASSEMBLY**

Assembly Member Shelley moved that the Standing Rules of the Assembly for the 2001–02 Regular Session be adopted as the Standing Rules of the Assembly for the 2001–02 First Extraordinary Session.

(For text of Assembly Standing Rules, see Assembly Journal for December 4, 2000, Page 6.)

Assembly Member Washington seconded the motion.

Motion carried by the following vote:

**AYES—75**

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

**NOES—None**

**SHELLEY MOTION RELATIVE TO ORGANIZATION OF THE ASSEMBLY**

Assembly Member Shelley moved that the vote taken in the 2001–02 Regular Session (House Resolution No. 3) relative to payment of Members, officers, and attaches of the Assembly; and distribution of Assembly Weekly Histories be substituted in the 2001–02 First Extraordinary Session.

Motion carried and the following vote substituted:

**AYES—77**

Aanestad	Diaz	Liu	Salinas
Alquist	Dickerson	Longville	Shelley
Aroner	Dutra	Lowenthal	Simitian
Ashburn	Firebaugh	Maddox	Steinberg
Bates	Florez	Maldonado	Strickland
Briggs	Frommer	Mathews	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, Rod	Wright
Chavez	Kehoe	Papan	Wyland
Cogdill	Kelley	Pavley	Wyman
Cohn	Koretz	Pescetti	Zettel
Corbett	La Suer	Reyes	Mr. Speaker
Correa	Leach	Richman	
Cox	Leonard	Romero	
Daucher	Leslie	Runner	

**NOES—None**

(NOTE: Assembly Members John Campbell and Robert Pacheco were present when the above vote was taken on December 4, 2000, but are excused on this day.)



**LEADERSHIP AND COMMITTEE CHAIR ANNOUNCEMENTS**

Speaker Hertzberg announced the following leadership and committee chair appointments:

Assembly Member Keeley, Speaker pro Tempore;  
 Assembly Member Shelley, Majority Floor Leader;  
 Assembly Member Cardoza, Rules Committee Chair;  
 Assembly Member Aroner, Democratic Caucus Chair;  
 Assembly Member Migden, Appropriations Committee Chair;  
 Assembly Member Cardenas, Budget Committee Chair.

**COMMUNICATIONS**

The following communications were presented by the Chief Clerk, and ordered printed in the Journal:

January 3, 2001

*E. Dotson Wilson*

*Chief Clerk of the California State Assembly  
 State Capitol, Room 3196  
 Sacramento, California*

Dear Mr. Wilson: This letter is to confirm that I have been elected by the Republican Caucus as the Assembly Republican Leader and will serve as such for the first Special Session.

Thank you for your consideration in this matter. Please contact Richard Costigan III or Bob Becker in my capitol office at (916) 319-2071 if you have any further questions.

Sincerely,

**BILL CAMPBELL**  
 Assembly Republican Leader

January 3, 2001

*E. Dotson Wilson, Chief Clerk  
 California State Assembly  
 State Capitol  
 Sacramento, California*

Dear Mr. Wilson: I am pleased to inform you that Assemblyman Bill Leonard is hereby appointed as Vice Chairman of Rules in the First Extraordinary Session.

If you have any questions, please feel free to contact myself or Richard Costigan III, my Chief of Staff at 319-2071.

Sincerely,

**BILL CAMPBELL**  
 Assembly Republican Leader

**ELECTION OF OFFICERS OF THE ASSEMBLY**

Assembly Member Shelley moved that the following persons constitute officers of the Assembly for the 2001–02 First Extraordinary Session, as elected in the 2001–02 Regular Session, and that the roll call vote and oaths of office taken on December 4, 2000 be substituted:

E. Dotson Wilson, Chief Clerk  
 Ronald E. Pane, Chief Sergeant at Arms  
 Rabbi Mona Alfi, Chaplain  
 Father Constantine C. Pappademos, Alternate Chaplain

Motion carried and the following vote substituted:

**AYES—77**

Aanestad	Diaz	Liu	Salinas
Alquist	Dickerson	Longville	Shelley
Aroner	Dutra	Lowenthal	Simitian
Ashburn	Firebaugh	Maddox	Steinberg
Bates	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, Rod	Wright
Chavez	Kehoe	Papan	Wyland
Cogdill	Kelley	Pavley	Wyman
Cohn	Koretz	Pescetti	Zettel
Corbett	La Suer	Reyes	Mr. Speaker
Correa	Leach	Richman	
Cox	Leonard	Romero	
Daucher	Leslie	Runner	

**NOES—None**

(NOTE: Assembly Members John Campbell and Robert Pacheco were present when the above vote was taken on December 4, 2000, but are excused on this day.)

**OATH OF OFFICE**

The following oath of office was administered to Chief Clerk-elect E. Dotson Wilson, Chief Sergeant-at-Arms-elect Ronald E. Pane, Chaplain-elect Rabbi Mona Alfi and Alternate Chaplain-elect Rev. Constantine C. Pappademos on Monday, December 4, 2000 administered by the Honorable Ronald M. George, Chief Justice of California:

**OATH**

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

**DESK OPEN FOR INTRODUCTION OF BILLS**

Speaker pro Tempore Keeley announced that the Desk would remain open for introduction of bills until 3 p.m. adjournment.

**RECESS**

By unanimous consent, at 1:02 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:  
**ASSEMBLY BILL NO. 1—Migden.** An act relating to public utilities.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Thursday, January 4, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 4, 2001**

**SECOND SESSION DAY**

**SECOND CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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(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, January 4, 2001

The Assembly met at 7 a.m.

Hon. Hannah-Beth Jackson, Assembly Member, 35th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—75:

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

Quorum present.

**At 10:32 a.m., Hon. Joe Canciamilla, 11th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Correa, Robert Pacheco, Romero, and Washington.*

(NOTE: For explanation of absence of Assembly Member Robert Pacheco on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for Wednesday, January 3, 2001; for explanations of absences of Assembly Members Correa, Romero, and Washington on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 2—Pescetti.** An act to amend Sections 363, 367, 368, and 374 of, and to add Section 368.5 to, the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**MESSAGES FROM THE SENATE**

Senate Chamber, January 3, 2001

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

Senate Concurrent Resolution No. 1

GREG 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. 1**—Relative to the Joint Rules for the 2001–02 First Extraordinary Session.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 4:15 p.m., Monday, January 8, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk





CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, January 8, 2001**

**THIRD SESSION DAY**

**SIXTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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(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, January 8, 2001

The Assembly met at 4:45 p.m.

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—79:

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

Quorum present.

**PRAYER**

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

This august body has been entrusted with the important task of determining what can and shall be done for the people of California, so that our needs and dreams can be transformed into reality.

In a time much more challenging than our own, Abraham Lincoln spoke about how the political process is best used to enact change. He said: Determine that the thing *can* and *shall* be done. And *then* we shall find the way.

Before we can determine the best approach for a particular goal, we must first commit ourselves to the goal itself. Once that is done, we can then open ourselves up to the wealth of internal, creative, and collective resources that are within our grasp.

May the Holy One of Blessing grant us the ability to discern the needs of the people as well as the patience and fortitude to see our work come to a successful end. May this be God's will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker Hertzberg, Assembly Member Romero 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 Campbell.

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

January 8, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Rules Committee for the 2001–02 First Extraordinary Session, consistent with the 2001–02 Regular Session:

Assemblymember Dennis Cardoza, Chair  
Assemblymember Bill Leonard, Vice Chair  
Assemblymember Jerome Horton  
Assemblymember Tim Leslie  
Assemblymember Carol Liu  
Assemblymember George Nakano  
Assemblymember Joe Nation  
Assemblymember Charlene Zettel  
Assemblymember Sam Aanestad (alternate)  
Assemblymember Dario Frommer (alternate)

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

**RESOLUTIONS**

The following resolution was offered:

**House Resolution No. 1 Introduced by Assembly Member Hertzberg.**

*Relative to the Standing Rules of the Assembly  
for the 2001–02 First Extraordinary Session.*

*Resolved by the Assembly of the State of California, That Rule 11 of the Standing Rules for the 2001–02 First Extraordinary Session is amended to read as follows:*

11. ~~Twenty-seven~~ *Twenty-eight* standing committees of the Assembly are hereby created, upon the several subjects, and titled respectively, as follows:

Aging and Long-Term Care  
Agriculture  
Appropriations  
Banking and Finance  
Budget  
Business and Professions  
Education  
Elections, Reapportionment and Constitutional Amendments  
*Energy Costs and Availability*  
Environmental Safety and Toxic Materials  
Governmental Organization  
Health  
Higher Education  
Housing and Community Development  
Human Services  
Insurance  
Jobs, Economic Development, and the Economy  
Judiciary  
Labor and Employment  
Local Government  
Natural Resources  
Public Employees, Retirement and Social Security  
Public Safety  
Revenue and Taxation  
Rules  
Transportation  
Utilities and Commerce  
Water, Parks and Wildlife

**HOUSE RESOLUTION NO. 1 TAKEN UP BY UNANIMOUS CONSENT**

Assembly Member Shelley was granted unanimous consent to take up House Resolution No. 1, without reference to committee, print, or file.

**HOUSE RESOLUTION NO. 1**—Relative to the Standing Rules of the Assembly for the 2001–02 First Extraordinary Session.

Resolution read, and adopted by the following vote:

**AYES—73**

Aanestad	Daucher	Leslie	Salinas
Alquist	Diaz	Liu	Shelley
Aroner	Dickerson	Longville	Simitian
Ashburn	Dutra	Lowenthal	Steinberg
Bates	Florez	Maddox	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	Pavley	Zettel
Cohn	Koretz	Pescetti	Mr. Speaker
Corbett	La Suer	Reyes	
Correa	Leach	Richman	
Cox	Leonard	Romero	

**NOES—None**

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

January 8, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed the following members to the Committee on Energy Costs and Availability in the 2001–02 First Extraordinary Session:

Assemblymember Roderick Wright, Chair  
Assemblymember Anthony Pescetti, Vice Chair  
Assemblymember Mike Briggs  
Assemblymember John Campbell  
Assemblymember Joseph Canciamilla  
Assemblymember Manny Diaz  
Assemblymember Richard Dickerson  
Assemblymember John Dutra  
Assemblymember Hannah-Beth Jackson  
Assemblymember Fred Keeley  
Assemblymember Bill Leonard  
Assemblymember Carole Migden  
Assemblymember Jenny Oropeza  
Assemblymember Sarah Reyes  
Assemblymember Keith Richman  
Assemblymember Darrell Steinberg  
Assemblymember Juan Vargas  
Assemblymember Charlene Zettel

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

**VOTE ADDS**

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

**House Resolution No. 1:** Assembly Members Lowenthal and Zettel—Aye.

**RECESS**

By unanimous consent, at 4:47 p.m., Speaker Hertzberg declared the Assembly recessed.

**ADJOURNMENT**

At 5:48 p.m., the Assembly adjourned until Tuesday, January 9, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, January 9, 2001**  
**FOURTH SESSION DAY**  
**SEVENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, January 9, 2001

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—71:

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

Quorum present.

**At 11:40 a.m., Hon. Phil Wyman, 34th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Calderon, Bill Campbell, Florez, Hertzberg, Rod Pacheco, Reyes, Romero, and Washington.*

(NOTE: For explanations of absence of Assembly Members Calderon, Bill Campbell, Florez, Hertzberg, Rod Pacheco, Reyes, Romero, and Washington on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)



**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 3—Wright.** An act relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 4—Daucher and Rod Pacheco.** An act to add Section 40714.7 to the Health and Safety Code, relating to electricity.

**ASSEMBLY BILL NO. 5—Keeley.** An act to amend Sections 335 and 341.2 of, to add Section 352 to, and to repeal and add Sections 337 and 338 of, the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Thursday, January 11, 2001.

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FRED KEELEY, Speaker pro Tempore

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 11, 2001**

**FIFTH SESSION DAY**

**NINTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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(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, January 11, 2001

The Assembly met at 7 a.m.

Hon. Negrete McLeod, Assembly Member, 61st District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—75:

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Runner
Aroner	Diaz	Liu	Salinas
Ashburn	Dickerson	Longville	Shelley
Bates	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	Wayne
Cardoza	Hollingsworth	Nation	Wesson
Cedillo	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Oropeza	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Cogdill	Kehoe	Pacheco, Rod	Wyman
Cohn	Kelley	Pavley	Zettel
Corbett	Koretz	Pescetti	Mr. Speaker
Correa	La Suer	Reyes	

Quorum present.

**At 10:28 a.m., Hon. Richard Dickerson, 2nd District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Leach, Romero, and Washington.*

*Because of illness: Assembly Member Papan.*

**EXPLANATIONS OF ABSENCE**

(NOTE: For explanations of absences of Assembly Members Leach and Romero 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 Washington on this day, on legislative business, see the Assembly Journal for the Regular Session for Tuesday, January 9, 2001.)

**COMMUNICATIONS**

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

January 11, 2001

*Mr. E. Dotson Wilson  
Chief Clerk  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: I am writing to respectfully inform you that Assemblyman Anthony Pescetti has been appointed as the Assembly Republican Caucus Chair.

Thank you for your attention to this matter.  
Sincerely,

**BILL CAMPBELL**  
Assembly Republican Leader

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 6—Dutra and Pescetti.** An act to amend Sections 216 and 377 of the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 7—Wright.** An act relating to electricity, and declaring the urgency thereof, to take effect immediately.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 1—Wright.** Relative to electric power rates.

**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>
<b>15</b> -----	E.C. & A.
<b>16</b> -----	E.C. & A.

**REPORTS OF STANDING COMMITTEES  
Committee on Energy Costs and Availability**

Date of Hearing: January 11, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 5  
Assembly Bill No. 6

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bills re-referred to the Committee on Appropriations.

**ADJOURNMENT**

At 5:15 p.m., the Assembly adjourned until 8:30 a.m., Friday, January 12, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, January 12, 2001**

**SIXTH SESSION DAY**

**TENTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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, January 12, 2001

The Assembly met at 11:22 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—77:

Aanestad	Diaz	Liu	Salinas
Alquist	Dickerson	Longville	Shelley
Aroner	Dutra	Lowenthal	Simitian
Ashburn	Firebaugh	Maddox	Steinberg
Bates	Florez	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
Cardoza	Horton	Negrete McLeod	Wesson
Cedillo	Jackson	Oropeza	Wiggins
Chan	Keeley	Pacheco, Robert	Wright
Chavez	Kehoe	Pacheco, Rod	Wyland
Cogdill	Kelley	Pavley	Wyman
Cohn	Koretz	Pescetti	Zettel
Corbett	La Suer	Reyes	Mr. Speaker
Correa	Leach	Richman	
Cox	Leonard	Romero	
Daucher	Leslie	Runner	

Quorum present.



**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Member Carl Washington of the 52nd Assembly District:

Let us pray,

*Eternal God, Our Father,* We thank You for this day and for this hour. We pray now Your blessings upon this legislative body. We pray that You will give us the insight and the directions as You have done through Dr. Martin Luther King and others who have led our great country. We pray that we will make sound decisions and that they will reflect California's constituency. We pray these blessings.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Horton 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 Bill Campbell.

**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 Member Cardenas.*

*Because of illness: Assembly Member Papan.*

(NOTE: For explanation of absence of Assembly Member Cardenas on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

January 11, 2001

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that the following leadership is appointed in the 2001–02 First Extraordinary Session, consistent with the 2001–02 Regular Session:

Fred Keeley, Speaker pro Tempore  
Christine Kehoe, Assistant Speaker pro Tempore  
Kevin Shelley, Majority Floor Leader  
Juan Vargas, Assistant Majority Leader  
Wilma Chan, Majority Whip  
Dion Aroner, Democratic Caucus Chair

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

January 12, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Appropriations Committee for the 2001–02 First Extraordinary Session:

Assemblymember Carole Migden, Chair  
 Assemblymember Patricia Bates, Vice Chair  
 Assemblymember Elaine Alquist  
 Assemblymember Dion Aroner  
 Assemblymember Roy Ashburn  
 Assemblymember Gilbert Cedillo  
 Assemblymember Ellen Corbett  
 Assemblymember Lou Correa  
 Assemblymember Lynn Daucher  
 Assemblymember Jackie Goldberg  
 Assemblymember Abel Maldonado  
 Assemblymember Robert Pacheco  
 Assemblymember Lou Papan  
 Assemblymember Gloria Romero  
 Assemblymember George Runner  
 Assemblymember Kevin Shelley  
 Assemblymember Joe Simitian  
 Assemblymember Helen Thomson  
 Assemblymember Herb Wesson  
 Assemblymember Patricia Wiggins  
 Assemblymember Roderick Wright  
 Assemblymember Charlene Zettel

Sincerely,

ROBERT M. HERTZBERG  
 Speaker of the Assembly

#### **SPECIAL COMMITTEE MEETINGS**

Assembly Member Migden was granted unanimous consent that the Committee on Appropriations be permitted to hold a special meeting at this time, and that Joint Rule 62(a) be waived for the purpose of hearing Assembly Bills Nos. 5 and 6.

**At 11:38 a.m., Assistant Speaker pro Tempore Christine Kehoe,  
 76th District, presiding**

#### **REPORTS OF STANDING COMMITTEES** **Committee on Appropriations**

Date of Hearing: January 12, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 5

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: January 12, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 6

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Cardoza was granted unanimous consent that the Committee on Rules be permitted to hold a special meeting at this time, and without objection the House was permitted to continue convening in Floor session.

**REFERENCE OF BILLS TO COMMITTEE**

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

*Assembly*

*Bill No.*

*Committee*

**1** ----- E.C. & A.

**2** ----- E.C. & A.

**RESOLUTIONS**

The following resolution was offered:

**Resolution to Dispense With Constitutional Provision**

By Assembly Member Keeley.

*Resolved*, That Assembly Bill No. 5 presents a case of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage, and considered engrossed.

Resolution read, and adopted by the following vote:

**AYES—59**

Aanestad	Daucher	Leslie	Romero
Alquist	Diaz	Liu	Salinas
Aroner	Dickerson	Longville	Shelley
Ashburn	Dutra	Lowenthal	Simitian
Bates	Frommer	Maddox	Steinberg
Calderon	Goldberg	Matthews	Strom-Martin
Campbell, Bill	Harman	Migden	Vargas
Campbell, John	Havice	Nakano	Washington
Canciamilla	Hollingsworth	Nation	Wayne
Chan	Jackson	Negrete McLeod	Wesson
Chavez	Keeley	Oropeza	Wiggins
Cohn	Kehoe	Pavley	Wright
Corbett	Kelley	Pescetti	Wyland
Correa	Koretz	Reyes	Mr. Speaker
Cox	Leonard	Richman	

**NOES—3**

Cogdill	Mountjoy	Pacheco, Robert
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Article IV, Section 8(b) of the Constitution was declared dispensed with.

**Second Reading of Assembly Bill No. 5**

**ASSEMBLY BILL NO. 5**—An act to amend Sections 335 and 341.2 of, to add Section 352 to, and to repeal and add Sections 337 and 338 of, the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Assembly Bill No. 5 by Unanimous Consent**

Upon request of Assembly Member Shelley, Assembly Member Keeley was granted unanimous consent to take up Assembly Bill No. 5 without reference to file, for purpose of consideration.

**ASSEMBLY BILL NO. 5 (Keeley)**—An act to Sections 335 and 341.2 of, to add Section 352 to, and to repeal and add Sections 337 and 338 of, 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—60**

Alquist	Cox	Liu	Salinas
Aroner	Diaz	Longville	Shelley
Ashburn	Dickerson	Lowenthal	Simitian
Bates	Dutra	Maldonado	Steinberg
Calderon	Firebaugh	Matthews	Strom-Martin
Campbell, Bill	Florez	Migden	Thomson
Campbell, John	Frommer	Nakano	Vargas
Canciamilla	Goldberg	Nation	Washington
Cardoza	Havice	Negrete McLeod	Wayne
Cedillo	Horton	Oropeza	Wesson
Chan	Jackson	Pavley	Wiggins
Chavez	Keeley	Pescetti	Wright
Cohn	Kehoe	Reyes	Wyland
Corbett	Koretz	Richman	Zettel
Correa	Leonard	Romero	Mr. Speaker

**NOES—9**

Aanestad	Hollingsworth	Mountjoy
Cogdill	La Suer	Pacheco, Robert
Daucher	Maddox	Wyman

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—60**

Alquist	Cox	Liu	Salinas
Aroner	Diaz	Longville	Shelley
Ashburn	Dickerson	Lowenthal	Simitian
Bates	Dutra	Maldonado	Steinberg
Calderon	Firebaugh	Matthews	Strom-Martin
Campbell, Bill	Florez	Migden	Thomson
Campbell, John	Frommer	Nakano	Vargas
Canciamilla	Goldberg	Nation	Washington
Cardoza	Havice	Negrete McLeod	Wayne
Cedillo	Horton	Oropeza	Wesson
Chan	Jackson	Pavley	Wiggins
Chavez	Keeley	Pescetti	Wright
Cohn	Kehoe	Reyes	Wyland
Corbett	Koretz	Richman	Zettel
Correa	Leonard	Romero	Mr. Speaker

**NOES—9**

Aanestad	Hollingsworth	Mountjoy
Cogdill	La Suer	Pacheco, Robert
Daucher	Maddox	Wyman

Bill ordered transmitted to the Senate immediately.

**At 11:58 a.m., Speaker pro Tempore Fred Keeley, 27th District, presiding**

**RESOLUTIONS**

The following resolution was offered:

**Resolution to Dispense With Constitutional Provision**

By Assembly Member Dutra.

*Resolved*, That Assembly Bill No. 6 presents a case of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage, and considered engrossed.

Resolution read, and adopted by the following vote:

**AYES—65**

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

**NOES—2**

Cogdill	Wyman
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Article IV, Section 8(b) of the Constitution was declared dispensed with.

**Second Reading of Assembly Bill No. 6**

**ASSEMBLY BILL NO. 6**—An act to amend Sections 216 and 377 of the Public Utilities Code, relating to public utilities.

Bill read second time.

**Consideration of Assembly Bill No. 6 by Unanimous Consent**

Upon request of Assembly Member Shelley, Assembly Member Dutra was granted unanimous consent to take up Assembly Bill No. 6 without reference to file, for purpose of consideration.

**ASSEMBLY BILL NO. 6 (Dutra)**—An act to amend Sections 216 and 377 of the Public Utilities Code, relating to public utilities.

Bill read third time and presented by Assembly Members Dutra and Pescetti.

**DEBATE CLOSED**

By unanimous consent Assembly Members Dutra and Pescetti were permitted to close debate on Assembly Bill No. 6.

The question being on passage of the bill.

Bill passed by the following vote:

**AYES—61**

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

**NOES—10**

Aanestad	Daucher	Leach	Wyman
Campbell, John	Hollingsworth	Maddox	
Cogdill	La Suer	Strickland	

Bill ordered transmitted to the Senate immediately.

**VOTE ADDS**

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

**Assembly Bill No. 5, Resolution to Dispense with Constitution:** Aanestad, Koretz, Leslie, and Nakano—Aye.

**Assembly Bill No. 6:** Maldonado—Aye.

**RECESS**

By unanimous consent, at 12:27 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**AUTHOR'S AMENDMENTS**  
**Committee on Energy Costs and Availability**

January 12, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 2

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 2**—An act to amend Sections 363, 367, 368, and 374 of, and to add Section 368.5 to, the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Tuesday, January 16, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## **AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 12, 2001**

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

**AB RN**

2 0101135

**Daily Total: 1**

**Cumulative Total: 1**



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, January 16, 2001**  
**SEVENTH SESSION DAY**  
**FOURTEENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, January 16, 2001

The Assembly met at 11:54 a.m.

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—79:

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

Quorum present.

**PRAYER**

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

It seems to be a favorite pastime of many Americans to poke fun at politics and politicians. However, when we do that, we only mock ourselves. For as William Penn said: "Governments, like clocks, go from the motion that men give them."

*We are* the government. If the government is running well, it is because of the effort that we put into it. If it is not working well, then we must also take the blame. Those who are elected into office, those who work for the state, as well as those of us who serve simply as citizens, *we* are the ones who create the motion that makes this government run.

May it be the will of the Creator to grant us the ability to run our government with prudence, pride and responsibility. May this be God's will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker Hertzberg, Assembly Member Cardenas 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 Leonard.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 16, 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 re-referred to committee.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:  
**ASSEMBLY BILL NO. 8—Migden.** An act relating to public utilities.

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Shelley was granted unanimous consent that the Committee on Energy Costs and Availability be permitted to hold a special meeting today, off the Floor, to hear Assembly Bill No. 1 and that the Committee on Appropriations be permitted to hear Assembly Bill No. 1 today, pending re-referral from the Committee on Energy Costs and Availability.

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

January 16, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymembers Tony Cardenas and Fred Keeley to replace Assemblymembers Elaine Alquist and Gil Cedillo on the 1st Extraordinary Session Appropriations Committee for today's hearing only.

Sincerely,

**ROBERT M. HERTZBERG**  
 Speaker of the Assembly

**REPORTS OF STANDING COMMITTEES**  
**Committee on Energy Costs and Availability**

Date of Hearing: January 16, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 1

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill re-referred to the Committee on Appropriations.

**Committee on Appropriations**

Date of Hearing: January 16, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1

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

MIGDEN, Chairwoman

Above bill ordered to second reading.

**RECESS**

By unanimous consent, at 11:55 a.m., Speaker Hertzberg declared the Assembly recessed.

**RECONVENED**

At 7:59 p.m., the Assembly reconvened.

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

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 8:12 p.m., by unanimous consent, the members of the Committee on Rules were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

**ASSEMBLY BILL NO. 1 TAKEN UP BY UNANIMOUS CONSENT  
FOR SECOND READING**

Assembly Member Shelley was granted unanimous consent to take up Assembly Bill No. 1 without reference to file, for the purpose of reading the bill a second time and adopting the committee amendments at this time.

**ASSEMBLY BILL NO. 1**—An act relating to public utilities.

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.

**CAUCUS ANNOUNCEMENTS**

At 8:19 p.m., Assembly Member Pescetti was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 8:19 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**RECONVENED**

At 9:05 p.m., the Assembly reconvened.

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

**RESOLUTIONS**

The following resolution was offered:

**Resolution to Dispense With Constitutional Provision**

By Assembly Member Keeley.

*Resolved*, That Assembly Bill No. 1 presents a case of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage, and considered engrossed.

Resolution read, and adopted by the following vote:

**AYES—76**

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

**NOES—None**

Article IV, Section 8(b) of the Constitution was declared dispensed with.

**CONSIDERATION OF ASSEMBLY BILL NO. 1  
BY UNANIMOUS CONSENT**

Assembly Member Keeley was granted unanimous consent to take up Assembly Bill No. 1 without reference to file, for purpose of consideration.

**ASSEMBLY BILL NO. 1 (Keeley)**—An act to add Division 27 (commencing with Section 80000) 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.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—60**

Alquist	Daucher	Leonard	Romero
Aroner	Diaz	Liu	Salinas
Bates	Dickerson	Longville	Shelley
Calderon	Dutra	Lowenthal	Simitian
Campbell, Bill	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
Cohn	Keeley	Papan	Wiggins
Corbett	Kehoe	Pavley	Wright
Correa	Kelley	Pescetti	Wyland
Cox	Koretz	Reyes	Mr. Speaker

**NOES—5**

Cogdill	Leslie	Wyman
Hollingsworth	Mountjoy	

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—60**

Alquist	Daucher	Leonard	Romero
Aroner	Diaz	Liu	Salinas
Bates	Dickerson	Longville	Shelley
Calderon	Dutra	Lowenthal	Simitian
Campbell, Bill	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
Cohn	Keeley	Papan	Wiggins
Corbett	Kehoe	Pavley	Wright
Correa	Kelley	Pescetti	Wyland
Cox	Koretz	Reyes	Mr. Speaker

**NOES—5**

Cogdill	Leslie	Wyman
Hollingsworth	Mountjoy	

Bill ordered transmitted to the Senate immediately.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assistant Speaker pro Tempore Kehoe announced that the Committee on Rules would meet on Wednesday, January 18, 2001, upon Call of the Chair.

**MOTION TO ADJOURN**

At 9:26 p.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Migden seconded the motion.

Motion carried.

**ADJOURNMENT**

At 9:27 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## **AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 16, 2001**

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

**AB RN**

1 0101726

**Daily Total: 1**

**Cumulative Total: 2**



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, January 17, 2001**  
**EIGHTH SESSION DAY**  
**FIFTEENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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  
Wednesday, January 17, 2001

The Assembly met at 3 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.

#### Quorum Call of the Assembly

Assembly Member Bill Campbell moved a quorum call of the Assembly.

Motion carried. Time, 3:01 p.m.

The Assistant Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 3:16 p.m., Assistant Speaker pro Tempore Kehoe declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—72:

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

**PRAYER**

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

Last night we saw and experienced an horrific assault on individuals and on the very symbol of our government, our state, and our community. Let us take a moment to pause and to offer thanksgiving that the lives of those dedicated to the service of the people were spared.

In the Jewish tradition there is a special prayer that is recited after someone has escaped injury or has survived a dangerous and life-threatening situation.

It is said, in part, to recognize that these events are often significant markers in one's life's path. It is also said so as to give the community the opportunity to acknowledge the impact that these events have not only on the individual, but on society as well.

By doing so, we are able to affirm and acknowledge the fragility and holiness of life, and to move forward with the business of living.

Praised are You, O God, who rules the universe, granting favor and mercy even to the imperfect. Thank You, Eternal One, for granting mercy to us.

May it be Your will to continue to be gracious and may we always find favor in Your eyes.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Cohn then led the Assembly in the pledge of allegiance to the Flag.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On personal business, and waiving per diem: Assembly Members Aanestad, Ashburn, Leonard, Leslie, Maddox, Robert Pacheco, and Runner.*

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 9—Richman.** An act to add Chapter 6.6 (commencing with Section 25560) to Division 15 of the Public Resources Code, relating to energy resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 10—Goldberg (Coauthors: Aroner, Calderon, Cedillo, Firebaugh, Havice, Kehoe, Longville, Lowenthal, Pavley, Romero, and Vargas).** An act to add Article 4.5 (commencing with Section 357) to Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code, relating to public utilities.

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committees were permitted to meet:

Higher Education, on January 22, 2001, at 1:30 p.m.;

Select Committee on School Safety, January 20, 2001, at 10 a.m.

**CAUCUS ANNOUNCEMENTS**

At 3:17 p.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 3:18 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**RECONVENED**

At 9:02 p.m., the Assembly reconvened.  
Hon. Christine Kehoe, Assistant Speaker pro Tempore of the Assembly, presiding.

**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 Bill Campbell.

**MESSAGES FROM THE SENATE**

Senate Chamber, January 17, 2001

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

Assembly Bill No. 5

Assembly Bill No. 6

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

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

Upon request of Assembly Member Shelley, Assembly Member Keeley was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 5, without reference to file.

**ASSEMBLY BILL NO. 5 (Keeley)**—An act to amend Sections 335 and 341.2 of, to add Sections 352 and 352.5 to, and to repeal and add Section 337 of, the Public Utilities Code, relating to public utilities, 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.)*

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

**AYES—65**

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

**NOES—6**

Cogdill	La Suer	Strickland
Hollingsworth	Mountjoy	Wyman

Above bill ordered enrolled immediately.

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

Upon request of Assembly Member Shelley, Assembly Member Dutra was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 6, without reference to file.

**ASSEMBLY BILL NO. 6 (Dutra)**—An act to amend Sections 216, 330, and 377 of the Public Utilities Code, relating to public utilities, 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—63**

Alquist	Daucher	Longville	Shelley
Aroner	Diaz	Lowenthal	Simitian
Bates	Dutra	Maldonado	Steinberg
Briggs	Firebaugh	Matthews	Strickland
Calderon	Florez	Migden	Strom-Martin
Campbell, Bill	Frommer	Nakano	Thomson
Campbell, John	Goldberg	Negrete McLeod	Vargas
Cardenas	Harman	Oropeza	Washington
Cardoza	Havice	Pacheco, Rod	Wayne
Cedillo	Horton	Papan	Wesson
Chan	Jackson	Pavley	Wiggins
Chavez	Keeley	Pescetti	Wright
Cohn	Kehoe	Reyes	Wyland
Corbett	Kelley	Richman	Zettel
Correa	Koretz	Romero	Mr. Speaker
Cox	Leach	Salinas	

**NOES—5**

Cogdill	La Suer	Wyman
Hollingsworth	Mountjoy	

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

**AYES—63**

Alquist	Daucher	Longville	Shelley
Aroner	Diaz	Lowenthal	Simitian
Bates	Dutra	Maldonado	Steinberg
Briggs	Firebaugh	Matthews	Strickland
Calderon	Florez	Migden	Strom-Martin
Campbell, Bill	Frommer	Nakano	Thomson
Campbell, John	Goldberg	Negrete McLeod	Vargas
Cardenas	Harman	Oropeza	Washington
Cardoza	Havice	Pacheco, Rod	Wayne
Cedillo	Horton	Papan	Wesson
Chan	Jackson	Pavley	Wiggins
Chavez	Keeley	Pescetti	Wright
Cohn	Kehoe	Reyes	Wyland
Corbett	Kelley	Richman	Zettel
Correa	Koretz	Romero	Mr. Speaker
Cox	Leach	Salinas	

**NOES—5**

Cogdill	La Suer	Wyman
Hollingsworth	Mountjoy	

Above bill ordered enrolled immediately.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 9:08 p.m., Assistant Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 17, 2001

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

Assembly Bill No. 5

And reports the same correctly enrolled, and presented to the Governor on the 17th day of January, 2001, at 9:45 p.m.

E. DOTSON WILSON, Chief Clerk

**ADJOURNMENT**

At 9:45 p.m., the Assembly adjourned until 8:30 a.m., Thursday, January 18, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk





CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 18, 2001**  
**NINTH SESSION DAY**  
**SIXTEENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, January 18, 2001

The Assembly met at 9 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—72:

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

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Member John Campbell, of the 70th Assembly District:

*Heavenly Father, We ask Your blessing on all assembled here today, and on our work for the good and welfare of others. Give to all public servants eyes to behold Your truth, a seeing sense to know what is right and the genuine concern for the good of others. In Your goodness and love grant these blessings.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Matthews 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 Kehoe, seconded by Assembly Member Bill Campbell.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On personal business, and waiving per diem: Assembly Members Aanestad, Ashburn, Leonard, Leslie, Maddox, Robert Pacheco, and Runner.*

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 18, 2001

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

Assembly Bill No. 6

And reports the same correctly enrolled, and presented to the Governor on the 18th day of January, 2001, at 9:30 a.m.

E. DOTSON WILSON, Chief Clerk

**RECESS**

By unanimous consent, at 9:02 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 9:34 p.m., the Assembly reconvened.

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

**MESSAGES FROM THE SENATE**

Senate Chamber, January 18, 2001

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

Senate Bill No. 7

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

**FIRST READING OF SENATE BILLS**

The following bill was read the first time:

**SENATE BILL NO. 7**—An act to add and repeal Section 200 of the Water Code, relating to public utilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 9:34 p.m., by unanimous consent, the members of the Committee on Rules were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

**RECESS**

By unanimous consent, at 9:34 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**RECONVENED**

At 9:37 p.m., the Assembly reconvened.  
Hon. Christine Kehoe, Assistant Speaker pro Tempore of the Assembly, presiding.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bill was referred to committee:

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

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Shelley was granted unanimous consent that the Committee on Energy Costs and Availability be permitted to hold a special meeting at this time for the purpose of hearing Senate Bill No. 7 and that the Committee on Appropriations then be permitted to meet for the purpose of hearing Senate Bill No. 7, pending re-referral.

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

January 12, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Wilma Chan to replace Assemblymember Gloria Romero on the Committee on Appropriations for the 1st Extraordinary Session for today's hearing only.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

**RECESS**

By unanimous consent, at 9:37 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**RECONVENED**

At 10:23 p.m., the Assembly reconvened.  
Hon. Christine Kehoe, Assistant Speaker pro Tempore of the Assembly, presiding.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Energy Costs and Availability**

Date of Hearing: January 18, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
Senate Bill No. 7

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill re-referred to the Committee on Appropriations.

**Committee on Appropriations**

Date of Hearing: January 18, 2001

Mr. Speaker: Your Committee on Appropriations reports:  
Senate Bill No. 7

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**RESOLUTIONS**

The following resolution was offered:

**Resolution to Dispense With Constitutional Provision**

By Assembly Member Keeley.

*Resolved*, That Senate Bill No. 7 presents a case of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage.

Resolution read, and adopted by the following vote:

**AYES—71**

Alquist	Daucher	Leach	Romero
Aroner	Diaz	Liu	Salinas
Bates	Dickerson	Longville	Shelley
Briggs	Dutra	Lowenthal	Simitian
Calderon	Firebaugh	Maldonado	Steinberg
Campbell, Bill	Florez	Matthews	Strom-Martin
Campbell, John	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, Rod	Wright
Cogdill	Keeley	Papan	Wyland
Cohn	Kehoe	Pavley	Wyman
Corbett	Kelley	Pescetti	Zettel
Correa	Koretz	Reyes	Mr. Speaker
Cox	La Suer	Richman	

**NOES—None**

Article IV, Section 8(b) of the Constitution was declared dispensed with.

**Second Reading of Senate Bill No. 7**

**SENATE BILL NO. 7**—An act to add and repeal Section 200 of the Water Code, relating to public utilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**CONSIDERATION OF SENATE BILL NO. 7 BY UNANIMOUS CONSENT**

Assembly Member Keeley was granted unanimous consent to take up Senate Bill No. 7, without reference to file, for purpose of consideration at this time.

**SENATE BILL NO. 7 (Burton)**—An act to add and repeal Section 200 of the Water Code, relating to public utilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—72**

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

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—72**

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

**NOES—None**

Bill ordered transmitted to the Senate immediately.

**MOTION TO ADJOURN**

At 10:42 p.m., Assembly Member Shelley moved that the Assembly do now adjourn.

Assembly Member Bill Campbell seconded the motion.

Motion carried.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assistant Speaker pro Tempore Kehoe announced that the Senate Committee on Energy, Utilities and Communications would meet tomorrow at 10:30 a.m.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 10:42 p.m., Assistant Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

**ADJOURNMENT**

At 10:42 p.m., pursuant to the motion by Assembly Member Shelley, the Assembly adjourned until Monday, January 22, 2001, upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk





CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, January 22, 2001**  
**TENTH SESSION DAY**  
**TWENTIETH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, January 22, 2001

The Assembly met at 11:16 a.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—79:

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

Quorum present.

**PRAYER**

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

We live in a fast paced world, offering a constant barrage of challenges. H.G. Wells, the noted British author and social commentator, advised: “Adapt or perish, now as ever, is Nature’s inexorable imperative.”

“Adapt” does not mean that we need to create something completely anew, rather it means that we can revisit past decisions while we address the future with daring new ideas.

“Adapt or perish”—What is demanded of us is action. Nature requires us to respond to the world that confronts us with creative thinking, and at times the physical stamina to endure the long hours of work that are often required until a solution is found.

May the Holy One of Blessing grant us the ability to see our challenges as opportunities, and to look at old situations with fresh eyes and new ideas.

May this be God’s will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Bates 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 Leonard.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 11—Rod Pacheco.** An act to repeal Article 10 (commencing with Section 890) of Chapter 4 of Part 1 of Division 1 of the Public Utilities Code, and Part 19 (commencing with Section 40001) of Division 2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 12—Rod Pacheco.** An act relating to add Section 743.2 to the Public Utilities Code, relating to public utilities.

**RECESS**

By unanimous consent, at 11:20 a.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, January 25, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, January 23, 2001**  
**ELEVENTH SESSION DAY**  
**TWENTY-FIRST CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, January 23, 2001

The Assembly met at 11:41 a.m.

Hon. Robert M. Hertzberg, Speaker of the Assembly, presiding.  
Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian S. Ebbert reading.

#### ROLL CALL

The following were placed upon the morning roll call—77:

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

Quorum present.

**At 2:25 p.m., Hon. Dennis Mountjoy, 59th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Member Romero.*

*Because of illness: Assembly Member Wesson.*

(NOTE: For explanation of absence of Assembly Member Romero on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

January 23, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have created the Subcommittee on the Regional Impact of Electrical Deregulation of the Committee on Energy Costs and Availability for the First Extraordinary Session of 2001–02. I have appointed the following members to the subcommittee:

Assemblymember Sarah Reyes, Chair  
Assemblymember Manny Diaz  
Assemblymember Hannah-Beth Jackson  
Assemblymember Bill Leonard  
Assemblymember Anthony Pescetti

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

January 23, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have created the Subcommittee on Electrical Energy Oversight of the Committee on Energy Costs and Availability for the First Extraordinary Session of 2001–02. I have appointed the following members to the subcommittee:

Assemblymember Darrell Steinberg, Chair  
Assemblymember John Campbell  
Assemblymember Jenny Oropeza  
Assemblymember Keith Richman  
Assemblymember Juan Vargas

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

**Further Explanation of Absence—January 19–21, 2001**

January 19, 2001

*The Honorable Robert Hertzberg  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from any Session Friday, Saturday and Sunday, January 19, 20 and 21. I will be attending the Inauguration, therefore it's personal business and I will be waiving per-diem.

Thank you for your attention to this matter. If you have any questions, please call Diana Knoles in my office at 319-2071.

Sincerely,

**BILL CAMPBELL**  
Assembly Republican Leader

**Further Explanation of Absence—January 19–21, 2001**

January 23, 2001

*The Honorable Robert M. Hertzberg  
Speaker of the Assembly  
California State Assembly  
State Capitol Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request that I be allowed to waive my per diem from Friday, January 19, 2001 through Sunday, January 21, 2001. I was on personal business.

Thank you in advance for your consideration of this request. If you should have any questions, please contact my office at 319-2075.

Sincerely,

**CHARLENE ZETTEL**, Assembly Member  
Seventy-fifth District

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 13—Firebaugh (Principal coauthor: Reyes) (Principal Senate coauthor: Alarcon) (Coauthors: Cedillo, Chavez, Diaz, Horton, Negrete McLeod, and Oropeza) (Coauthors: Senators Escutia and Soto).** An act to amend Sections 382, 739.1, and 2790 of, and to add Section 382.1 to, the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 14—Havice.** An act to add Section 743.7 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, January 25, 2001 or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, January 24, 2001**  
**TWELFTH SESSION DAY**  
**TWENTY-SECOND CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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  
Wednesday, January 24, 2001

The Assembly met at 12:30 p.m.

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 following were placed upon the morning roll call—78:

Aanestad	Daucher	Leslie	Runner
Alquist	Diaz	Liu	Salinas
Aroner	Dickerson	Longville	Shelley
Ashburn	Dutra	Lowenthal	Simitian
Bates	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	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
Cogdill	Kelley	Papan	Wyman
Cohn	Koretz	Pavley	Zettel
Corbett	La Suer	Pescetti	Mr. Speaker
Correa	Leach	Reyes	
Cox	Leonard	Richman	

Quorum present.

**At 1:35 p.m., Hon. Gil Cedillo, 46th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*On legislative business: Assembly Member Romero.*

(NOTE: For explanation of absence of Assembly Member Romero on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 15—Rod Pacheco.** An act to add Sections 17053.82 and 23682 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, January 25, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 25, 2001**  
**THIRTEENTH SESSION DAY**  
**TWENTY-THIRD CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, January 25, 2001

The Assembly met at 9:06 a.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—79:

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

Quorum present.

**PRAYER**

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

William James, a pioneer of American psychology and a respected philosopher, taught that “The great use of a life is to spend it for something that outlasts it.”

Each day we are given the opportunity to affect the world around us, to truly spend our lives in a way where we can create a legacy of meaning. This is the ultimate inheritance we will leave to future generations. While it might lack the tangibility of property or possession left in a will, it gives us a chance to allow our short time here to be felt throughout eternity.

May the Holy One view our work with favor and grant us the blessing of living a life rich in meaning and filled with purpose. May this be God’s will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Pescetti 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 Wayne, seconded by Assembly Member Leonard.

**COMMUNICATIONS**

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

January 10, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Mr. Wilson: Please be advised that on January 9, 2001, the Committee on Rules approved the following items:

1. 2001 Holiday Schedule (8–0);
2. Appointment of Jon Waldie as C.A.O. (8–0).

Very truly yours,

DENNIS CARDOZA  
Chairman, Joint Rules Committee

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Wright announced that the Committee on Energy Costs and Availability would meet today at 2 p.m., in Room 4202.

Assembly Member Migden announced that the Members of the Committee on Appropriations were to be available to meet on January 26, 2001 and January 27, 2001 upon Call of the Chair.

**RECESS**

By unanimous consent, at 9:07 a.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 16—Oropeza and Diaz.** An act to add Section 363.5 to the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 17—Leonard.** An act to add Section 743.5 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 18—Hertzberg.** An act to amend Section 11005.1 of the Government Code, to add Sections 368.2, 368.3, and 368.4 to the Public Utilities Code, and to add and repeal Division 27 (commencing with Section 80000) to the Water Code, relating to public utilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 19—Briggs.** An act to add and repeal Section 6357.1 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bill was referred to committee:

<i>Assembly Bill No.</i>	<i>Committee</i>
<b>18</b> -----	E.C. & A.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Monday, January 29, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, January 29, 2001**  
**FOURTEENTH SESSION DAY**  
**TWENTY-SEVENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, January 29, 2001

The Assembly met at 2:29 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—77:

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

Quorum present.

### PRAYER

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

The Greek philosopher, Epictetus, a man born into slavery, and who earned his freedom by earning the respect of his master, taught that “Difficulties are things that show what people are.”

We are defined as much by how we meet life’s challenges as by life’s opportunities. It is when the hard work needs to be done that our true values are illuminated and our character is laid bare.

For some, difficulties represent a personal crisis where a gap exists between how we perceive ourselves and how we truly are. And for others, it is a moment of affirmation, where our character is allowed to express itself in all its strength and glory.

May the Holy One of Blessing enable us to meet even our most difficult tasks with grace and with sincerity, and may we always be judged with favor and compassion. May this be God’s will.—AMEN.

### PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Alquist 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 Leonard, seconded by Assembly Member Chan.

### 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 Member Ashburn.*

*On personal business, and waiving per diem: Assembly Member Aroner.*

(NOTE: For explanation of absence of Assembly Member Ashburn on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

### INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 20—Zettel.** An act to add and repeal Section 42301.15 of the Health and Safety Code, and to add Section 25541.3 to the Public Resources Code, and to add Section 379.5 to the Public Utilities Code, relating to energy resources.

**ASSEMBLY BILL NO. 21—John Campbell.** An act to add Section 743.2 to the Public Utilities Code, relating to electricity.

**ASSEMBLY BILL NO. 22—Koretz.** An act to amend Section 388.1 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

### RECESS

By unanimous consent, at 2:30 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, January 31, 2001**  
**FIFTEENTH SESSION DAY**  
**TWENTY-NINTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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  
Wednesday, January 31, 2001

The Assembly met at 4:30 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—79:

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

Quorum present.

**PRAYER**

Upon invitation of Assistant Speaker pro Tempore Kehoe, the following prayer was offered by Assembly Member Carl Washington, of the 52nd Assembly District:

Let us pray,

*Eternal God*, We thank You for this day. We thank You for this hour. We thank You for the opportunity to come together once again. We pray now Your blessings upon this Legislature, upon this Assembly body as we begin to do the people's business. Bless all of us for the purpose for which we are gathered.

In Christ's name—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Chan 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 Leonard.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 23—Canciamilla.** An act to add Section 743.2 to the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 24—Daucher (Coauthor: Hollingsworth).** An act to add Section 378.3 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 25—Runner.** An act to add Article 4.5 (commencing with Section 41368) to Chapter 3 of Part 24 of the Education Code, relating to education energy costs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 26—Leach (Coauthors: Robert Pacheco, Pescetti, and Runner) (Coauthor: Senator Johannessen).** An act to add Article 4.5 (commencing with Section 41368) to Chapter 3 of Part 24 of the Education Code, relating to school finance, and making an appropriation therefor.

**ASSEMBLY BILL NO. 27—Koretz and Horton (Coauthors: Calderon, Cardoza, Chavez, Frommer, Nakano, Oropeza, Robert Pacheco, Pavley, Reyes, Romero, Strom-Martin, Vargas, and Wesson).** An act to add Section 367.1 to the Public Utility Code, and to add and repeal Sections 6902.3, 17053.84, 17053.85, 17201.1, 23684, 23685, and 24343.1 of the Revenue and Taxation Code, relating to electricity.

**ASSEMBLY BILL NO. 28—Daucher.** An act to add Section 41514.9 to the Health and Safety Code, relating to energy.

**MESSAGES FROM THE SENATE**

Senate Chamber, January 31, 2001

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

Assembly Bill No. 1

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

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

Pursuant to Assembly Rule 77.2, the Assistant Speaker pro Tempore re-referred Assembly Bill No. 1 to the Committee on Energy Costs and Availability.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Wright announced that the Committee on Energy Costs and Availability would meet at 4:45 p.m. today, in Room 4202.

**RECESS**

By unanimous consent, at 4:32 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**CAUCUS ANNOUNCEMENTS**

At 6:23 p.m., Assembly Member Pescetti announced that the Republican Caucus would meet in the Tom Bane Rules Committee Room.

**RECONVENED**

At 10:18 p.m., the Assembly reconvened.

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

**REPORTS OF STANDING COMMITTEES**

**Committee on Energy Costs and Availability**

Date of Hearing: January 31, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 1

With the recommendation: That the Senate amendments be concurred in.

WRIGHT, Chairman

Above bill ordered to unfinished business.

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

Upon request of Assembly Member Chan; Assembly Member Keeley was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 1, without reference to file.

**ASSEMBLY BILL NO. 1 (Keeley)**—An act to amend Section 366.5 of, and to add Section 360.5 to, and to repeal Section 355.1 of, the Public Utilities Code, and to add Division 27 (commencing with Section 80000) to the Water Code, relating to electric power, making an appropriation therefor, 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.)*

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 11:48 p.m.

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



**THIRTIETH CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**

Assembly Chamber, Sacramento  
Thursday, February 1, 2001

In Assembly, 12 M.

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

**CAUCUS ANNOUNCEMENTS**

At 12:38 a.m., Assembly Member Pescetti was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 12:38 a.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**RECONVENED**

At 2:44 a.m., the Assembly reconvened.

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

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 1**

At 2:47 a.m., on motion of Assembly Member Aroner, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly refused to concur in Senate amendments to Assembly Bill No. 1 by the following vote:

**AYES—51**

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

**NOES—28**

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

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

Assembly Member Shelley moved to reconsider on the next legislative day the vote whereby Senate amendments to Assembly Bill No. 1 were this day refused concurrence.

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

**MOTION TO ADJOURN**

At 2:47 a.m., Assembly Member Aroner moved that the Assembly do now adjourn.

Assembly Member Shelley seconded the motion.

Motion carried.

**ADJOURNMENT**

At 2:47 a.m., pursuant to the motion by Assembly Member Aroner, the Assembly adjourned until 11 a.m., Thursday, February 1, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, February 1, 2001**  
**SIXTEENTH SESSION DAY**  
**THIRTIETH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, February 1, 2001

The Assembly met at 1:32 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 —79:

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

Quorum present.

**PRAYER**

The following prayer was offered by Assistant Speaker pro Tempore Kehoe:

*Eternal Are Your Mercies,*

Your grace sustains us throughout every difficulty and supplies our needy hearts with encouragement. Give us wisdom for the work that is before us. Calm our attitudes; bless us with strength to do the work of this new day.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Leslie 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 Dickerson.

**COMMUNICATIONS**

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

January 31, 2001

*E. Dotson Wilson*

*Chief Clerk of the California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: This letter is to confirm the appointment of the following Members to the following Caucus positions whom will serve as such in the First Extraordinary Session.

Keith Richman, Whip  
Anthony Pescetti, Caucus Chair and Assistant  
Republican Leader  
Dave Cox, Assistant Republican Leader  
John Campbell, Assistant Republican Leader  
Mike Briggs, Assistant Republican Leader

Thank you for your consideration in this matter. Please contact Richard Costigan III or Bob Becker in my capitol office at 319-2071 if you have any further questions.

Very truly yours,

**BILL CAMPBELL**  
Assembly Republican Leader

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)**

**ASSEMBLY BILL NO. 1 RECONSIDERED  
BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Keeley was granted unanimous consent that the vote be reconsidered whereby Assembly Bill No. 1 was refused concurrence.

**Further Consideration of Assembly Bill No. 1**

**ASSEMBLY BILL NO. 1 (Keeley)**—An act to amend Section 366.5 of, and to add Section 360.5 to, and to repeal Section 355.1 of, the Public Utilities Code, and to add Division 27 (commencing with Section 80000) to the Water Code, relating to electric power, making an appropriation therefor, 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.)*

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

**AYES—54**

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

**NOES—25**

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

Bill ordered enrolled immediately.

**RECESS**

By unanimous consent, at 1:56 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 1, 2001

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

Assembly Bill No. 1

And reports the same correctly enrolled, and presented to the Governor on the 1st day of February, 2001, at 2:15 p.m.

E. DOTSON WILSON, Chief Clerk

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor were received and ordered printed in the Journal:

**EXECUTIVE ORDER D-18-01**

by the

**Governor of the State of California**

WHEREAS, on January 17, 2001, I proclaimed a State of Emergency to exist due to the energy shortage in the State of California;

WHEREAS, on January 11, 2001, California submitted to the Federal Energy Regulatory Commission a certification that the state "will initiate a program to reduce peak load electricity consumption" in response to the U.S. Secretary of Energy's mandate that "all California consumers make the maximum effort to reduce electricity use and conserve power";

WHEREAS, some consumers are not aware of all they can do to reduce energy consumption. Specific awareness campaigns can encourage and educate consumers about effective conservation strategies;

WHEREAS, the Department of Consumer Affairs is charged with promoting and protecting the interest of California's consumers and serving as an advocate for their health, safety, privacy and economic well-being;

NOW THEREFORE, I, GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and the statutes of the State of California, including the California Emergency Services Act, and in furtherance of my Proclamation of a State of Emergency, do hereby issue this order:

IT IS ORDERED that the Department of Consumer Affairs conduct a media awareness campaign to inform the public on the importance of, and methods to, reduce energy consumption and resulting savings;

IT IS FURTHER ORDERED that this campaign shall be paid for with any funds available to the Department of Consumer Affairs including, but not limited to, funds available to the Department pursuant to Government Code section 8628, funds directed from the Energy Efficiency Public Goods Charge by the Public Utilities Commission, and any other appropriations available to the Department;

IT IS FURTHER ORDERED that the Department shall enter into any contracts necessary in furtherance of this order as expeditiously as possible, and is hereby authorized to do so, notwithstanding the provisions of the Government Code and the Public Contract Code applicable to state contracts, including but not limited to, advertising and competitive bidding requirements, which provisions are suspended pursuant to Government Code section 8571 to the extent that they would prevent, hinder or delay the prompt mitigation of the effects of this emergency.

I FURTHER DIRECT that as soon as hereafter possible, this order shall be filed with the Office of the Secretary of State and that widespread publicity and notice be given to this order.

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of California  
to be affixed this 1st day of February 2001.



GRAY DAVIS  
Governor of California

ATTEST:

BILL JONES  
Secretary of State



**EXECUTIVE ORDER D-19-01****by the****Governor of the State of California**

WHEREAS, on January 17, 2001, I proclaimed a State of Emergency to exist due to the energy shortage in the State of California; and

WHEREAS, efforts by California residents to conserve energy are essential to alleviating the energy shortage; and

WHEREAS, substantial amounts of electricity are consumed through unnecessary outdoor lighting by retail establishments after business hours, including but not limited to, shopping centers, auto malls and dealerships; and

WHEREAS, it is imperative that unnecessary consumption of electricity be eliminated to mitigate the effects of this emergency; and

WHEREAS, the energy shortage is a matter of public safety;

NOW, THEREFORE, I, GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and the statutes of the State of California, including the California Emergency Services Act, and in furtherance of my Proclamation of a State of Emergency, do hereby issue this order:

All California retail establishments, including but not limited to shopping centers, auto malls and dealerships, shall substantially reduce maximum outdoor lighting capability during non-business hours, except as necessary for the health and safety of the public, employees, or property.

“Maximum outdoor lighting capability” means the total amount of wattage used in outdoor lighting to illuminate the outdoor premises of the retail establishment.

On or before February 9, 2001, the Office of Emergency Services in consultation with the Commissioner of the California Highway Patrol and the Sheriffs of the following counties: Los Angeles, Orange, Santa Barbara, Alameda, Shasta, Stanislaus, Sacramento, Fresno, and San Bernardino shall develop plans: (1) for the voluntary implementation of this order as soon as practicable and (2) the mandatory implementation of the provisions of this order by March 15, 2001.

The Technology, Trade and Commerce Agency shall be responsible for publication, notification, and communication about this Executive Order to the public, retail establishments and local officials. The State and Consumer Services Agency and the Office of Emergency Services shall assist the Technology, Trade and Commerce Agency, as needed. The Technology, Trade and Commerce Agency, working with the State and Consumer Services Agency, shall submit a report recommending additional steps by commercial establishments to conserve energy.

Failure to comply with this order following a warning by law enforcement officials shall be punishable as a misdemeanor with a fine not to exceed \$1000, in accordance with section 8665 of the California Government Code.

I FURTHER DIRECT that as soon as hereafter possible, this order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this order.

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of California  
to be affixed this 1st day of February 2001.

GRAY DAVIS  
Governor of California



ATTEST:

BILL JONES  
Secretary of State

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until Noon, Monday, February 5, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, February 5, 2001**  
**SEVENTEENTH SESSION DAY**  
**THIRTY-FOURTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, February 5, 2001

The Assembly met at 12:58 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—75:

Aanestad	Daucher	Leslie	Richman
Alquist	Diaz	Liu	Romero
Aroner	Dickerson	Longville	Runner
Ashburn	Dutra	Lowenthal	Salinas
Bates	Firebaugh	Maddox	Simitian
Briggs	Florez	Maldonado	Steinberg
Calderon	Frommer	Matthews	Strickland
Campbell, Bill	Goldberg	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
Cogdill	Kelley	Pacheco, Rod	Wright
Cohn	Koretz	Papan	Wyman
Corbett	La Suer	Pavley	Zettel
Correa	Leach	Pescetti	Mr. Speaker
Cox	Leonard	Reyes	

Quorum present.

**PRAYER**

Upon invitation of Assistant Speaker pro Tempore Kehoe, the following prayer was offered by Assembly Member Carl Washington, of the 52nd Assembly District:

Let us pray,

Dear God we thank You for the opportunity to come together again. We pray now Thy blessing upon this legislature as we begin to do the people's business in California. We seek Your guidance. We seek Your understanding and Your directions.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Wright 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 Aroner, seconded by Assembly Member Campbell.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On personal business, and waiving per diem: Assembly Member Harman.*

*Because of illness: Assembly Members Chan, Shelley, and Wyland.*

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

February 5, 2001

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Business and Professions Committee for the 2001–02 1st Extraordinary Session:

Assemblymember Lou Correa, Chair  
Assemblymember John Campbell, Vice Chair  
Assemblymember Gilbert Cedillo  
Assemblymember Ed Chavez  
Assemblymember Dave Cox  
Assemblymember Dave Kelley  
Assemblymember Paul Koretz  
Assemblymember Lynne Leach  
Assemblymember Barbara Matthews  
Assemblymember Joe Nation  
Assemblymember Kevin Shelley  
Assemblymember Herb Wesson

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

February 5, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Education Committee for the 2001–02 1st Extraordinary Session:

Assemblymember Virginia Strom-Martin, Chair  
Assemblymember Lynne Leach, Vice Chair  
Assemblymember Elaine Alquist  
Assemblymember Tom Calderon  
Assemblymember Lou Correa  
Assemblymember Jackie Goldberg  
Assemblymember Carol Liu  
Assemblymember Ken Maddox  
Assemblymember Rod Pacheco  
Assemblymember Fran Pavley  
Assemblymember Simon Salinas  
Assemblymember Juan Vargas  
Assemblymember Carl Washington  
Assemblymember Mark Wyland  
Assemblymember Charlene Zettel

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

February 5, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Natural Resources Committee for the 2001–02 1st Extraordinary Session:

Assemblymember Howard Wayne, Chair  
Assemblymember Dennis Hollingsworth, Vice Chair  
Assemblymember Dick Dickerson  
Assemblymember Tom Harman  
Assemblymember Hannah-Beth Jackson  
Assemblymember Fred Keeley  
Assemblymember Alan Lowenthal  
Assemblymember Gloria Negrete McLeod  
Assemblymember Carole Migden  
Assemblymember Fran Pavley  
Assemblymember Phil Wyman

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

February 5, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Revenue and Taxation Committee for the 2001–02 1st Extraordinary Session:

Assemblymember Ellen Corbett, Chair  
Assemblymember Tom Harman, Vice Chair  
Assemblymember Elaine Alquist  
Assemblymember Dion Aroner  
Assemblymember Gilbert Cedillo  
Assemblymember Paul Koretz  
Assemblymember Helen Thomson  
Assemblymember Mark Wyland

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

#### **MESSAGES FROM THE GOVERNOR**

The following messages from the Governor were received and ordered printed in the Journal:

#### **EXECUTIVE ORDER D-20-01**

by the

#### **Governor of the State of California**

Whereas, on January 17, 2001, I proclaimed a State of Emergency to exist within the State of California due to the existing energy shortage in the State of California; and

Whereas, California's energy shortage has resulted in unanticipated power outages for California residents and for critical services in the State, including but not limited to, schools, transportation facilities, businesses, and agriculture; and

Whereas, these power outages threaten the health and safety of California residents, critical services in the State, and vital segments of California's economy; and

Whereas, it is necessary for the State to take control of the block forward market contracts to ensure a sufficient and continuous supply of electricity to meet California's energy needs and to mitigate the effects of this energy shortage; and

Whereas, the circumstances require extraordinary measures beyond the authority vested in the California Public Utilities Commission;

Now, therefore, I, Gray Davis, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and the statutes of the State of California, including the California Emergency Services Act, and in furtherance of my Proclamation of a State of Emergency, do hereby issue this order to become effective immediately:

Pursuant to section 8572 of the California Emergency Services Act, it is ordered that the contracts and trades in the market for the sales and purchases of forward contracts and trades for electricity (known as the "Block Forward" market) for the delivery of electricity possessed by

Southern California Edison Company, a corporation organized and existing under the laws of the State of California with its principal place of business in California, and subject to actions, including liquidation, by the California Power Exchange Corporation, a non-profit public benefit corporation organized and existing under the laws of the State of California, is hereby commandeered by the State of California to be held subject to the control and coordination of the State of California.

I further direct that as soon as hereafter possible, this order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this order.

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of California  
to be affixed this 31st day of January 2001.

GRAY DAVIS  
Governor of California

ATTEST:

BILL JONES  
Secretary of State



**EXECUTIVE ORDER D-21-01**

by the

**Governor of the State of California**

Whereas, on January 17, 2001, I proclaimed a State of Emergency to exist within the State of California due to the existing energy shortage in the State of California; and

Whereas, California's energy shortage has resulted in unanticipated power outages for California residents and for critical services in the State, including but not limited to, schools, transportation facilities, businesses, and agriculture; and

Whereas, these power outages threaten the health and safety of California residents, critical services in the State, and vital segments of California's economy; and

Whereas, it is necessary for the State to take control of the block forward market contracts to ensure a sufficient and continuous supply of electricity to meet California's energy needs and to mitigate the effects of this energy shortage; and

Whereas, the circumstances require extraordinary measures beyond the authority vested in the California Public Utilities Commission;

Now, therefore, I, Gray Davis, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and the statutes of the State of California, including the California Emergency Services Act, and in furtherance of my Proclamation of a State of Emergency, do hereby issue this order to become effective immediately:

Pursuant to section 8572 of the California Emergency Services Act, it is ordered that the contracts and trades in the market for the sales and purchases of forward contracts and trades for electricity (known as the "Block Forward" market) for the delivery of electricity possessed by Pacific Gas and Electric Company, a corporation organized and existing



under the laws of the State of California with its principal place of business in California, and subject to actions, including liquidation, by the California Power Exchange Corporation, a non-profit public benefit corporation organized and existing under the laws of the State of California, is hereby commandeered by the State of California to be held subject to the control and coordination of the State of California.

I further direct that as soon as hereafter possible, this order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this order.

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of California  
to be affixed this 31st day of January 2001.



GRAY DAVIS  
Governor of California

ATTEST:

BILL JONES  
Secretary of State

#### RECESS

By unanimous consent, at 12:59 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

#### INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 29—Kehoe and Shelley (Coauthors: Cedillo, Nakano, and Wesson).** An act to add Chapter 5.3 (commencing with Section 25425) to Division 15 of the Public Resources Code, and to add Section 17053.95 to the Revenue and Taxation Code, relating to energy conservation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 30—Cardoza and Salinas (Coauthors: Cohn, Frommer, and Reyes).** An act to add Section 671 to the Penal Code, and to add Section 2774.5 to the Public Utilities Code, relating to crime, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 31—Wright (Coauthors: Briggs, Dickerson, Kelley, Leonard, Runner, and Wyman).** An act to amend Section 42359.5 of, and to add Section 42317 to, the Health and Safety Code, to amend Section 743.1 of, and to add Sections 367.1, 743.4, 743.5, 743.6, and 743.7 to, the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 32—Nation and Aroner (Principal coauthors: Calderon and Longville) (Coauthor: Matthews).** An act to amend Section 739 of, and to add Sections 739.9, 73910, and 739.11 to, the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 33—Robert Pacheco.** An act to add Chapter 9.5 (commencing with Section 25850) to Division 15 of the Public Resources Code, relating to energy, and making an appropriation therefor.

#### RESOLUTIONS

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 2—Cogdill.** Relative to the electrical energy crisis.

**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>
3	E. C. & A.
4	Nat. Res. and E. C. & A.
8	E. C. & A.
9	Nat. Res. and E. C. & A.
11	Rev. & Tax. and E. C. & A.
12	E. C. & A.
13	E. C. & A.
14	E. C. & A.
15	Rev. & Tax. and E. C. & A.
16	E. C. & A.
17	E. C. & A.
19	Rev. & Tax. and E. C. & A.
20	Nat. Res. and E. C. & A.
21	E. C. & A.
22	B. & P. and E. C. & A.
23	E. C. & A.
24	E. C. & A.
25	Ed. and E. C. & A.
26	Ed. and E. C. & A.
27	Rev. & Tax. and E. C. & A.
28	Nat. Res. and E. C. & A.
29	Rev. & Tax. and E. C. & A.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until Friday, February 9, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, February 6, 2001**  
**EIGHTEENTH SESSION DAY**  
**THIRTY-FIFTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, February 6, 2001

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Darci King reading.

#### ROLL CALL

The following were placed upon the morning roll call—76:

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

Quorum present.

**At 1:43 p.m., Hon. Bill Leonard, 63rd District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Member Romero.\**

*Because of illness: Assembly Members Chan and Shelley.*

\* (NOTE: This day's Journal corrected to show Assembly Member Romero excused on this day on legislative business pursuant to further explanation of absence. See Assembly Journal, page 115.)

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 34—La Suer.** An act to amend Sections 65922, 65928, 65930, and 65943.5 of the Government Code, to amend Section 42301.14 of the Health and Safety Code, and to amend Sections 21080, 25506, 25541.5, 25550, and 25552 of, and to add Sections 25135.5, 25214.5, 25513.5, and 25519.5 to, the Public Resources Code, relating to energy resources, and declaring the urgency thereof, to take effect immediately.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Friday, February 9, 2001 or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, February 7, 2001**  
**NINETEENTH SESSION DAY**  
**THIRTY-SIXTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Wednesday, February 7, 2001

The Assembly met at 7 a.m.

Hon. Ed Chavez, Assembly Member, 57th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—68:

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

Quorum present.

**At 1:40 p.m., Hon. Lou Correa, 69th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Cardenas, Corbett, Florez, Horton, Rod Pacheco,\* Romero, Runner, Washington, and Zettel.*

*Because of illness: Assembly Members Nakano and Shelley.*

(NOTE: For explanations of absences of Assembly Members Cardenas, Corbett, Florez, Horton, Romero, Runner, Washington, and Zettel on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day; \* this day's Journal record corrected to reflect Assembly Member Rod Pacheco excused on this day on legislative business pursuant to further explanation of absence printed on February 21, 2001, Assembly Journal, page 145.)



**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 35—Bates.** An act to amend Section 80110 of the Water Code, relating to power.

**ASSEMBLY BILL NO. 36—Wright.** An act to amend Section 25550 of, and to add Sections 25137 and 25551 to, the Public Resources Code, relating to electrical energy, and declaring the urgency thereof, to take effect immediately.

**AUTHOR'S AMENDMENTS****Committee on Energy Costs and Availability**

February 7, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 14

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 14—**An act to add Section 743.7 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Revenue and Taxation**

February 7, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports: Assembly Bill No. 27

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chairwoman

**ASSEMBLY BILL NO. 27—**An act to add Section 367.1 to the Public Utilities Code, and to add and repeal Sections 6902.3, 17053.84, 17053.85, 17201.1, 23684, 23685, and 24343.1 of the Revenue and Taxation Code, relating to electricity.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Friday, February 9, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## **AMENDMENTS CONSIDERED BY THE ASSEMBLY ON FEBRUARY 7, 2001**

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

**AB RN**

14 0107832

27 0107714

**Daily Total: 2**

**Cumulative Total: 4**

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, February 9, 2001**  
**TWENTIETH SESSION DAY**  
**THIRTY-EIGHTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, February 9, 2001

The Assembly met at 7 a.m.

Hon. Abel Maldonado, Assembly Member, 33rd District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—54:

Alquist	Firebaugh	Maddox	Runner
Ashburn	Florez	Maldonado	Salinas
Bates	Frommer	Matthews	Simitian
Briggs	Goldberg	Mountjoy	Steinberg
Campbell, John	Harman	Nakano	Strom-Martin
Cardoza	Havice	Nation	Vargas
Chan	Jackson	Negrete McLeod	Washington
Chavez	Keeley	Oropeza	Wayne
Cogdill	Kehoe	Pacheco, Robert	Wesson
Cohn	Kelley	Pacheco, Rod	Wiggins
Cox	La Suer	Papan	Wright
Daucher	Leonard	Pescetti	Wyman
Diaz	Leslie	Reyes	
Dickerson	Lowenthal	Richman	

Quorum present.

**At 9:47 a.m., Hon. Bill Leonard, 63rd District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Aroner, Calderon, Canciamilla, Cardenas, Cedillo, Corbett, Correa, Dutra, Hertzberg, Horton, Koretz, Leach, Liu, Migden, Pavley, Romero, Shelley, Strickland, and Zettel.*

*On legislative business, per diem waived for the 2001–02 Session (See Assembly Journal, page 162): Assembly Member Thomson.*

*On personal business, and waiving per diem: Assembly Members Aanestad, Bill Campbell, and Wyland.*

*Because of illness: Assembly Member Longville.*

*Because of illness in his family: Assembly Member Hollingsworth.*

(NOTE: For explanations of absences of Assembly Members Aroner, Calderon, Canciamilla, Cardenas, Cedillo, Corbett, Correa, Dutra, Hertzberg, Horton, Koretz, Leach, Liu, Migden, Pavley, Romero, Shelley, Strickland, Thomson, and Zettel on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

**Explanation of Absence—February 6, 2001**

February 9, 2001

*The Honorable Robert Hertzberg*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I am respectfully requesting that the Journal of February 6, 2001 be corrected to reflect that I was excused from session on legislative business.

Thank you for your consideration in this matter.

Respectfully,

GLORIA ROMERO, Assembly Member  
 Forty-ninth District

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 9, 2001

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

Assembly Bill No. 14

Assembly Bill No. 27

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

February 7, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Public Safety Committee for the 2001–02 1st Extraordinary Session:

Assemblymember Carl Washington, Chair

Assemblymember Jay La Suer, Vice Chair

Assemblymember Gilbert Cedillo

Assemblymember Dick Dickerson

Assemblymember Fred Keeley

Assemblymember Paul Koretz

Assemblymember Gloria Romero

Sincerely,

ROBERT M. HERTZBERG  
 Speaker of the Assembly

February 8, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Herb Wesson to the Committee on Energy Costs and Availability for the 2001–02 First Extraordinary Session.

Sincerely,

ROBERT M. HERTZBERG  
 Speaker of the Assembly

#### INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 37—Frommer, Wiggner, Alquist, Migden, Keeley, Thomson, and Calderon.** An act relating to energy resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 38—Jackson, Aroner, Pavley, and Keeley (Coauthors: Corbett, Migden, and Wayne).** An act relating to energy resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 39—Cardoza and Salinas (Principal coauthor: Calderon).** An act to amend Section 25120 of the Public Resources Code, relating to energy resources, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 40—Steinberg, Oropeza, and Keeley (Coauthors: Shelley and Wayne).** An act to add Chapter 5.3 (commencing with Section 25430) to Division 15 of the Public Resources Code, relating to energy resources, and making an appropriation therefor.

**ASSEMBLY BILL NO. 41—Lowenthal, Thomson, and Nakano (Coauthors: Corbett, Keeley, Kehoe, Shelley, and Wayne).** An act to add Chapter 4.7 (commencing with Section 25370) to Division 15 of the Public Resources Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof.

**ASSEMBLY BILL NO. 42—Cedillo, Correa, and Keeley (Coauthors: Corbett, Goldberg, Kehoe, Salinas, Shelley, Thomson, and Wayne).** An act to add Chapter 4.7 (commencing with Section 25370) to Division 15 of the Public Resources Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 43—Kehoe, Keeley, Pescetti, and Jackson (Principal coauthor: Shelley) (Coauthors: Calderon, Cohn, Corbett, Goldberg, Salinas, Thomson).** An act to add Chapter 6.5 (commencing with Section 17630.10) to Part 10.5 of the Education Code, and to amend Section 2827 of the Public Utilities Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 44—Cohn.** An act to add Section 354 to the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 45—Kelley.** An act to amend Section 23649 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 46—Calderon (Coauthors: Alquist, Cogdill, Diaz, Robert Pacheco, Rod Pacheco, Romero, and Washington) (Coauthors: Senators McPherson and Soto).** An act relating to public utilities, making an appropriation therefor.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 3—Runner.** Relative to exempting educational institutions from electrical service interruption programs.

**ASSEMBLY CONCURRENT RESOLUTION NO. 4—Cohn, Salinas, Alquist, Diaz, and Dutra.** Relative to the Metcalf Energy Center.

**AUTHOR'S AMENDMENTS**

**Committee on Natural Resources**

February 9, 2001

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Assembly Bill No. 4

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WAYNE, Chairman

**ASSEMBLY BILL NO. 4**—An act to add Section 40714.7 to the Health and Safety Code, relating to electricity.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Tuesday, February 13, 2001, or upon Call of the Speaker.

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FRED KEELEY, Speaker pro Tempore

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 9, 2001**

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

**AB RN**

4 0107843

**Daily Total: 1**

**Cumulative Total: 4**



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, February 13, 2001**  
**TWENTY-FIRST SESSION DAY**  
**FORTY-SECOND CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, February 13, 2001

The Assembly met at 11:25 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—79:

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

Quorum present.

**PRAYER**

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

Margaret Deland, an American novelist from the turn of the 19th into the 20th century, observed that “faith . . . is not the holding of certain dogmas; it is simply [the] openness and readiness of heart to believe any truth which God may show.”

The purpose of faith is to open us up to the wonderful myriad of possibilities that our souls and minds might show us, not to close us off from all but what our eyes can see for themselves. With faith, the world becomes larger, and the possibilities—limitless.

May the Holy One allow us to be open to the world of ideas and may we be so blessed as to experience God’s truths in its numerous manifestations. May this be God’s will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, 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 Aroner, seconded by Assembly Member Bill Campbell.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 13, 2001

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

Assembly Bill No. 4

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**RECESS**

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

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 47—Wiggins and Thomson.** An act to amend Sections 1240.650 and 1245.250 of the Code of Civil Procedure, to amend Sections 56129 and 56133 of the Government Code, and to amend Sections 366 and 11652 of, and to add Sections 851.1 and 1411.1 to, the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 48—Migden.** An act to amend Sections 331, 366, and 381 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 49—Bill Campbell.** An act to amend Section 25514 of the Public Resources Code, to add Section 633 to the Public Utilities Code, and to add Section 100.8 to the Revenue and Taxation Code, relating to public utilities.

**ASSEMBLY BILL NO. 50—Bates.** An act to add Section 46010.4 to the Education Code, and to add Section 2774.5 to the Public Utilities Code, relating to electrical and gas service.

**ASSEMBLY BILL NO. 51—Daucher.** An act to add and repeal Section 6353.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**AUTHOR'S AMENDMENTS**  
**Committee on Energy Costs and Availability**

February 13, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 8

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 8**—An act relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

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

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

**AB RN**

8 0107828

**Daily Total: 1**

**Cumulative Total: 5**



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, February 14, 2001**  
**TWENTY-SECOND SESSION DAY**  
**FORTY-THIRD CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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  
Wednesday, February 14, 2001

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—74:

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

Quorum present.

**At 1:33 p.m., Hon. Dennis Mountjoy, 59th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Cedillo, Romero, and Washington.*

*On personal business, and waiving per diem: Assembly Member Nation.*

*Because of illness: Assembly Member Leslie.*

(NOTE: For explanations of absences of Assembly Members Cedillo, Romero, and Washington on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)



**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 14, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 8

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 52—John Campbell.** An act to add Section 743.5 to the Public Utilities Code, relating to energy, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 53—Reyes.** An act to add Article 4 (commencing with Section 15350) to Chapter 1 of Part 6.7 of Division 3 of Title 2 of the Government Code, relating to energy resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 54—Wright.** An act to add Section 9601.5 to the Public Utilities Code, relating to electricity, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 55—Rod Pacheco, Cogdill, Daucher, and Zettel (Principal coauthor: Senator Battin).** An act to add Sections 21080.12 and 40710.5 to the Public Resources Code, relating to energy.

**ADJOURNMENT**

At 4 p.m., the Assembly adjourned upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, February 16, 2001**  
**TWENTY-THIRD SESSION DAY**  
**FORTY-FIFTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, February 16, 2001

The Assembly met at 9:09 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—72:

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

Quorum present.

**PRAYER**

In observance of the Day of Remembrance for Japanese Americans interned during World War II, Speaker pro Tempore Keeley invited Rev. Bob Oshita, of the Buddhist Church of Sacramento, to offer the morning prayer.

Honored members of the California State Assembly . . .

It is a pleasure to join with you this morning . . . in observing this very special Day of Remembrance; for in remembering the mistakes of our past . . . we quietly reaffirm our convictions to “do the right thing” in living today.

In opening our gathering today, please join me in a moment of meditative hope and reflection.

In the Busy-ness of our well scheduled days . . . we often fail to appreciate the day . . . the moment . . . that is now.

If we were to suddenly learn that we had only weeks to live . . . what value would we then give to each day . . . each hour. However long our lives may be . . . each day is a treasure, never to come again. With this in mind, let us receive and live each day as a cherished gift . . . let us receive gratefully and live wisely . . . the gift that is today.

We close our meditation, with a Buddhist expression of gratitude beyond words, we call, Onembutsu.

NamoAmidaButsu.

**PRESENTATION OF COLORS AND PLEDGE OF ALLEGIANCE TO THE FLAG**

The Presentation of Colors by the Nisei Post 8985 VFW Auxiliary, Sacramento was followed by the Pledge of Allegiance to the Flag, led by Assembly Member Nakano.

**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 Bill Campbell.

**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 Briggs, Horton, Leslie, Maddox, Washington, and Wright.*

*Because of illness: Assembly Member Runner.*

(NOTE: For explanations of absences of Assembly Members Briggs, Horton, Leslie, Maddox, Washington, and Wright on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**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>
<b>30</b> -----	Pub. S. and E.C. & A.
<b>31</b> -----	E.C. & A. and Nat. Res.
<b>32</b> -----	E.C. & A.
<b>34</b> -----	Nat. Res. and E.C. & A.

- 35 ----- E.C. & A.
- 36 ----- Nat. Res. and E.C. & A.
- 42 ----- E.C. & A.
- 45 ----- Rev. & Tax. and E.C. & A.

*Assembly Concurrent*

- | <i>Resolution No.</i> | <i>Committee</i>        |
|-----------------------|-------------------------|
| 2 -----               | Nat. Res. and E.C. & A. |
| 3 -----               | E.C. & A.               |
| 4 -----               | Rls.                    |

**RECESS**

By unanimous consent, at 9:09 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 56—Leslie (Coauthor: Senator Costa).** An act to add and repeal Section 11093.5 of the Government Code, relating to state agencies.

**ASSEMBLY BILL NO. 57—Dutra (Coauthor: Canciamilla) (Coauthor: Senator Costa).** An act to add Section 2773.3 to the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 58—Cox.** An act to add Section 6353.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 59—Robert Pacheco.** An act to relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 60—Hertzberg.** An act to add Section 25525.3 to the Public Resources Code, and to add Section 367.3 to the Public Utilities Code, relating to electrical generation, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 61—Alquist.** An act to amend Section 1240.650 of the Code of Civil Procedure, to amend Sections 56129 and 56133 of the Government Code, and to amend Section 366 of, and to add Sections 851.1 and 1411.1 to, the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 62—Cohn.** An act to add Section 100.8 to the Revenue and Taxation Code, relating to local government finance.

**ASSEMBLY BILL NO. 63—Havice and Rod Pacheco.** An act to add Section 6529 to the Government Code, relating to joint powers agreements.

**ASSEMBLY BILL NO. 64—Strom-Martin.** An act to add Article 6 (commencing with Section 14710) to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government Code, relating to energy retrofits of state property, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**AUTHOR’S AMENDMENTS**

**Committee on Revenue and Taxation**

February 16, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 11

With author’s amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chairwoman

**ASSEMBLY BILL NO. 11**—An act to repeal Article 10 (commencing with Section 890) of Chapter 4 of Part 1 of Division 1 of the Public Utilities Code, and Part 19 (commencing with Section 40001) of Division 2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Business and Professions**

February 16, 2001

Mr. Speaker: The Chair of your Committee on Business and Professions reports:  
Assembly Bill No. 22

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORREA, Chairman

**ASSEMBLY BILL NO. 22**—An act to add Section 388.1 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Energy Costs and Availability**

February 16, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 31

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 31**—An act to amend Section 42359.5 of, and to add Section 42317 to, the Health and Safety Code, to amend Section 743.1 of, and to add Sections 367.1, 743.4, 743.5, 743.6, and 743.7 to, the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Energy Costs and Availability**

February 16, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 3

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 3**—An act relating to public utilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Rules**

Date of Hearing: February 16, 2001

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 4

With the recommendation: Be adopted, and be re-referred to the Committee on Appropriations.

CARDOZA, Chairman

Above resolution re-referred to the Committee on Appropriations.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Tuesday, February 20, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 16, 2001**

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

<b>AB</b>	<b>RN</b>	
3	0108094	
11	0107827	
22	0107884	
31	0108104	
<b>Daily Total:</b>		<b>4</b>
<b>Cumulative Total:</b>		<b>9</b>



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, February 20, 2001**  
**TWENTY-FOURTH SESSION DAY**  
**FORTY-NINTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, February 20, 2001

The Assembly met at 11:40 a.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—74:

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

Quorum present.

### PRAYER

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

The early 20th century novelist, Myrtle Reed wrote that “The appointed thing came at the appointed time in the appointed way.”

Call it fate, destiny, or Divine Will, life unfolds in the way it is supposed to. At times painful, at other times filling us with joy. We can facilitate life’s happenings, we can even choose what meanings we wish to find in them, but ultimately, it is not for us to determine all that life will bring. Events occur at the appointed time and most often in the appointed way.

What is asked of us is to be open to life and to be active participants, open to the blessings and the heartbreaks alike: To learn, to respond, and to grow from both.

May it be the will of the Creator to help us find the strength to confront what comes our way, and may we find comfort in knowing that while we might not choose what fate presents to us, it is our choice in how we respond to our destiny.—AMEN.

### PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Wayne 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 Bill Campbell.

### 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 Firebaugh and Maddox.*

*Because of illness: Assembly Members Calderon and Cedillo.*

*Because of illness in his family: Assembly Member Keeley.*

(NOTE: For explanations of absences of Assembly Members Firebaugh and Maddox on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 20, 2001

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

Assembly Bill No. 3

Assembly Bill No. 22

Assembly Bill No. 11

Assembly Bill No. 31

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

### COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Wright announced that the Committee on Energy Costs and Availability would meet today at 1:30 p.m. in Room 4202.

**MOTION TO ADJOURN**

At 11:40 a.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Leonard seconded the motion.

**REMARKS ON CONDITION OF THE FILE**

Assembly Member Leslie arose to speak on the condition of the file.

**FURTHER CONSIDERATION OF MOTION TO ADJOURN**

The question being on the motion of Assembly Member Washington that the Assembly adjourn.

Motion carried.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 65—Wyman.** An act to add Section 21080.25 to the Public Resources Code, relating to environmental quality.

**ASSEMBLY BILL NO. 66—Correa.** An act relating to energy assistance, and making an appropriation therefor.

**AUTHOR'S AMENDMENTS**

**Committee on Revenue and Taxation**

February 20, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 29

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chairwoman

**ASSEMBLY BILL NO. 29**—An act to add Chapter 5.3 (commencing with Section 25425) to Division 15 of the Public Resources Code, and to add Section 17053.95 to the Revenue and Taxation Code, relating to energy conservation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REFERENCE OF BILLS TO COMMITTEE**

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

<i>Assembly</i>	<i>Committee</i>
<i>Bill No.</i>	
<b>46</b> -----	Ed. and E.C. & A.
<b>54</b> -----	E.C. & A.

**MESSAGES FROM THE SENATE**

Senate Chamber, February 20, 2001

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

Senate Bill No. 6

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

**FIRST READING OF SENATE BILLS**

The following bill was read the first time:

**SENATE BILL NO. 6**—An act to add Division 1.5 (commencing with Section 3300) to the Public Utilities Code, relating to electrical power.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 8:30 a.m., Thursday, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 20, 2001**

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

**AB RN**

29 0108154

**Daily Total: 1**

**Cumulative Total: 10**



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, February 21, 2001**  
**TWENTY-FIFTH SESSION DAY**  
**FIFTIETH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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  
Wednesday, February 21, 2001

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—71:

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

Quorum present.

**At 1:22 p.m., Hon. Howard Wayne, 78th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Calderon, Nation, Negrete McLeod, Romero, and Washington.*

*To attend a funeral in the district: Assembly Member Hollingsworth.*

*Because of illness: Assembly Member Cedillo.*

*Because of illness in his family: Assembly Member Keeley.*

(NOTE: For explanations of absences of Assembly Members Calderon, Nation, Negrete McLeod, Romero, and Washington on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

**Explanation of Absence—February 7, 2001**

February 21, 2001

*Hon. Robert Hertzberg, Speaker  
California State Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker,

I write to you today to respectfully request a correction to the Assembly Journal for Wednesday, February 7, 2001, to reflect that I was excused from check-in session for legislative business. Thank you for your prompt attention. If you have any questions please contact me at 319.2064.

It is an honor to serve with you in the California State Assembly.

Very truly yours,

ROD PACHECO, Assembly Member  
Sixty-fourth District

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 21, 2001

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

Assembly Bill No. 29

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committee was permitted to meet:

Revenue and Taxation, on February 28, 2001.

**REPORTS OF STANDING COMMITTEES****Committee on Energy Costs and Availability**

Date of Hearing: February 20, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 31

With the recommendation: Do pass, and be re-referred to the Committee on Natural Resources.

WRIGHT, Chairman

Above bill re-referred to the Committee on Natural Resources.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 67—Negrete McLeod.** An act to add Section 12087.5 to the Government Code, relating to energy resources, and making an appropriation therefor.

**ASSEMBLY BILL NO. 68—Firebaugh (Coauthors: Senators Escutia, Perata, and Torlakson).** An act to add Sections 25011 and 25523.5 to the Public Resources Code, relating to energy resources.

**ASSEMBLY BILL NO. 69—La Suer.** An act to add Section 9616 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 70—La Suer.** An act to add Section 363.7 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 71—La Suer.** An act to add Section 63025.3 to the Government Code, relating to the infrastructure development, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 72—La Suer.** An act to add Section 6501.4 to the Public Resources Code, relating to energy facilities, and declaring the urgency thereof, to take effect immediately.

#### **ADJOURNMENT**

At 3:30 p.m., the Assembly adjourned until 8:30 a.m., Thursday, February 22, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, February 22, 2001**  
**TWENTY-SIXTH SESSION DAY**  
**FIFTY-FIRST CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, February 22, 2001

The Assembly met at 9:32 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—75:

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

Quorum present.

**PRAYER**

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

In an essay on moral ambiguity, Barbara Grizzuti Harrison wrote: “The most painful moral struggles are not those between good and evil, but between the good and the lesser good.”

Life would be easy if all of our decisions were clear-cut between what is right and what is wrong. But most often our real struggles lie between what Harrison calls “the good and the lesser good.”

At times, all we can do is pray that what we have chosen is the good rather than the lesser good. Because too often, we will not know what we have chosen until the day is long gone.

May the Holy One of Blessing grant us the understanding that sometimes we have a responsibility to choose, even when we do not fully understand, and may we find wisdom and meaning in our struggles. May this be God’s will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Pavley 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 Bill Campbell.

**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 Member Horton.*

*On personal business, and waiving per diem: Assembly Member Maldonado.*

*Because of illness: Assembly Members Briggs and Calderon.*

(NOTE: For explanation of absence of Assembly Member Horton on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**REFERENCE OF BILLS TO COMMITTEE**

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

*Assembly*

<i>Bill No.</i>	<i>Committee</i>
<b>38</b> -----	E.C. & A.
<b>52</b> -----	E.C. & A.

*Senate*

<i>Bill No.</i>	<i>Committee</i>
<b>6</b> -----	E.C. & A.

**AUTHOR'S AMENDMENTS**  
**Committee on Public Safety**

February 22, 2001

Mr. Speaker: The Chair of your Committee on Public Safety reports:  
Assembly Bill No. 30

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WASHINGTON, Chairman

**ASSEMBLY BILL NO. 30**—An act to add Section 671 to the Penal Code, and to add Section 2774.5 to the Public Utilities Code, relating to crime, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**RE-REFERENCE OF BILLS**

Assembly Member Shelley was granted unanimous consent that Assembly Bill No. 4 be re-referred from the Committee on Natural Resources to the Committees on Revenue and Taxation and Energy Costs and Availability.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Corbett announced that the Committee on Revenue and Taxation would meet today, ½ hour after adjournment, of Floor session, in Room 447.

**RECESS**

By unanimous consent, at 9:35 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 73—Canciamilla.** An act relating to public utilities.

**ASSEMBLY BILL NO. 74—Shelley.** An act to amend 739.1 of the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 75—Calderon.** An act to add Article 1.7 (commencing with Section 41756) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, and to add Section 464 to the Public Utilities Code, relating to electrical energy.

**ASSEMBLY BILL NO. 76—Leslie.** An act to add Section 21080.27 to the Public Resources Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 5—Leonard and Strickland.** Relative to the Public Utilities Commission.



**REPORTS OF STANDING COMMITTEES**  
**Committee on Natural Resources**

Date of Hearing: February 22, 2001

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 9

Assembly Bill No. 36

With the recommendation: Do pass, and be re-referred to the Committee on Energy Costs and Availability.

WAYNE, Chairman

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

**Committee on Education**

Date of Hearing: February 21, 2001

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 25

Assembly Bill No. 26

Assembly Bill No. 46

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

STROM-MARTIN, Chairwoman

Above bills ordered to second reading.

**ADJOURNMENT**

At 4 p.m., the Assembly adjourned until 11 a.m., Monday, February 26, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 22, 2001**

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

<b>AB</b>	<b>RN</b>	
30	0108260	
<b>Daily Total:</b>		<b>1</b>
<b>Cumulative Total:</b>		<b>11</b>

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, February 26, 2001**  
**TWENTY-SEVENTH SESSION DAY**  
**FIFTY-FIFTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Monday, February 26, 2001

The Assembly met at 11:18 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—75:

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

Quorum present.

**PRAYER**

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

Creating laws is an awesome responsibility. Speaking on their importance, Lyndon B. Johnson said: “Law is the great civilizing machinery. It liberates the desire to build and subdues the desire to destroy. And if war can tear us apart, law can unite us—out of fear, or love, or reason, or all three. Law is the greatest human invention. All the rest give man mastery over his world. Law gives him mastery over himself.”

Laws are not distant things, they are personal, and they affect our lives. The daily business of legislating can, at times, seem somewhat prosaic. However, the result can, at its best, create laws that ennoble us and celebrate our common humanity.

May the Holy One of Blessing inspire our pursuit of justice and bring joy to our daily responsibilities. May this be God’s will.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Salinas 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 Chan, seconded by Assembly Member Kelley.

**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 Cardenas and Romero.*

*On personal business, and waiving per diem: Assembly Member Washington.*

*Because of illness: Assembly Member Wiggins.*

(NOTE: For explanations of absences of Assembly Members Cardenas and Romero on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

February 23, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Appointment to Judiciary Committee

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Judiciary Committee for the 2001–02 First Extraordinary Session:

Assemblymember Darrell Steinberg, Chair  
 Assemblymember Robert Pacheco, Vice Chair  
 Assemblymember Patricia Bates  
 Assemblymember Ellen Corbett  
 Assemblymember John Dutra  
 Assemblymember Tom Harman  
 Assemblymember Hannah-Beth Jackson  
 Assemblymember Christine Kehoe  
 Assemblymember John Longville  
 Assemblymember Kevin Shelley  
 Assemblymember Howard Wayne

Sincerely,

**ROBERT M. HERTZBERG**  
 Speaker of the Assembly

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

February 23, 2001

*E. Dotson Wilson*  
*Chief Clerk of the California State Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Mr. Wilson: This letter is to confirm the appointment of the Assemblyman Tony Strickland to the Caucus position of Caucus Vice Chair and Assistant Republican Leader and will serve as such in the First Extraordinary Session.

Thank you for your consideration in this matter. Please contact Richard Costigan III or Bob Becker in my capitol office at 319-2071 if you have any further questions.

Very truly yours,

**BILL CAMPBELL**  
 Assembly Republican Leader

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 26, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Bill No. 30

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committee was permitted to meet:

Natural Resources, on March 1, 2001, upon adjournment of session.

**REFERENCE OF BILLS TO COMMITTEE**

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

*Assembly*

<i>Bill No.</i>	<i>Committee</i>
<b>33</b> -----	E.C. & A. and Nat. Res.
<b>37</b> -----	E.C. & A.
<b>39</b> -----	Nat. Res. and E.C. & A.
<b>40</b> -----	E.C. & A.
<b>44</b> -----	E.C. & A.
<b>47</b> -----	Jud. and E.C. & A.
<b>48</b> -----	E.C. & A.
<b>49</b> -----	Rev. & Tax. and E.C. & A.
<b>50</b> -----	Ed. and E.C. & A.
<b>51</b> -----	Rev. & Tax. and E.C. & A.
<b>53</b> -----	Nat. Res. and E.C. & A.
<b>55</b> -----	Nat. Res. and E.C. & A.
<b>56</b> -----	E.C. & A.
<b>57</b> -----	E.C. & A.
<b>58</b> -----	Rev. & Tax. and E.C. & A.
<b>60</b> -----	E.C. & A.
<b>61</b> -----	Jud. and E.C. & A.
<b>62</b> -----	Rev. & Tax. and E.C. & A.
<b>64</b> -----	B. & P. and E.C. & A.

**REPORTS OF STANDING COMMITTEES**

**Committee on Energy Costs and Availability**

Date of Hearing: February 20, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
 Assembly Bill No. 3

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

WRIGHT, Chairman

Above bill ordered to second reading.

Date of Hearing: February 20, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
 Assembly Bill No. 14

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

WRIGHT, Chairman

Above bill ordered to second reading.

Date of Hearing: February 20, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 24

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

WRIGHT, Chairman

Above bill ordered to second reading.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

February 26, 2001

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Assembly Concurrent Resolution No. 4

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY CONCURRENT RESOLUTION NO. 4**—Relative to the Metcalf Energy Center.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Energy Costs and Availability**

February 26, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 44

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 44**—An act to add Section 354 to the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

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

**ASSEMBLY BILL NO. 25**—An act to add Article 4.5 (commencing with Section 41368) to Chapter 3 of Part 24 of the Education Code, relating to education energy costs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

**ASSEMBLY BILL NO. 26**—An act to add Article 4.5 (commencing with Section 41368) to Chapter 3 of Part 24 of the Education Code, relating to school finance, and making an appropriation therefor.

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



**ASSEMBLY BILL NO. 46**—An act relating to public utilities, making an appropriation therefor.

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

#### **COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Wright announced that the Committee on Energy Costs and Availability would meet at 3 p.m. today.

Speaker pro Tempore Keeley announced that the Committee on Natural Resources would meet today at 1:45 p.m.

#### **RECESS**

By unanimous consent, at 11:19 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

#### **INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 77**—**Robert Pacheco (Principal coauthor: Senator Soto)**. An act to amend Section 743 of the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 78**—**Canciamilla (Coauthor: Pescetti)**. An act to amend Sections 785, 785.1, and 785.5, of the Public Utilities Code, relating to energy.

**ASSEMBLY BILL NO. 79**—**Nakano**. An act to add and repeal Sections 17052.5 and 23601.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 80**—**Reyes**. An act to amend Section 80110 of the Water Code, relating to electrical power, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 81**—**Zettel**. An act relating to energy generation.

**ASSEMBLY BILL NO. 82**—**Simitian**. An act to amend Section 31007.5 of the Water Code, relating to water.

**ASSEMBLY BILL NO. 83**—**Keeley and Pescetti (Coauthor: Jackson) (Coauthors: Senators Brulte and Chesbro)**. An act to amend Section 2827 of the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 84**—**Bill Campbell**. An act to add Sections 17053.79 and 23669 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 85**—**Bill Campbell**. An act to amend Sections 17053.49 and 23649 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 86**—**Bill Campbell**. An act to add and repeal Section 17052.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 87**—**Bill Campbell**. An act relating to energy resources.

**ASSEMBLY BILL NO. 88**—**Bill Campbell**. An act to add Section 25544 to the Public Resources Code, relating to energy resources.

**ASSEMBLY BILL NO. 89**—**Bill Campbell**. An act to add Section 3108.5 to the Public Resources Code, relating to energy resources.

**ASSEMBLY BILL NO. 90**—**Bill Campbell**. An act relating to public utilities.

**ASSEMBLY BILL NO. 91**—**Bill Campbell**. An act relating to energy resources.

**ASSEMBLY BILL NO. 92**—**Bill Campbell**. An act relating to air resources.

**ASSEMBLY BILL NO. 93—Bill Campbell.** An act to amend Section 25402.1 of the Public Resources Code, relating to energy conservation.

**ASSEMBLY BILL NO. 94—Bill Campbell.** An act relating to energy resources.

**ASSEMBLY BILL NO. 95—Bill Campbell.** An act relating to energy resources.

**ASSEMBLY BILL NO. 96—Bill Campbell.** An act to amend Sections 17053.49 and 23649 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

#### **ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, March 1, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 26, 2001**

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

**AB RN**

25 0108382

26 0108381

44 0107962

46 0108374

**ACR RN**

4 0108191

**Daily Total: 5**

**Cumulative Total: 16**



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, February 27, 2001**  
**TWENTY-EIGHTH SESSION DAY**  
**FIFTY-SIXTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, February 27, 2001

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—78:

Aanestad	Daucher	Leslie	Runner
Alquist	Diaz	Liu	Salinas
Aroner	Dickerson	Longville	Shelley
Ashburn	Dutra	Lowenthal	Simitian
Bates	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	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	Papan	Wyland
Cogdill	Kelley	Pavley	Wyman
Cohn	Koretz	Pescetti	Zettel
Corbett	La Suer	Reyes	Mr. Speaker
Correa	Leach	Richman	
Cox	Leonard	Romero	

Quorum present.

**At 1:43 p.m., Hon. Dennis Mountjoy, 59th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*On legislative business: Assembly Member Rod Pacheco.*

(NOTE: For explanation of absence of Assembly Member Rod Pacheco on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

February 27, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have created and appointed the following members to the Assembly Jobs, Economic Development and the Economy Committee for the 2001–02 First Extraordinary Session:

Assemblymember Sarah Reyes, Chair  
Assemblymember Dave Cogdill, Vice Chair  
Assemblymember Roy Ashburn  
Assemblymember Wilma Chan  
Assemblymember Rebecca Cohn  
Assemblymember Lou Correa  
Assemblymember Manny Diaz  
Assemblymember Dean Florez  
Assemblymember Lynne Leach  
Assemblymember Carol Liu  
Assemblymember Jenny Oropeza  
Assemblymember Phil Wyman

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 27, 2001

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

Assembly Bill No. 25

Assembly Bill No. 44

Assembly Bill No. 26

Assembly Bill No. 46

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, February 27, 2001

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

Assembly Concurrent Resolution No. 4

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 97—Canciamilla.** An act to add Section 39607.6 to the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 98—Calderon.** An act to add Section 380 to the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 99—Pavley.** An act to amend Section 399.6 of the Public Utilities Code, relating to public utilities.

**AUTHOR'S AMENDMENTS****Committee on Energy Costs and Availability**

February 27, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 37

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 37**—An act relating to energy resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Energy Costs and Availability**

February 27, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Senate Bill No. 6

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**SENATE BILL NO. 6**—An act to add Division 1.5 (commencing with Section 3300) to the Public Utilities Code, relating to electrical power.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES****Committee on Natural Resources**

Date of Hearing: February 26, 2001

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 31

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

WAYNE, Chairman

Above bill ordered to second reading.

**Committee on Energy Costs and Availability**

Date of Hearing: February 26, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 54

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

WRIGHT, Chairman

Above bill ordered to second reading.

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

**ASSEMBLY BILL NO. 3**—An act to add Section 739.4 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

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.



**ASSEMBLY BILL NO. 14**—An act to add Section 743.7 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

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.

**ASSEMBLY BILL NO. 24**—An act to add Section 378.3 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

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.

#### **ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, March 1, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## **AMENDMENTS CONSIDERED BY THE ASSEMBLY ON FEBRUARY 27, 2001**

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

**AB RN**

3 0108406

14 0108514

24 0108459

37 0108571

**SB RN**

6 0108536

**Daily Total: 5**

**Cumulative Total: 21**

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, February 28, 2001**  
**TWENTY-NINTH SESSION DAY**  
**FIFTY-SEVENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Wednesday, February 28, 2001

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—74:

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

Quorum present.

**At 1:02 p.m., Hon. Jay La Suer, 77th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Alquist, Chavez, Nation, Rod Pacheco, and Romero.*

(NOTE: For explanations of absences of Assembly Members Alquist, Chavez, Nation, Rod Pacheco, and Romero on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

#### SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Judiciary, on March 6, 2001, at 9 a.m.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 28, 2001

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

Assembly Bill No. 3

Assembly Bill No. 14

Assembly Bill No. 37

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 100—Mountjoy.** An act to add Section 42301.18 to the Health and Safety Code, relating to air emissions.

**ASSEMBLY BILL NO. 101—Lowenthal and Oropeza.** An act relating to energy.

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Date of Hearing: February 28, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Concurrent Resolution No. 4

With the recommendation: Be adopted.

MIGDEN, Chairwoman

Above resolution ordered on file.

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

**ASSEMBLY BILL NO. 31**—An act to amend Section 42359.5 of, and to add Section 42317 to, the Health and Safety Code, to amend Section 743.1 of, and to add Sections 367.1, 743.4, 743.5, 743.6, and 743.7 to, the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

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

**ASSEMBLY BILL NO. 54**—An act to add Section 9601.5 to the Public Utilities Code, relating to electricity, and declaring the urgency thereof, to take effect immediately.

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

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, March 1, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## **AMENDMENTS CONSIDERED BY THE ASSEMBLY ON FEBRUARY 28, 2001**

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

**AB RN**

31 0108569

54 0108579

**Daily Total: 2**

**Cumulative Total: 23**

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, March 1, 2001**  
**THIRTIETH SESSION DAY**  
**FIFTY-EIGHTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, March 1, 2001

The Assembly met at 9:05 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—75:

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

Quorum present.



**PRAYER**

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

*O God of Our Fathers, You have dispelled the nightly shadows and shown us again the light of day. We ask You in Your bounty to forgive our sins and in Your mercy to accept our prayers, for it is in You we seek refuge. O God of all mercy and might, enlighten our minds and guard all our senses so that we may attain eternal life, for You are the source of life and we glorify You.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Strickland 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 Bill Campbell.

**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 John Campbell and Chavez.*

*To attend a funeral: Assembly Member Hollingsworth.*

*Because of illness: Assembly Member Wright.*

(NOTE: For explanation of absence of Assembly Member John Campbell 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 Chavez on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for February 28, 2001.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 1, 2001

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

Assembly Bill No. 24

Assembly Bill No. 31

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 1, 2001

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

Assembly Bill No. 54

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

**CONSIDERATION OF DAILY FILE  
ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

**Assembly Bill No. 54** ordered to third reading.

**THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY CONCURRENT RESOLUTION NO. 4 (Cohn)**—Relative to the Metcalf Energy Center.

Resolution read.

**Members Made Coauthors of  
Assembly Concurrent Resolution No. 4**

Assembly Member Cohn was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 4.

**Roll Call**

The following Assembly Members indicated a desire to become coauthors:

Ashburn, Calderon, Bill Campbell, Canciamilla, Cardoza, Cedillo, Corbett, Correa, Cox, Firebaugh, Florez, Frommer, Havice, Hertzberg, Horton, Keeley, Kelley, La Suer, Leonard, Lowenthal, Maddox, Matthews, Mountjoy, Negrete McLeod, Oropeza, Robert Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Romero, Runner, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, and Wyman.

**Request for Unanimous Consent**

Assembly Member Cohn was granted unanimous consent to take up Assembly Concurrent Resolution No. 4, as amended, without reference to print or file, and that the same be considered engrossed.

**Consideration of Assembly Concurrent Resolution No. 4, as Amended**

**ASSEMBLY CONCURRENT RESOLUTION NO. 4**—Relative to the Metcalf Energy Center.

Resolution read, as amended.

**Roll Call Demanded**

Assembly Members Washington, Leonard, and Pescetti demanded a roll call.

The roll was called, and Assembly Concurrent Resolution No. 4 adopted by the following vote:

**AYES—71**

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

**NOES—None**

Resolution ordered transmitted to the Senate.

**VOTE ADDS**

The following Assembly Member was granted unanimous consent to record his vote on the following item:

**Assembly Concurrent Resolution No. 4:** Briggs—Aye.

**RECESS**

By unanimous consent, at 9:26 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**REFERENCE OF BILLS TO COMMITTEE**

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

*Assembly  
Bill No.*

*Committee*

<b>41</b> -----	J., E.D. & E. and E.C. & A.
<b>43</b> -----	J., E.D. & E. and E.C. & A.
<b>63</b> -----	E.C. & A.
<b>65</b> -----	Nat. Res. and E.C. & A.
<b>66</b> -----	E.C. & A.
<b>67</b> -----	E.C. & A.
<b>68</b> -----	Nat. Res. and E.C. & A.
<b>69</b> -----	E.C. & A.
<b>70</b> -----	E.C. & A.
<b>71</b> -----	E.C. & A. and J., E.D. & E.
<b>72</b> -----	E.C. & A. and Nat. Res.
<b>74</b> -----	E.C. & A.
<b>75</b> -----	E.C. & A. and Nat. Res.
<b>76</b> -----	E.C. & A. and Nat. Res.
<b>83</b> -----	E.C. & A.

*Assembly Concurrent  
Resolution No.*

*Committee*

<b>5</b> -----	E.C. & A.
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**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

March 1, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 23

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 23**—An act to add Section 743.2 to the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Energy Costs and Availability**

Date of Hearing: February 28, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
 Assembly Bill No. 8

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

WRIGHT, Chairman

Above bill ordered to second reading.

**Committee on Natural Resources**

Date of Hearing: March 1, 2001

Mr. Speaker: Your Committee on Natural Resources reports:  
 Assembly Bill No. 53

With the recommendation: Do pass, and be re-referred to the Committee on Energy Costs and Availability.

WAYNE, Chairman

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

**Committee on Appropriations**

Date of Hearing: February 28, 2001

Mr. Speaker: Your Committee on Appropriations reports:  
 Assembly Bill No. 3  
 Assembly Bill No. 24

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

MIGDEN, Chairwoman

Above bills ordered to second reading.

**Committee on Revenue and Taxation**

Date of Hearing: February 28, 2001

Mr. Speaker: Your Committee on Revenue and Taxation reports:  
 Assembly Bill No. 29

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

CORBETT, Chairwoman

Above bill ordered to second reading.

**Committee on Energy Costs and Availability**

Date of Hearing: February 26, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
 Assembly Bill No. 9

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

WRIGHT, Chairman

Above bill ordered to second reading.

Date of Hearing: February 28, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
 Assembly Bill No. 36

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

WRIGHT, Chairman

Above bill ordered to second reading.

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committees were permitted to meet:

Natural Resources, on March 6, 2001; and on March 8, 2001, upon adjournment of session.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 102—Wayne.** An act to add and repeal Section 17053.78 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 103—Keeley.** An act to add Article 2 (commencing with Section 81610) to Chapter 3 of Part 49 of the Education Code, relating to energy management, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Monday, March 5, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 1, 2001**

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

**AB RN**

23 0108596

**Daily Total: 1**

**Cumulative Total: 24**

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, March 5, 2001**  
**THIRTY-FIRST SESSION DAY**  
**SIXTY-SECOND CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Monday, March 5, 2001

The Assembly met at 11:21 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	Diaz	Liu	Shelley
Alquist	Dickerson	Lowenthal	Simitian
Aroner	Dutra	Maddox	Steinberg
Ashburn	Firebaugh	Maldonado	Strickland
Bates	Florez	Matthews	Strom-Martin
Briggs	Frommer	Migden	Thomson
Campbell, Bill	Harman	Mountjoy	Vargas
Canciamilla	Havice	Nakano	Washington
Cardenas	Hollingsworth	Nation	Wayne
Cardoza	Horton	Oropeza	Wesson
Cedillo	Jackson	Pacheco, Robert	Wiggins
Chan	Keeley	Pacheco, Rod	Wright
Chavez	Kehoe	Papan	Wyland
Cogdill	Kelley	Pavley	Wyman
Cohn	Koretz	Pescetti	Zettel
Corbett	La Suer	Reyes	Mr. Speaker
Correa	Leach	Richman	
Cox	Leonard	Runner	
Daucher	Leslie	Salinas	

Quorum present.



**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Member John Dutra, of the 20th Assembly District:

*Eternal God,* Let us enter this new day assured of Your steadfast love and dedicated to loyal service to the people of this state.

May we strive to have our words related to our deeds. Let our thinking be sharp, our lives seeking the goal of integrity and our actions decisive and courageous.

May we think deeply upon minute problems, but ever have our horizons expand.

In our Lord’s name.—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 Shelley, seconded by Assembly Member Bill Campbell.

**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 Calderon and Romero.*

*Because of unscheduled travel delays: Assembly Members Longville and Negrete McLeod.*

*Because of illness: Assembly Member John Campbell.*

*Because of a death in her family: Assembly Member Goldberg.*

(NOTE: For explanations of absences of Assembly Members Calderon and Romero on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

March 5, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Committee on Energy Costs and Availability for the 2001–02

Dear Dotson: This is to advise you that I have appointed Assemblymember Dean Florez to the Committee on Energy Costs and Availability for the 2001–02 First Extraordinary Session.

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

March 5, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have created the Subcommittee on Natural Gas Costs and Availability of the Committee on Energy Costs and Availability for the First Extraordinary Session of 2001–02. I have appointed the following members to the subcommittee:

Assemblymember Joe Canciamilla, Chair  
 Assemblymember Manny Diaz  
 Assemblymember Dick Dickerson  
 Assemblymember Dean Florez  
 Assemblymember Herb Wesson  
 Assemblymember Charlene Zettel

Sincerely,

ROBERT M. HERTZBERG  
 Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 5, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Bill No. 23

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

March 5, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
 Assembly Bill No. 42

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 42**—An act to add Chapter 4.7 (commencing with Section 25370) to Division 15 of the Public Resources Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

March 5, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
 Assembly Bill No. 75

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 75**—An act to add Article 1.7 (commencing with Section 41756) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, and to add Section 464 to the Public Utilities Code, relating to electrical energy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Revenue and Taxation**

Date of Hearing: February 28, 2001

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

Assembly Bill No. 45

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

CORBETT, Chairwoman

Above bill ordered to second reading.

**Committee on Public Safety**

Date of Hearing: February 27, 2001

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 30

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

WASHINGTON, Chairman

Above bill ordered to second reading.

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

**ASSEMBLY BILL NO. 8**—An act to add Section 363.1 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.

**ASSEMBLY BILL NO. 3**—An act to add Section 739.4 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

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.

**ASSEMBLY BILL NO. 24**—An act to add and repeal Section 378.3 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

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.

**ASSEMBLY BILL NO. 29**—An act to add Chapter 5.3 (commencing with Section 25425) to Division 15 of the Public Resources Code, and to add Sections 17053.95 and 23650 to the Revenue and Taxation Code, relating to energy conservation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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 Energy Costs and Availability.

**ASSEMBLY BILL NO. 9**—An act to add Chapter 6.6 (commencing with Section 25560) to Division 15 of the Public Resources Code, relating to energy resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

**ASSEMBLY BILL NO. 36**—An act to amend Section 25550 of, and to add Sections 25137 and 25551 to, the Public Resources Code, relating to electrical energy, and declaring the urgency thereof, to take effect immediately.

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.

#### RE-REFERENCE OF BILLS

Assembly Member Shelley was granted unanimous consent that Assembly Bills Nos. 41 and 43 be re-referred from the Committee on Jobs, Economic Development, and the Economy to the Committee on Energy Costs and Availability.

#### RECESS

By unanimous consent, at 11:22 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

#### RECONVENED

At 11:31 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

**ASSEMBLY BILL NO. 54 (Wright)**—An act to add Section 9601.5 to the Public Utilities Code, relating to electricity, 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—71

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

#### NOES—1

Aanestad

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—71**

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

**NOES—1**

Aanestad

Bill ordered transmitted to the Senate.

**VOTE ADDS**

The following Assembly Member was granted unanimous consent to record his vote on the following item:

**Assembly Bill No. 54 and Urgency:** Cedillo—Aye.

**MOTION TO ADJOURN**

At 11:37 a.m., Assembly Member Shelley moved that the Assembly do now adjourn.

Assembly Member Bill Campbell seconded the motion.

Motion carried.

**RECESS**

By unanimous consent, at 11:37 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 104—Cardoza.** An act to amend Section 739.1 of the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 105—Cogdill (Coauthor: Pescetti).** An act to add Section 785.6 to the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 106—Frommer.** An act to add Section 42301.15 to the Health and Safety Code, relating to air resources.

**ASSEMBLY BILL NO. 107—Florez and Dickerson (Coauthors: Frommer and Wyman).** An act to amend Sections 80004, 80134, and 80200 of the Water Code, relating to electric power, and making an appropriation therefor.

**ASSEMBLY BILL NO. 108—Simitian.** An act to add Section 454.5 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 109—Simitian.** An act to add and repeal Section 2774.7 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**AUTHOR'S AMENDMENTS****Committee on Energy Costs and Availability**

March 5, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 43

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 43**—An act to add Chapter 6.5 (commencing with Section 17630.10) to Part 10.5 of the Education Code, and to amend Section 2827 of the Public Utilities Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Energy Costs and Availability**

March 5, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 41

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 41**—An act to add Chapter 4.7 (commencing with Section 25370) to Division 15 of the Public Resources Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Shelley, the Assembly adjourned until 8:30 a.m., Thursday, March 8, 2001 or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 5, 2001**

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

<b>AB</b>	<b>RN</b>	
	3	0108626
	8	0108600
	9	0108646
	24	0108675
	29	0108583
	36	0108686
	41	0108639
	42	0108621
	43	0108660
	75	0108634
	<b>Daily Total:</b>	<b>10</b>
<b>Cumulative Total:</b>		<b>34</b>





CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, March 6, 2001**  
**THIRTY-SECOND SESSION DAY**  
**SIXTY-THIRD CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, March 6, 2001

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian Ebbert reading.

#### ROLL CALL

The following were placed upon the morning roll call—71:

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

Quorum present.

**At 1:39 p.m., Hon. Rod Pacheco, 64th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Briggs, Calderon, Chavez, Horton, Nation, Papan, Romero, and Washington.*

(NOTE: For explanations of absences of Assembly Members Briggs, Chavez, Horton, Nation, Papan, Romero, and Washington 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 Calderon on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for March 5, 2001.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 6, 2001

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

- Assembly Bill No. 3
- Assembly Bill No. 24

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, March 6, 2001

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

- Assembly Bill No. 8
- Assembly Bill No. 9
- Assembly Bill No. 29
- Assembly Bill No. 36
- Assembly Bill No. 41
- Assembly Bill No. 42
- Assembly Bill No. 43
- Assembly Bill No. 75

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

March 6, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:

Assembly Bill No. 57

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 57**—An act to add Section 2773.3 to the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**CONSIDERATION OF DAILY FILE**

**ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

**Assembly Bills Nos. 3 and 24**, ordered to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 45**—An act to amend Section 23649 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 Energy Costs and Availability.

**ASSEMBLY BILL NO. 30**—An act to amend Section 463 of the Penal Code, and to add Section 2774.5 to the Public Utilities Code, relating to crime, and declaring the urgency thereof, to take effect immediately.

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

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, March 8, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 6, 2001**

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

<b>AB</b>	<b>RN</b>	
30	0108656	
45	0108703	
57	0108713	
<b>Daily Total:</b>		<b>3</b>
<b>Cumulative Total:</b>		<b>37</b>



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, March 7, 2001**  
**THIRTY-THIRD SESSION DAY**  
**SIXTY-FOURTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Wednesday, March 7, 2001

The Assembly met at 7 a.m.  
Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.  
Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—73:

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

Quorum present.

**At 10:46 a.m., Hon. Herb Wesson, 30th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Chavez, Papan, Romero, Runner, Simitian, and Washington.*

(NOTE: For explanations of absences of Assembly Members Romero, Runner, and Simitian on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day; for explanations of absences of Assembly Members Chavez, Papan, and Washington on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for March 6, 2001.)



**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 7, 2001

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

Assembly Bill No. 30

Assembly Bill No. 45

Assembly Bill No. 57

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 110—Kelley.** An act to add Section 13193.9 to the Water Code, relating to water.**ASSEMBLY BILL NO. 111—Florez and Salinas.** An act to add Section 2771.5 to the Public Utilities Code, relating to public utilities.**ASSEMBLY BILL NO. 112—Wyland.** An act relating to public utilities.**ASSEMBLY BILL NO. 113—Wyland.** An act to add Section 12804.6 to the Government Code, relating to retail energy rates, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.**ASSEMBLY BILL NO. 114—Cardoza.** An act to add and repeal Article 9 (commencing with Section 22200) to Chapter 1 of Part 5 of Division 11 of the Water Code, relating to energy.**AUTHOR'S AMENDMENTS****Committee on Revenue and Taxation**

March 7, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 19

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chairwoman

**ASSEMBLY BILL NO. 19**—An act to add and repeal Section 6357.1 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Revenue and Taxation**

March 7, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 27

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chairwoman

**ASSEMBLY BILL NO. 27**—An act to add Section 367.1 to the Public Utilities Code, to add and repeal Sections 6902.3, 17053.84, 17053.85, 17201.1, 23684, 23685, and 24343.1 of the Revenue and Taxation Code, and to amend Section 80110 of the Water Code, relating to electricity.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Business and Professions**

March 7, 2001

Mr. Speaker: The Chair of your Committee on Business and Professions reports:  
Assembly Bill No. 64

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORREA, Chairman

**ASSEMBLY BILL NO. 64**—An act to add Article 6 (commencing with Section 14710) to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government Code, relating to energy retrofits of state property, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Appropriations**

Date of Hearing: March 7, 2001

Mr. Speaker: Your Committee on Appropriations reports:  
Assembly Bill No. 36

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**Committee on Energy Costs and Availability**

Date of Hearing: March 6, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 29  
Assembly Bill No. 83

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 6, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 40

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

WRIGHT, Chairman

Above bill ordered to second reading.

**ADJOURNMENT**

At 3:45 p.m., the Assembly adjourned until 8:30 a.m., Thursday, March 8, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 7, 2001**

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

<b>AB</b>	<b>RN</b>	
19	0108843	
27	0108759	
64	0108829	
<b>Daily Total:</b>		<b>3</b>
<b>Cumulative Total:</b>		<b>40</b>



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, March 8, 2001**  
**THIRTY-FOURTH SESSION DAY**  
**SIXTY-FIFTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, March 8, 2001

The Assembly met at 8:36 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 following were placed upon the morning roll call—77:

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

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*Because of illness in the family: Assembly Members Hertzberg and Horton.*

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 115—Harman.** An act to add Chapter 5.4 (commencing with Section 25438) to Division 15 of the Public Resources Code, to add Section 399.45 to the Public Utilities Code, and to amend Sections 17052.12, 17053.49, 23609, and 23649 of, to add Sections 17053.60, 17053.61, 17053.62, 17053.63, 23660, 23662, and 23663 to, and to add and repeal Sections 17053.84 and 23684 of, the Revenue and Taxation Code, relating to energy, and making an appropriation therefor.

**ASSEMBLY BILL NO. 116—Pescetti (Principal coauthor: Bates).** An act to add Section 785.9 to the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 117—Pescetti.** An act to add Section 857 to the Public Utilities Code, relating to public utilities.

**AUTHOR’S AMENDMENTS  
Committee on Appropriations**

March 8, 2001

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Assembly Bill No. 83

With author’s amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 83—**An act to amend Section 2827 of the Public Utilities Code, relating to public utilities.

Bill read second time; author’s amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR’S AMENDMENTS  
Committee on Energy Costs and Availability**

March 8, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 25

With author’s amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 25—**An act to add Article 4.5 (commencing with Section 41368) to Chapter 3 of Part 24 of the Education Code, relating to education energy costs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author’s amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR’S AMENDMENTS  
Committee on Energy Costs and Availability**

March 8, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 33

With author’s amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 33**—An act to add Chapter 9.5 (commencing with Section 25850) to Division 15 of the Public Resources Code, relating to energy, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

March 8, 2001

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 47

With author's amendments with the recommendation: Amend, and re-refer to the committee.

STEINBERG, Chairman

**ASSEMBLY BILL NO. 47**—An act to amend Sections 1240.650 and 1245.250 of the Code of Civil Procedure, to amend Sections 56129 and 56133 of the Government Code, and to amend Sections 366 and 11652 of, and to add Sections 851.1 and 1411.1 to, the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Revenue and Taxation**

March 8, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 62

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chair

**ASSEMBLY BILL NO. 62**—An act to add Section 100.8 to the Revenue and Taxation Code, relating to local government finance.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Appropriations**

Date of Hearing: March 7, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 8

Assembly Bill No. 9

Assembly Bill No. 31

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

MIGDEN, Chairwoman

Above bills ordered to second reading.

**Committee on Energy Costs and Availability**

Date of Hearing: March 8, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 41

Assembly Bill No. 53

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bills re-referred to the Committee on Appropriations.



**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 8, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 31  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, March 8, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 19  
Assembly Bill No. 27  
Assembly Bill No. 64  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

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

**ASSEMBLY BILL NO. 40**—An act to add Chapter 5.3 (commencing with Section 25430) to Division 15 of the Public Resources Code, relating to energy resources, and making an appropriation therefor.

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.

**ASSEMBLY BILL NO. 36**—An act to amend Section 25550 of, and to add Sections 25137 and 25551 to, the Public Resources Code, relating to electrical energy, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**MESSAGES FROM THE SENATE**

Senate Chamber, March 8, 2001

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

Senate Bill No. 43

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following bill was read the first time:

**SENATE BILL NO. 43**—An act to amend Section 332.1 of the Public Utilities Code, and to amend Section 80134 of the Water Code, relating to electric power, and declaring the urgency thereof, to take effect immediately.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Monday, March 12, 2001.

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FRED KEELEY, Speaker pro Tempore

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 8, 2001

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The following measures were amended in the Assembly on this day:

AB	RN	
25	0108920	
33	0108737	
40	0108325	
47	0108763	
62	0108735	
<b>Daily Total:</b>		<b>5</b>
<b>Cumulative Total:</b>		<b>45</b>

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, March 12, 2001**  
**THIRTY-FIFTH SESSION DAY**  
**SIXTY-NINTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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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  
Monday, March 12, 2001

The Assembly met at 12:03 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—78:

Aanestad	Daucher	Leslie	Runner
Alquist	Diaz	Liu	Salinas
Aroner	Dickerson	Longville	Shelley
Ashburn	Dutra	Lowenthal	Simitian
Bates	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	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
Cogdill	Kelley	Papan	Wyman
Cohn	Koretz	Pavley	Zettel
Corbett	La Suer	Pescetti	Mr. Speaker
Correa	Leach	Reyes	
Cox	Leonard	Richman	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

In 1848, Elizabeth Blackwell wrote with prophetic accuracy when she penned these words: “If . . . society will not admit of women’s free development, then society must be remodeled.”

In 1848, Elizabeth Blackwell and her contemporaries in the women’s suffrage movement, could hardly have dreamed of a day like today, where men and women sit together in government and positions of honor and power. A day where women are acknowledged for their achievements, not just as wives and mothers, but as integral and important members of their communities.

Indeed, our society has been remodeled. And remodeled in such a way that we are left better off for it.

May it be the will of the Creator that we continue to strive to remodel our society so that each and every day, *all* peoples will be celebrated for the unique gifts that they give to the world. May this be God’s will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Liu 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 Aroner, seconded by Assembly Member Bill Campbell.

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

March 8, 2001

*The Honorable Robert M. Hertzberg*  
*Speaker*  
*California State Assembly*

Dear Mr. Speaker: As a result of my election to the unexpired term of office for the 24th Senatorial District, I hereby respectfully submit my resignation as State Assemblymember of the 49th Assembly District. My resignation is effective upon taking the oath of office for the 24th Senatorial District on March 12th, 2001.

Respectfully,

GLORIA ROMERO, Assembly Member  
 Forty-ninth District

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 12, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 25

Assembly Bill No. 47

Assembly Bill No. 33

Assembly Bill No. 62

Assembly Bill No. 40

Assembly Bill No. 83

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committees were permitted to meet:

Natural Resources, on March 15, 2001.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 118—Daucher.** An act to add Section 6379 to the Public Resources Code, relating to energy resources.

**ASSEMBLY BILL NO. 119—Daucher (Coauthor: Senator Brulte).** An act to add and repeal Chapter 3.5 (commencing with Section 4250) of Division 5 of Title 1 of the Government Code, relating to state energy conservation projects.

**AUTHOR'S AMENDMENTS****Committee on Energy Costs and Availability**

March 12, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 60

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 60—**An act to add Section 25525.3 to the Public Resources Code, and to add Section 367.3 to the Public Utilities Code, relating to electrical generation, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES****Committee on Energy Costs and Availability**

Date of Hearing: March 8, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Senate Bill No. 6

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

**Committee on Natural Resources**

Date of Hearing: March 8, 2001

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 34

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Energy Costs and Availability.

WAYNE, Chairman

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 8**—An act to amend Section 335 of, and to add Section 342 to, the Public Utilities Code, relating to public utilities, and making an appropriation therefor.

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.

**ASSEMBLY BILL NO. 9**—An act to add Chapter 6.6 (commencing with Section 25560) to Division 15 of the Public Resources Code, relating to energy resources, and declaring the urgency thereof, to take effect immediately.

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.

**ASSEMBLY BILL NO. 31**—An act to add and repeal Sections 42317 and 42359.6 of the Health and Safety Code, and to amend Section 743.1 of, and to add Sections 743.4, 743.5, and 743.6 to, the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

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.

**THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 3 (Wright)**—An act to add Section 739.4 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	Cox	Liu	Runner
Alquist	Daucher	Longville	Salinas
Aroner	Diaz	Lowenthal	Shelley
Ashburn	Dickerson	Maddox	Simitian
Bates	Dutra	Maldonado	Steinberg
Briggs	Firebaugh	Matthews	Strickland
Calderon	Florez	Migden	Strom-Martin
Campbell, Bill	Goldberg	Mountjoy	Thomson
Campbell, John	Harman	Nakano	Vargas
Canciamilla	Havice	Nation	Washington
Cardenas	Hollingsworth	Negrete McLeod	Wayne
Cardoza	Horton	Oropeza	Wesson
Cedillo	Jackson	Pacheco, Robert	Wiggins
Chan	Keeley	Pacheco, Rod	Wright
Chavez	Kehoe	Papan	Wyland
Cogdill	Kelley	Pavley	Wyman
Cohn	Koretz	Pescetti	Zettel
Corbett	La Suer	Reyes	Mr. Speaker
Correa	Leonard	Richman	

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—75**

Aanestad	Cox	Liu	Runner
Alquist	Daucher	Longville	Salinas
Aroner	Diaz	Lowenthal	Shelley
Ashburn	Dickerson	Maddox	Simitian
Bates	Dutra	Maldonado	Steinberg
Briggs	Firebaugh	Matthews	Strickland
Calderon	Florez	Migden	Strom-Martin
Campbell, Bill	Goldberg	Mountjoy	Thomson
Campbell, John	Harman	Nakano	Vargas
Canciamilla	Havice	Nation	Washington
Cardenas	Hollingsworth	Negrete McLeod	Wayne
Cardoza	Horton	Oropeza	Wesson
Cedillo	Jackson	Pacheco, Robert	Wiggins
Chan	Keeley	Pacheco, Rod	Wright
Chavez	Kehoe	Papan	Wyland
Cogdill	Kelley	Pavley	Wyman
Cohn	Koretz	Pescetti	Zettel
Corbett	La Suer	Reyes	Mr. Speaker
Correa	Leonard	Richman	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 24 (Daucher)**—An act to add Sections 743.7 and 743.8 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Assembly Member Daucher moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.



**ASSEMBLY BILL NO. 36 (Wright)**—An act to amend Section 25550 of, and to add Sections 25137 and 25551 to, the Public Resources Code, relating to electrical 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—76**

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Liu	Runner
Aroner	Diaz	Longville	Salinas
Ashburn	Dickerson	Lowenthal	Shelley
Bates	Dutra	Maddox	Simitian
Briggs	Firebaugh	Maldonado	Steinberg
Calderon	Florez	Matthews	Strickland
Campbell, Bill	Frommer	Migden	Strom-Martin
Campbell, John	Goldberg	Mountjoy	Thomson
Canciamilla	Havice	Nakano	Vargas
Cardenas	Hollingsworth	Nation	Washington
Cardoza	Horton	Negrete McLeod	Wayne
Cedillo	Jackson	Oropeza	Wesson
Chan	Keeley	Pacheco, Robert	Wiggins
Chavez	Kehoe	Pacheco, Rod	Wright
Cogdill	Kelley	Papan	Wyland
Cohn	Koretz	Pavley	Wyman
Corbett	La Suer	Pescetti	Zettel
Correa	Leach	Reyes	Mr. Speaker

**NOES—None**

The question being on the passage of the bill.  
Bill passed by the following vote:

**AYES—76**

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Liu	Runner
Aroner	Diaz	Longville	Salinas
Ashburn	Dickerson	Lowenthal	Shelley
Bates	Dutra	Maddox	Simitian
Briggs	Firebaugh	Maldonado	Steinberg
Calderon	Florez	Matthews	Strickland
Campbell, Bill	Frommer	Migden	Strom-Martin
Campbell, John	Goldberg	Mountjoy	Thomson
Canciamilla	Havice	Nakano	Vargas
Cardenas	Hollingsworth	Nation	Washington
Cardoza	Horton	Negrete McLeod	Wayne
Cedillo	Jackson	Oropeza	Wesson
Chan	Keeley	Pacheco, Robert	Wiggins
Chavez	Kehoe	Pacheco, Rod	Wright
Cogdill	Kelley	Papan	Wyland
Cohn	Koretz	Pavley	Wyman
Corbett	La Suer	Pescetti	Zettel
Correa	Leach	Reyes	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 at 2 p.m. instead of 1:30 p.m.

Assembly Member Wright also announced that the Committee on Energy Costs and Availability would visit three California power plants on Wednesday, March 21, 2001 and any interested Members were invited to join the committee. A bus is scheduled to depart the Capitol at 9 a.m.

Assembly Member Corbett announced that the Committee on Revenue and Taxation would meet today at 3 p.m., instead of 1:30 p.m., in Room 126.

**MOTION TO ADJOURN**

At 12:10 p.m., Assembly Member Shelley moved that the Assembly do now adjourn.

Assembly Member Bill Campbell seconded the motion.

Motion carried.

**RECESS**

By unanimous consent, at 12:10 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, March 15, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 12, 2001

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The following measures were amended in the Assembly on this day:

AB	RN	
8	0108879	
9	0108882	
24	0108852	
31	0108878	
60	0108892	
<b>Daily Total:</b>		<b>5</b>
<b>Cumulative Total:</b>		<b>51</b>



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, March 13, 2001**  
**THIRTY-SIXTH SESSION DAY**  
**SEVENTIETH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, March 13, 2001

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian Ebbert reading.

#### ROLL CALL

The following were placed upon the morning roll call—74:

Aanestad	Daucher	Leslie	Richman
Alquist	Diaz	Liu	Runner
Aroner	Dickerson	Longville	Salinas
Ashburn	Dutra	Lowenthal	Shelley
Briggs	Firebaugh	Maddox	Simitian
Calderon	Frommer	Maldonado	Steinberg
Campbell, Bill	Goldberg	Matthews	Strickland
Campbell, John	Harman	Migden	Strom-Martin
Canciamilla	Havice	Mountjoy	Thomson
Cardenas	Hollingsworth	Nakano	Vargas
Cardoza	Horton	Nation	Wayne
Cedillo	Jackson	Negrete McLeod	Wesson
Chan	Keeley	Oropeza	Wiggins
Chavez	Kehoe	Pacheco, Robert	Wright
Cogdill	Kelley	Pacheco, Rod	Wyland
Cohn	Koretz	Papan	Wyman
Corbett	La Suer	Pavley	Zettel
Correa	Leach	Pescetti	
Cox	Leonard	Reyes	

Quorum present.

**At 12:28 p.m., Hon. Joe Canciamilla, 11th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Hertzberg and Washington.*

*Because of illness: Assembly Member Bates.*

*The following Assembly Member was excused for the day, and his per diem was waived: Florez.*

(NOTE: For explanations of absences of Assembly Members Hertzberg and Washington on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 13, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 8

Assembly Bill No. 9

Assembly Bill No. 31

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, March 13, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 24

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

Assembly Chamber, March 13, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 60

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

March 13, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:

Assembly Bill No. 13

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 13**—An act to amend Sections 382, 739.1, and 2790 of, and to add Section 382.1 to, the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**

**Committee on Business and Professions**

March 13, 2001

Mr. Speaker: The Chair of your Committee on Business and Professions reports:

Assembly Bill No. 64

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORREA, Chairman

**ASSEMBLY BILL NO. 64**—An act to add Article 6 (commencing with Section 14710) to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government Code, relating to energy retrofits of state property, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Energy Costs and Availability**

Date of Hearing: March 6, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
 Assembly Bill No. 26

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

Date of Hearing: March 6, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
 Assembly Bill No. 43

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

Date of Hearing: March 8, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
 Assembly Bill No. 42

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

**Committee on Judiciary**

Date of Hearing: March 13, 2001

Mr. Speaker: Your Committee on Judiciary reports:  
 Assembly Bill No. 47

With the recommendation: Do pass, and be re-referred to the Committee on Energy Costs and Availability.

STEINBERG, Chairman

Above bill re-referred to the Committee on Energy Costs and Availability.

**Committee on Revenue and Taxation**

Date of Hearing: March 12, 2001

Mr. Speaker: Your Committee on Revenue and Taxation reports:  
 Assembly Bill No. 19

With the recommendation: Do pass, and be re-referred to the Committee on Energy Costs and Availability.

CORBETT, Chairwoman

Above bill re-referred to the Committee on Energy Costs and Availability.

**CONSIDERATION OF DAILY FILE**  
**ASSEMBLY BILLS RETURNED TO SECOND READING FILE**  
**PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

**Assembly Bills Nos. 8, 9, and 31, ordered to third reading.**



**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 34**—An act to amend Sections 65922, 65928, 65930, and 65943.5 of the Government Code, to amend Section 42301.14 of the Health and Safety Code, and to amend Sections 21080, 25506, 25541.5, 25550, and 25552 of, and to add Sections 25135.5, 25214.5, 25513.5, and 25519.5 to, the Public Resources Code, relating to energy resources, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Natural Resources read and adopted, bill ordered reprinted and to be re-referred to the Committee on Energy Costs and Availability.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 6**—An act to add Division 1.5 (commencing with Section 3300) to the Public Utilities Code, relating to electrical power.

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.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, March 15, 2001, or upon Call of the Speaker.

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FRED KEELEY, Speaker pro Tempore

PAM CAVILEER, Minute Clerk

## **AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 13, 2001**

The following measures were amended in the Assembly on this day:

**AB RN**

13 0108276

34 0108933

64 0109058

**SB RN**

6 0108973

**Daily Total: 4**

**Cumulative Total: 55**

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, March 14, 2001**  
**THIRTY-SEVENTH SESSION DAY**  
**SEVENTY-FIRST CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Wednesday, March 14, 2001

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—75:

Aanestad	Cox	Leach	Richman
Alquist	Daucher	Leonard	Runner
Aroner	Diaz	Leslie	Salinas
Ashburn	Dickerson	Liu	Shelley
Bates	Dutra	Longville	Simitian
Briggs	Firebaugh	Lowenthal	Steinberg
Calderon	Florez	Maddox	Strickland
Campbell, Bill	Frommer	Matthews	Strom-Martin
Campbell, John	Goldberg	Migden	Thomson
Canciamilla	Harman	Mountjoy	Vargas
Cardenas	Havice	Nakano	Wayne
Cardoza	Hollingsworth	Negrete McLeod	Wesson
Cedillo	Horton	Oropeza	Wiggins
Chan	Jackson	Pacheco, Robert	Wright
Chavez	Keeley	Pacheco, Rod	Wyland
Cogdill	Kehoe	Papan	Wyman
Cohn	Kelley	Pavley	Zettel
Corbett	Koretz	Pescetti	Mr. Speaker
Correa	La Suer	Reyes	

Quorum present.

**At 1:32 p.m., Hon. Joe Canciamilla, 11th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Nation and Washington.*

*On personal business, and waiving per diem: Assembly Member Maldonado.*

(NOTE: For explanation of absence of Assembly Member Nation 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 Washington on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for March 13, 2001.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 14, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 13

Assembly Bill No. 34

Assembly Bill No. 64

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 120—Matthews.** An act to add Section 7284.5 to the Revenue and Taxation Code, relating to taxation.**ASSEMBLY BILL NO. 121—Matthews.** An act to add Section 395.5 to the Penal Code, relating to electrical generation, and declaring the urgency thereof, to take effect immediately.**ASSEMBLY BILL NO. 122—Cardoza.** An act to amend Section 1253 of, and to add Section 1253.9 to, the Unemployment Insurance Code, relating to unemployment insurance.**ASSEMBLY BILL NO. 123—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.**ASSEMBLY BILL NO. 124—Pescetti.** An act to add Section 6356.4 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.**AUTHOR'S AMENDMENTS****Committee on Energy Costs and Availability**

March 14, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 63

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 63**—An act to add Section 6529 to the Government Code, relating to joint powers agreements.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Appropriations**

March 14, 2001

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 41

Assembly Bill No. 53

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 41**—An act to add Chapter 4.7 (commencing with Section 25370) to Division 15 of the Public Resources Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 53**—An act to add Article 4 (commencing with Section 15350) to Chapter 1 of Part 6.7 of Division 3 of Title 2 of the Government Code, relating to energy resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Revenue and Taxation**

Date of Hearing: March 12, 2001

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 62

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Energy Costs and Availability.

CORBETT, Chairwoman

Above bill ordered to second reading.

**Committee on Energy Costs and Availability**

Date of Hearing: March 12, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 38

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

**Committee on Appropriations**

Date of Hearing: March 14, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 83

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**MESSAGES FROM THE GOVERNOR**

The following message from the Governor was received and ordered printed in the Journal:

**SPECIAL ELECTION PROCLAMATION**

I, GRAY DAVIS, Governor of the State of California, pursuant to Section 1773 of the Elections Code, do hereby proclaim and order that a special election shall be held on the 10th day of July, 2001, within the 49th Assembly District of the State, to fill the vacancy in the office of the California State Assembly from said district resulting from the resignation of Gloria Romero.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 13th day of March, 2001.

GRAY DAVIS  
Governor of California

ATTEST:

BILL JONES  
Secretary of State



**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 26**—An act to add Article 4.5 (commencing with Section 41368) to Chapter 3 of Part 24 of the Education Code, relating to school finance, and making an appropriation therefor.

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.

**ASSEMBLY BILL NO. 43**—An act to add Chapter 6.5 (commencing with Section 17630.10) to Part 10.5 of and to add and repeal Section 17636.20 of, the Education Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

**ASSEMBLY BILL NO. 42**—An act to add and repeal Chapter 4 (commencing with Section 14420) of Division 12 of the Public Resources Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, March 15, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 14, 2001

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>	
26	0108985	
41	0109128	
42	0109007	
43	0108998	
53	0109150	
63	0109127	
<b>Daily Total:</b>		<b>6</b>
<b>Cumulative Total:</b>		<b>61</b>



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, March 15, 2001**  
**THIRTY-EIGHTH SESSION DAY**  
**SEVENTY-SECOND CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, March 15, 2001

The Assembly met at 8:48 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—72:

Aanestad	Diaz	Leonard	Richman
Alquist	Dickerson	Liu	Runner
Aroner	Dutra	Longville	Salinas
Briggs	Firebaugh	Lowenthal	Shelley
Calderon	Florez	Maddox	Simitian
Campbell, Bill	Frommer	Matthews	Steinberg
Campbell, John	Goldberg	Migden	Strickland
Canciamilla	Harman	Mountjoy	Strom-Martin
Cardenas	Havice	Nakano	Thomson
Cardoza	Hollingsworth	Nation	Vargas
Chan	Horton	Negrete McLeod	Washington
Chavez	Jackson	Oropeza	Wayne
Cogdill	Keeley	Pacheco, Robert	Wesson
Cohn	Kehoe	Pacheco, Rod	Wiggins
Corbett	Kelley	Papan	Wyland
Correa	Koretz	Pavley	Wyman
Cox	La Suer	Pescetti	Zettel
Daucher	Leach	Reyes	Mr. Speaker

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

Frank Outlaw, a noted 20th century businessman, commented on the nature of human character. He said:

Watch your thoughts; they become words. Watch your words; they become actions. Watch your actions; they become habits. Watch your habits; they become your character. Watch your character; it becomes your destiny.

Like a pebble dropped in a pond, we can never tell how far the concentric circles that mark its ripples will go. But there is great hope in this. For it means that merely by paying attention to our own thoughts, we can take responsibility for our destiny.

May the Holy One of Blessing help us recognize the power in even the smallest of our acts, and the freedom we hold in determining our future. May this be God's will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Shelley 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 Leonard.

**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 and Cedillo.*

*On personal business, and waiving per diem: Assembly Member Maldonado.*

*Because of illness: Assembly Members Leslie and Wright.*

*Because of illness in his family: Assembly Member Ashburn.\**

(NOTE: For explanations of absences of Assembly Members Bates and Cedillo on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day; \* this day's Journal corrected to show Assembly Member Ashburn excused on this day because of illness in his family pursuant to further explanation of absence. See Assembly Journal, page 246.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 15, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 26

Assembly Bill No. 43

Assembly Bill No. 41

Assembly Bill No. 63

Assembly Bill No. 42

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Energy Costs and Availability**

Date of Hearing: March 12, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 60

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE**  
**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 62**—An act to add Part 8.5 (commencing with Section 17750) to Division 4 of Title 2 of the Government Code, relating to local government finance, and making an appropriation therefor.

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 Energy Costs and Availability.

**ASSEMBLY BILL NO. 38**—An act relating to energy resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

**ASSEMBLY BILL NO. 83**—An act to amend Section 2827 of 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 returned to the second reading file.

**CONSIDERATION OF DAILY FILE  
THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 24 (Daucher)**—An act to add Sections 743.7 and 743.8 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—71**

Aanestad	Diaz	Leonard	Runner
Alquist	Dickerson	Longville	Salinas
Aroner	Dutra	Lowenthal	Shelley
Briggs	Firebaugh	Maddox	Simitian
Calderon	Florez	Matthews	Steinberg
Campbell, Bill	Frommer	Migden	Strickland
Campbell, John	Goldberg	Mountjoy	Strom-Martin
Canciamilla	Harman	Nakano	Thomson
Cardenas	Havice	Nation	Vargas
Cardoza	Hollingsworth	Negrete McLeod	Washington
Chan	Horton	Oropeza	Wayne
Chavez	Jackson	Pacheco, Robert	Wesson
Cogdill	Keeley	Pacheco, Rod	Wiggins
Cohn	Kehoe	Papan	Wyland
Corbett	Kelley	Pavley	Wyman
Correa	Koretz	Pescetti	Zettel
Cox	La Suer	Reyes	Mr. Speaker
Daucher	Leach	Richman	

**NOES—None**

The question being on the passage of the bill.  
Bill passed by the following vote:

**AYES—71**

Aanestad	Diaz	Leonard	Runner
Alquist	Dickerson	Longville	Salinas
Aroner	Dutra	Lowenthal	Shelley
Briggs	Firebaugh	Maddox	Simitian
Calderon	Florez	Matthews	Steinberg
Campbell, Bill	Frommer	Migden	Strickland
Campbell, John	Goldberg	Mountjoy	Strom-Martin
Canciamilla	Harman	Nakano	Thomson
Cardenas	Havice	Nation	Vargas
Cardoza	Hollingsworth	Negrete McLeod	Washington
Chan	Horton	Oropeza	Wayne
Chavez	Jackson	Pacheco, Robert	Wesson
Cogdill	Keeley	Pacheco, Rod	Wiggins
Cohn	Kehoe	Papan	Wyland
Corbett	Kelley	Pavley	Wyman
Correa	Koretz	Pescetti	Zettel
Cox	La Suer	Reyes	Mr. Speaker
Daucher	Leach	Richman	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 8 (Migden)**—An act to amend Section 335 of, and to add Section 342 to, the Public Utilities Code, relating to public utilities, and making an appropriation therefor.

Bill read third time, and passed by the following vote:

**AYES—61**

Alquist	Firebaugh	Lowenthal	Simitian
Aroner	Florez	Maddox	Steinberg
Briggs	Frommer	Migden	Strickland
Calderon	Goldberg	Mountjoy	Strom-Martin
Campbell, Bill	Harman	Nakano	Thomson
Canciamilla	Havice	Nation	Vargas
Cardenas	Horton	Negrete McLeod	Washington
Cardoza	Jackson	Oropeza	Wayne
Chan	Keeley	Pacheco, Robert	Wesson
Chavez	Kehoe	Papan	Wiggins
Cohn	Kelley	Pavley	Wyland
Corbett	Koretz	Pescetti	Wyman
Correa	La Suer	Reyes	Mr. Speaker
Daucher	Leonard	Runner	
Diaz	Liu	Salinas	
Dutra	Longville	Shelley	

**NOES—5**

Aanestad	Dickerson	Pacheco, Rod
Cogdill	Hollingsworth	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 31 (Wright)**—An act to add and repeal Sections 42317 and 42359.6 of the Health and Safety Code, and to amend Section 743.1 of, and to add Sections 743.4, 743.5, and 743.6 to, the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Canciamilla.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—69**

Aanestad	Diaz	Lowenthal	Shelley
Alquist	Dickerson	Maddox	Simitian
Aroner	Dutra	Matthews	Steinberg
Briggs	Firebaugh	Migden	Strickland
Calderon	Florez	Mountjoy	Strom-Martin
Campbell, Bill	Harman	Nakano	Thomson
Campbell, John	Havice	Nation	Vargas
Canciamilla	Hollingsworth	Negrete McLeod	Washington
Cardenas	Horton	Oropeza	Wayne
Cardoza	Keeley	Pacheco, Robert	Wesson
Chan	Kehoe	Pacheco, Rod	Wiggins
Chavez	Kelley	Papan	Wyland
Cogdill	Koretz	Pavley	Wyman
Cohn	La Suer	Pescetti	Zettel
Corbett	Leach	Reyes	Mr. Speaker
Correa	Leonard	Richman	
Cox	Liu	Runner	
Daucher	Longville	Salinas	

**NOES—None**

The question being on the passage of the bill.



Bill passed by the following vote:

**AYES—69**

Aanestad	Diaz	Lowenthal	Shelley
Alquist	Dickerson	Maddox	Simitian
Aroner	Dutra	Matthews	Steinberg
Briggs	Firebaugh	Migden	Strickland
Calderon	Florez	Mountjoy	Strom-Martin
Campbell, Bill	Harman	Nakano	Thomson
Campbell, John	Havice	Nation	Vargas
Canciamilla	Hollingsworth	Negrete McLeod	Washington
Cardenas	Horton	Oropeza	Wayne
Cardoza	Keeley	Pacheco, Robert	Wesson
Chan	Kehoe	Pacheco, Rod	Wiggins
Chavez	Kelley	Papan	Wyland
Cogdill	Koretz	Pavley	Wyman
Cohn	La Suer	Pescetti	Zettel
Corbett	Leach	Reyes	Mr. Speaker
Correa	Leonard	Richman	
Cox	Liu	Runner	
Daucher	Longville	Salinas	

**NOES—None**

Bill ordered transmitted to the Senate.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Assembly Bill No. 24 and Urgency:** Cardenas, Florez, Longville, and Maddox—Aye.

**Assembly Bill No. 8:** Cardoza, Correa, Longville, and Wyland—Aye.

**Assembly Bill No. 31 and Urgency:** Firebaugh and Longville—Aye.

**MOTION TO ADJOURN**

At 9:12 a.m., Assembly Member Shelley moved that the Assembly do now adjourn.

Assembly Member Bill Campbell seconded the motion.

Motion carried.

**RECESS**

By unanimous consent, at 9:12 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**AUTHOR'S AMENDMENTS  
Committee on Natural Resources**

March 15, 2001

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Assembly Bill No. 28

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WAYNE, Chairman

**ASSEMBLY BILL NO. 28**—An act to add Section 41514.9 to the Health and Safety Code, relating to energy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Energy Costs and Availability**

March 15, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 46

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 46**—An act relating to public utilities, making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Energy Costs and Availability**

March 15, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 45

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 45**—An act to amend Sections 17053.49 and 23649 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES****Committee on Energy Costs and Availability**

Date of Hearing: March 12, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 37

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

Date of Hearing: March 12, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 75

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Natural Resources.

WRIGHT, Chairman

Above bill ordered to second reading.

**MESSAGES FROM THE SENATE**

Senate Chamber, March 15, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 31

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following bill was read the first time:

**SENATE BILL NO. 31**—An act to amend Sections 335, 337, and 341.2 of the Public Utilities Code, relating to public utilities.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Shelley, the Assembly adjourned until 11 a.m., Monday, March 19, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## **AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 15, 2001**

—————

The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>	
28	0109126	
38	0109093	
45	0109077	
46	0108773	
62	0109078	
83	0109146	
<b>Daily Total:</b>		<b>6</b>
<b>Cumulative Total:</b>		<b>67</b>

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, March 19, 2001**  
**THIRTY-NINTH SESSION DAY**  
**SEVENTY-SIXTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Monday, March 19, 2001

The Assembly met at 11:38 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—77:

Aanestad	Daucher	Leslie	Runner
Alquist	Diaz	Liu	Salinas
Aroner	Dickerson	Longville	Shelley
Ashburn	Dutra	Lowenthal	Simitian
Bates	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	Harman	Mountjoy	Vargas
Canciamilla	Havice	Nakano	Wayne
Cardenas	Hollingsworth	Nation	Wesson
Cardoza	Horton	Negrete McLeod	Wiggins
Cedillo	Jackson	Oropeza	Wright
Chan	Keeley	Pacheco, Robert	Wyland
Chavez	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Zettel
Cohn	Koretz	Pavley	Mr. Speaker
Corbett	La Suer	Pescetti	
Correa	Leach	Reyes	
Cox	Leonard	Richman	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

*O Lord Our God*, Who fashioned all things for the service of man, to nourish and sustain him, bless our great state and those men and women who work diligently in this Assembly. May we all be filled with material and heavenly blessings in abundance, that with joy and out of grateful hearts may we give thanks to You, blessing and glorifying Your majestic name.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Diaz 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 Bill Campbell.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*On legislative business: Assembly Member Washington.*

(NOTE: For explanation of absence of Assembly Member Washington on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

March 19, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Public Safety Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Ellen Corbett to fill the vacancy on the Assembly Public Safety Committee for the 2001–02 First Extraordinary Session.

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

The following communication was presented by the Chief Clerk and ordered printed in the Journal:

**Explanation of Absence—March 15, 2001**

March 19, 2001

*Honorable Robert Hertzberg  
California State Assembly Speaker  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request that the Daily Journal for March 15, 2001 be corrected to reflect that I was excused for a family illness.

Thank you for favorably considering this request. Your understanding is most appreciated. If you have any questions, please feel free to contact me at: 319-2032.

Best regards,

ROY ASHBURN, Assembly Member  
Thirty-second District

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 19, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 28

Assembly Bill No. 46

Assembly Bill No. 38

Assembly Bill No. 53

Assembly Bill No. 45

Assembly Bill No. 62

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 19, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 83

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, March 19, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 66

Assembly Bill No. 75

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 6—Goldberg (Coauthors: Oropeza, Steinberg, and Vargas).** Relative to electrical energy.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

March 19, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 66

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman



**ASSEMBLY BILL NO. 66**—An act relating to energy assistance, and making an appropriation therefor.

Bill read second time; author’s amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR’S AMENDMENTS**  
**Committee on Revenue and Taxation**

March 19, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 49

With author’s amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chairwoman

**ASSEMBLY BILL NO. 49**—An act to amend Section 25514 of the Public Resources Code, to add Section 633 to the Public Utilities Code, and to add Section 100.8 to the Revenue and Taxation Code, relating to public utilities.

Bill read second time; author’s amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Revenue and Taxation**

Date of Hearing: March 12, 2001

Mr. Speaker: Your Committee on Revenue and Taxation reports:  
Assembly Bill No. 58

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Energy Costs and Availability.

CORBETT, Chairwoman

Above bill ordered to second reading.

Date of Hearing: March 12, 2001

Mr. Speaker: Your Committee on Revenue and Taxation reports:  
Assembly Bill No. 27

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Energy Costs and Availability.

CORBETT, Chairwoman

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE**  
**ASSEMBLY BILLS RETURNED TO SECOND READING FILE**  
**PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

**Assembly Bill No. 83**, ordered to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 60**—An act to add Section 25525.3 to the Public Resources Code, relating to electrical generation, and declaring the urgency thereof, to take effect immediately.

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.

**ASSEMBLY BILL NO. 37**—An act relating to energy resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

**ASSEMBLY BILL NO. 75**—An act to add Section 380 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 Natural Resources.

#### **RE-REFERENCE OF BILLS**

Assembly Member Shelley was granted unanimous consent that the following bills be re-referred as noted:

Assembly Bill No. 30 from the Committee on Energy Costs and Availability to the Committee on Appropriations;

Assembly Bill No. 75 from the Committee on Natural Resources, to the Committee on Appropriations.

#### **CONSIDERATION OF DAILY FILE (RESUMED)**

##### **THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 9 (Richman)**—An act to add Chapter 6.6 (commencing with Section 25560) to Division 15 of the Public Resources Code, relating to energy resources, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### **Motion to Amend**

Assembly Member Richman moved the adoption of amendments.  
Amendments read.

#### **Assembly Bill No. 9 Passed Temporarily**

By unanimous consent Assembly Bill No. 9 was passed temporarily on file.

#### **RECESS**

By unanimous consent, at 11:41 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

#### **RECONVENED**

At 11:58 a.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

#### **FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 9**

**ASSEMBLY BILL NO. 9 (Richman)**—An act to add Chapter 6.6 (commencing with Section 25560) to Division 15 of the Public Resources Code, relating to energy resources, and declaring the urgency thereof, to take effect immediately.

The question being on the amendments offered by Assembly Member Richman earlier this day.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

#### **MOTION TO ADJOURN**

At 11:59 a.m., Assembly Member Shelley moved that the Assembly do now adjourn.

Assembly Member Bill Campbell seconded the motion.

Motion carried.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bill was referred to committee:

<i>Senate</i> <i>Bill No.</i>	<i>Committee</i>
<b>43</b> -----	E.C. & A.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Shelley, the Assembly adjourned until 8:30 a.m., Thursday, March 22, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 19, 2001

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>	
9	0109155	
37	0109095	
49	0109335	
60	0109106	
66	0109293	
75	0109237	
<b>Daily Total:</b>		<b>6</b>
<b>Cumulative Total:</b>		<b>73</b>

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, March 20, 2001**

**FORTIETH SESSION DAY**

**SEVENTY-SEVENTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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, March 20, 2001

The Assembly met at 4:40 p.m.

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 following were placed upon the roll call—71:

Aanestad	Diaz	Liu	Salinas
Alquist	Dickerson	Longville	Shelley
Aroner	Dutra	Lowenthal	Simitian
Ashburn	Florez	Maddox	Steinberg
Bates	Frommer	Matthews	Strickland
Briggs	Goldberg	Migden	Strom-Martin
Calderon	Harman	Mountjoy	Thomson
Campbell, Bill	Havice	Nakano	Vargas
Campbell, John	Hollingsworth	Nation	Washington
Canciamilla	Jackson	Negrete McLeod	Wayne
Cardoza	Keeley	Pacheco, Robert	Wesson
Cedillo	Kehoe	Pacheco, Rod	Wiggins
Chan	Kelley	Papan	Wright
Cogdill	Koretz	Pavley	Wyland
Cohn	La Suer	Pescetti	Wyman
Correa	Leach	Reyes	Zettel
Cox	Leonard	Richman	Mr. Speaker
Daucher	Leslie	Runner	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Cardenas, Chavez, Corbett, Firebaugh, Horton, Maldonado, and Oropeza.*

(NOTE: For explanations of absences of Assembly Members Cardenas, Chavez, Corbett, Firebaugh, Horton, Maldonado, and Oropeza on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 20, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

- Assembly Bill No. 37
- Assembly Bill No. 49
- Assembly Bill No. 60

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 20, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

- Assembly Bill No. 9

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

**REPORTS OF STANDING COMMITTEES**

**Committee on Energy Costs and Availability**

Date of Hearing: March 19, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

- Assembly Bill No. 13
- Assembly Bill No. 19
- Assembly Bill No. 57
- Assembly Bill No. 66

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 12, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

- Assembly Bill No. 32

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

**Committee on Business and Professions**

Date of Hearing: March 20, 2001

Mr. Speaker: Your Committee on Business and Professions reports:

- Assembly Bill No. 64

With the recommendation: Do pass, and be re-referred to the Committee on Energy Costs and Availability.

CORREA, Chairman

Above bill re-referred to the Committee on Energy Costs and Availability.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 58**—An act to add Section 6353.5 to 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 Energy Costs and Availability.

**ASSEMBLY BILL NO. 27**—An act to add Section 367.1 to the Public Utilities Code, to add and repeal Sections 6902.3, 17053.84, 17053.85, 17201.1, 23684, 23685, and 24343.1 of the Revenue and Taxation Code, and to amend Section 80110 of the Water Code, relating to electricity.

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 Energy Costs and Availability.

**ADJOURNMENT**

At 5:29 p.m., the Assembly adjourned until 8:30 a.m., Thursday, March 22, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 20, 2001**

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The following measures were amended in the Assembly on this day:

**AB RN**

27 0109138

58 0109082

**Daily Total: 2**

**Cumulative Total: 75**



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, March 21, 2001**  
**FORTY-FIRST SESSION DAY**  
**SEVENTY-EIGHTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Wednesday, March 21, 2001

The Assembly met at 4:13 p.m.

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—75:

Aanestad	Daucher	Leonard	Runner
Alquist	Diaz	Leslie	Salinas
Aroner	Dickerson	Liu	Shelley
Ashburn	Dutra	Lowenthal	Simitian
Bates	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	Harman	Mountjoy	Vargas
Canciamilla	Havice	Nakano	Washington
Cardenas	Hollingsworth	Negrete McLeod	Wayne
Cedillo	Horton	Oropeza	Wesson
Chan	Jackson	Pacheco, Robert	Wiggins
Chavez	Keeley	Pacheco, Rod	Wright
Cogdill	Kehoe	Papan	Wyland
Cohn	Kelley	Pavley	Wyman
Corbett	Koretz	Pescetti	Zettel
Correa	La Suer	Reyes	Mr. Speaker
Cox	Leach	Richman	

Quorum present.

### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

### 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 Cardoza, Longville, and Nation.*

(NOTE: For explanations of absences of Assembly Members Cardoza, Longville, and Nation on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

March 21, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that henceforth the Subcommittee on Electrical Energy Oversight of the Committee on Energy Costs and Availability shall be named the Subcommittee on Energy Oversight for the First Extraordinary Session of 2001–02.

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

March 21, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymembers Fred Keeley and Sarah Reyes to replace Assemblymembers Ellen Corbett and Helen Thomson on the Assembly Appropriations Committee for today’s hearing only.

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 21, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 27  
Assembly Bill No. 58

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 125—Alquist.** An act to add Chapter 6.7 (commencing with Section 25560) to Division 15 of the Public Resources Code, relating to energy resources, and declaring the urgency thereof, to take effect immediately.

**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>		<i>E.C. &amp; A.</i>
<b>31</b>	-----	

**AUTHOR'S AMENDMENTS**  
**Committee on Energy Costs and Availability**

March 21, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:

Assembly Bill No. 44  
 Assembly Bill No. 64

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 44**—An act to amend Section 25555 of the Public Resources Code, relating to energy resources, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 64**—An act to add Article 6 (commencing with Section 14710) to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Natural Resources**

Date of Hearing: March 19, 2001

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 28

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Energy Costs and Availability.

WAYNE, Chairman

Above bill ordered to second reading.

**Committee on Appropriations**

Date of Hearing: March 21, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 30

With the recommendation: Do pass.

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.

Date of Hearing: March 21, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 60

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: March 21, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 41

Assembly Bill No. 53

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: March 21, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 26

Assembly Bill No. 40

Assembly Bill No. 38

Assembly Bill No. 43

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: March 21, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 29

Assembly Bill No. 42

Assembly Bill No. 37

Assembly Bill No. 66

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 32**—An act to amend Section 739 of, and to add Sections 739.9, 739.10, and 739.11 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.

**ADJOURNMENT**

At 5:03 p.m., the Assembly adjourned until 8:30 a.m., Thursday, March 22, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## **AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 21, 2001**

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>
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32	0109420
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44	0109094
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64	0109501
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<b>Daily Total:</b>	<b>3</b>
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<b>Cumulative Total:</b>	<b>78</b>
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CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, March 22, 2001**  
**FORTY-SECOND SESSION DAY**  
**SEVENTY-NINTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, March 22, 2001

The Assembly met at 9:03 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—78:

Aanestad	Daucher	Leslie	Runner
Alquist	Diaz	Liu	Salinas
Aroner	Dickerson	Longville	Shelley
Ashburn	Dutra	Lowenthal	Simitian
Bates	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	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
Cogdill	Kelley	Papan	Wyman
Cohn	Koretz	Pavley	Zettel
Corbett	La Suer	Pescetti	Mr. Speaker
Correa	Leach	Reyes	
Cox	Leonard	Richman	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

The 20th century theologian, Abraham Joshua Heshel said: “When I was a young man I used to value clever people. But now that I am old, I value kind people.”

So often the skills that get us where we desire to be are not the same things that make us of value as human beings. When we are younger we measure success by grades, by social status, by the size of an office or staff. But as we get older, if we are truly wise, we learn that success is measured by the type of life we live and the quality of interactions with those around us.

May it be the will of the Creator that our words always be kind, our hearts compassionate and our actions wise.—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 Bill Campbell.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 22, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 32

Assembly Bill No. 44

Assembly Bill No. 64

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 126—Nation (Coauthor: Senator Perata).** An act to add Section 25556 to the Public Resources Code, relating to energy resources, and making an appropriation therefor.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 1—Cardoza.** Relative to natural gas.

**AUTHOR'S AMENDMENTS****Committee on Energy Costs and Availability**

March 22, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:

Assembly Bill No. 16

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 16**—An act to add Section 363.5 to the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

March 22, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 18

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 18**—An act to amend Section 11005.1 of the Government Code, to add Sections 368.2, 368.3, and 368.4 to the Public Utilities Code, and to add and repeal Division 27 (commencing with Section 80000) to the Water Code, relating to public utilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

March 22, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 71

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 71**—An act to add Section 63025.3 to the Government Code, relating to the infrastructure development, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Date of Hearing: March 21, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 75

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 28**—An act to add and repeal Section 41514.11 of the Health and Safety Code, relating to energy.

Bill read second time; amendments proposed by the Committee on Natural Resources read and adopted, bill ordered reprinted and to be re-referred to the Committee on Energy Costs and Availability.

**ASSEMBLY BILL NO. 30**—An act to amend Section 463 of the Penal Code, and to add Section 2774.5 to the Public Utilities Code, relating to crime, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 60**—An act to add Section 25525.3 to the Public Resources Code, relating to electrical generation, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 41**—An act to add Chapter 4.7 (commencing with Section 25370) to Division 15 of the Public Resources Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof.

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.

**ASSEMBLY BILL NO. 53**—An act to add Article 4 (commencing with Section 15350) to Chapter 1 of Part 6.7 of Division 3 of Title 2 of the Government Code, relating to energy resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

**ASSEMBLY BILL NO. 26**—An act to add Article 4.5 (commencing with Section 41368) to Chapter 3 of Part 24 of the Education Code, relating to school finance, and making an appropriation therefor.

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.

**ASSEMBLY BILL NO. 38**—An act to amend Sections 26003 and 26011.5 of, to add Section 26011.6 to, and to add Chapter 4 (commencing with Section 26100) to Division 16 of, the Public Resources Code, relating to energy resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

**ASSEMBLY BILL NO. 40**—An act to add Chapter 5.3 (commencing with Section 25430) to Division 15 of the Public Resources Code, relating to energy resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

**ASSEMBLY BILL NO. 43**—An act to add Chapter 6.5 (commencing with Section 17630.10) to Part 10.5 of, and to add and repeal Section 17636.20 of, the Education Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

**ASSEMBLY BILL NO. 29**—An act to add Chapter 5.3 (commencing with Section 25425) 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 second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 37**—An act relating to energy resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

**ASSEMBLY BILL NO. 42**—An act to add and repeal Chapter 4 (commencing with Section 14420) of Division 12 of the Public Resources Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

**ASSEMBLY BILL NO. 66**—An act to add Article 2 (commencing with Section 81610) to Chapter 3 of Part 49 of the Education Code, and to add and repeal Chapter 13 (commencing with Section 4590) of Division 5 of Title 1 of the Government Code, relating to energy, and making an appropriation therefor.

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.

#### **SECOND READING OF BILLS BY UNANIMOUS CONSENT**

Assembly Member Shelley was granted unanimous consent that the following items on this day's second reading file be ordered to the third reading file for purpose of consideration on this day:

Assembly Bills Nos. 30 (removed from the Consent Calendar), 60, 41, 53, 26, 38, 40, 43, 29, 37, 42, and 66.

#### **SUSPEND ASSEMBLY RULE 56 AND JOINT RULE 62(a)**

Assembly Member Shelley was granted unanimous consent that Assembly Rule 56 and Joint Rule 62(a) be suspended for the purpose of permitting the Committee on Appropriations to notice hearing of Senate Bills Nos. 31 and 43 in the Assembly Daily File, pending re-referral to the committee.

#### **THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 41 (Lowenthal)**—An act to add Chapter 4.7 (commencing with Section 25370) to Division 15 of the Public Resources Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof.

Bill read third time.

#### **Urgency Clause**

Urgency clause read.

The roll was opened.

#### **Call of the Assembly**

Pending the announcement of the vote, Assembly Member Lowenthal moved a call of the Assembly.

Motion carried. Time, 9:18 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 26 (La Suer)**—An act relating to energy.

Bill read third time, and passed by the following vote:

**AYES—77**

Aanestad	Daucher	Leslie	Salinas
Alquist	Diaz	Liu	Shelley
Aroner	Dickerson	Longville	Simitian
Ashburn	Dutra	Lowenthal	Steinberg
Bates	Firebaugh	Maddox	Strickland
Briggs	Florez	Maldonado	Strom-Martin
Calderon	Frommer	Matthews	Thomson
Campbell, Bill	Goldberg	Migden	Vargas
Campbell, John	Harman	Mountjoy	Washington
Canciamilla	Havice	Nakano	Wayne
Cardenas	Hollingsworth	Nation	Wesson
Cardoza	Horton	Negrete McLeod	Wiggins
Cedillo	Jackson	Oropeza	Wright
Chan	Keeley	Pacheco, Robert	Wyland
Chavez	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Pavley	Zettel
Cohn	Koretz	Pescetti	Mr. Speaker
Corbett	La Suer	Reyes	
Correa	Leach	Richman	
Cox	Leonard	Runner	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 38 (Jackson)**—An act to amend Sections 26003 and 26011.5 of, to add Section 26011.6 to, and to add Chapter 4 (commencing with Section 26100) to Division 16 of, the Public Resources Code, relating to energy resources, 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—70**

Alquist	Diaz	Longville	Shelley
Aroner	Dickerson	Lowenthal	Simitian
Ashburn	Dutra	Maddox	Steinberg
Bates	Firebaugh	Maldonado	Strickland
Briggs	Florez	Matthews	Strom-Martin
Calderon	Frommer	Migden	Thomson
Campbell, Bill	Goldberg	Mountjoy	Vargas
Cardenas	Harman	Nakano	Washington
Cardoza	Havice	Nation	Wayne
Cedillo	Horton	Negrete McLeod	Wesson
Chan	Jackson	Oropeza	Wiggins
Chavez	Keeley	Pacheco, Robert	Wright
Cogdill	Kehoe	Pavley	Wyland
Cohn	Kelley	Pescetti	Wyman
Corbett	Koretz	Reyes	Zettel
Correa	Leach	Richman	Mr. Speaker
Cox	Leslie	Runner	
Daucher	Liu	Salinas	

**NOES—2**

Aanestad                      Leonard

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—70**

Alquist	Diaz	Longville	Shelley
Aroner	Dickerson	Lowenthal	Simitian
Ashburn	Dutra	Maddox	Steinberg
Bates	Firebaugh	Maldonado	Strickland
Briggs	Florez	Matthews	Strom-Martin
Calderon	Frommer	Migden	Thomson
Campbell, Bill	Goldberg	Mountjoy	Vargas
Cardenas	Harman	Nakano	Washington
Cardoza	Havice	Nation	Wayne
Cedillo	Horton	Negrete McLeod	Wesson
Chan	Jackson	Oropeza	Wiggins
Chavez	Keeley	Pacheco, Robert	Wright
Cogdill	Kehoe	Pavley	Wyland
Cohn	Kelley	Pescetti	Wyman
Corbett	Koretz	Reyes	Zettel
Correa	Leach	Richman	Mr. Speaker
Cox	Leslie	Runner	
Daucher	Liu	Salinas	

**NOES—2**

Aanestad                      Leonard

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 43 (Correa)**—An act relating to energy assistance, and making an appropriation therefor.

Bill read third time, and passed by the following vote:

**AYES—66**

Alquist	Firebaugh	Lowenthal	Shelley
Aroner	Florez	Maddox	Simitian
Briggs	Frommer	Maldonado	Steinberg
Calderon	Goldberg	Matthews	Strickland
Cardenas	Harman	Migden	Strom-Martin
Cardoza	Havice	Mountjoy	Thomson
Cedillo	Horton	Nakano	Vargas
Chan	Jackson	Nation	Washington
Chavez	Keeley	Negrete McLeod	Wayne
Cohn	Kehoe	Oropeza	Wesson
Corbett	Kelley	Pacheco, Robert	Wiggins
Correa	Koretz	Pacheco, Rod	Wright
Cox	La Suer	Pavley	Wyland
Daucher	Leach	Pescetti	Zettel
Diaz	Leslie	Reyes	Mr. Speaker
Dickerson	Liu	Richman	
Dutra	Longville	Salinas	

**NOES—8**

Aanestad	Bates	Campbell, John	Runner
Ashburn	Campbell, Bill	Leonard	Wyman

**Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Bill No. 43: Assembly Member Runner, from “Aye” to “No”.

Bill ordered transmitted to the Senate.



**ASSEMBLY BILL NO. 29 (Kehoe)**—An act to add Chapter 5.3 (commencing with Section 25425) 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—69**

Alquist	Dickerson	Longville	Shelley
Aroner	Dutra	Lowenthal	Simitian
Bates	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Canciamilla	Goldberg	Migden	Thomson
Cardenas	Harman	Mountjoy	Vargas
Cardoza	Havice	Nakano	Washington
Cedillo	Horton	Nation	Wayne
Chan	Jackson	Negrete McLeod	Wesson
Chavez	Keeley	Oropeza	Wiggins
Cogdill	Kehoe	Pacheco, Robert	Wright
Cohn	Kelley	Pacheco, Rod	Wyland
Corbett	Koretz	Pavley	Zettel
Correa	La Suer	Pescetti	Mr. Speaker
Cox	Leach	Reyes	
Daucher	Leslie	Richman	
Diaz	Liu	Salinas	

**NOES—8**

Aanestad	Campbell, Bill	Hollingsworth	Runner
Ashburn	Campbell, John	Leonard	Wyman

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—69**

Alquist	Dickerson	Longville	Shelley
Aroner	Dutra	Lowenthal	Simitian
Bates	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Canciamilla	Goldberg	Migden	Thomson
Cardenas	Harman	Mountjoy	Vargas
Cardoza	Havice	Nakano	Washington
Cedillo	Horton	Nation	Wayne
Chan	Jackson	Negrete McLeod	Wesson
Chavez	Keeley	Oropeza	Wiggins
Cogdill	Kehoe	Pacheco, Robert	Wright
Cohn	Kelley	Pacheco, Rod	Wyland
Corbett	Koretz	Pavley	Zettel
Correa	La Suer	Pescetti	Mr. Speaker
Cox	Leach	Reyes	
Daucher	Leslie	Richman	
Diaz	Liu	Salinas	

**NOES—8**

Aanestad	Campbell, Bill	Hollingsworth	Runner
Ashburn	Campbell, John	Leonard	Wyman

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 37 (Frommer)**—An act relating to energy resources, 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—77**

Aanestad	Daucher	Leslie	Salinas
Alquist	Diaz	Liu	Shelley
Aroner	Dickerson	Longville	Simitian
Ashburn	Dutra	Lowenthal	Steinberg
Bates	Firebaugh	Maddox	Strickland
Briggs	Florez	Maldonado	Strom-Martin
Calderon	Frommer	Matthews	Thomson
Campbell, Bill	Goldberg	Migden	Vargas
Campbell, John	Harman	Mountjoy	Washington
Canciamilla	Havice	Nakano	Wayne
Cardenas	Hollingsworth	Nation	Wesson
Cardoza	Horton	Negrete McLeod	Wiggins
Cedillo	Jackson	Oropeza	Wright
Chan	Keeley	Pacheco, Robert	Wyland
Chavez	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Pavley	Zettel
Cohn	Koretz	Pescetti	Mr. Speaker
Corbett	La Suer	Reyes	
Correa	Leach	Richman	
Cox	Leonard	Runner	

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—77**

Aanestad	Daucher	Leslie	Salinas
Alquist	Diaz	Liu	Shelley
Aroner	Dickerson	Longville	Simitian
Ashburn	Dutra	Lowenthal	Steinberg
Bates	Firebaugh	Maddox	Strickland
Briggs	Florez	Maldonado	Strom-Martin
Calderon	Frommer	Matthews	Thomson
Campbell, Bill	Goldberg	Migden	Vargas
Campbell, John	Harman	Mountjoy	Washington
Canciamilla	Havice	Nakano	Wayne
Cardenas	Hollingsworth	Nation	Wesson
Cardoza	Horton	Negrete McLeod	Wiggins
Cedillo	Jackson	Oropeza	Wright
Chan	Keeley	Pacheco, Robert	Wyland
Chavez	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Pavley	Zettel
Cohn	Koretz	Pescetti	Mr. Speaker
Corbett	La Suer	Reyes	
Correa	Leach	Richman	
Cox	Leonard	Runner	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 9 (Richman)**—An act to add Chapter 6.6 (commencing with Section 25560) to Division 15 of the Public Resources Code, relating to energy resources, 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	Cox	Leach	Runner
Alquist	Daucher	Leonard	Salinas
Aroner	Diaz	Leslie	Shelley
Ashburn	Dickerson	Longville	Simitian
Bates	Dutra	Lowenthal	Steinberg
Briggs	Firebaugh	Maddox	Strickland
Calderon	Florez	Maldonado	Strom-Martin
Campbell, Bill	Frommer	Matthews	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
Cogdill	Kehoe	Pavley	Wyman
Cohn	Kelley	Pescetti	Zettel
Corbett	Koretz	Reyes	Mr. Speaker
Correa	La Suer	Richman	

**NOES—None**

The question being on the passage of the bill.  
Bill passed by the following vote:

**AYES—75**

Aanestad	Cox	Leach	Runner
Alquist	Daucher	Leonard	Salinas
Aroner	Diaz	Leslie	Shelley
Ashburn	Dickerson	Longville	Simitian
Bates	Dutra	Lowenthal	Steinberg
Briggs	Firebaugh	Maddox	Strickland
Calderon	Florez	Maldonado	Strom-Martin
Campbell, Bill	Frommer	Matthews	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
Cogdill	Kehoe	Pavley	Wyman
Cohn	Kelley	Pescetti	Zettel
Corbett	Koretz	Reyes	Mr. Speaker
Correa	La Suer	Richman	

**NOES—None**

Bill ordered transmitted to the Senate.

**At 9:40 a.m., Assistant Speaker pro Tempore Kehoe, 76th District, presiding**

**ASSEMBLY BILL NO. 66 (Keeley)**—An act to add Article 2 (commencing with Section 81610) to Chapter 3 of Part 49 of the Education Code, and to add and repeal Chapter 13 (commencing with Section 4590) of Division 5 of Title 1 of the Government 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—76**

Aanestad	Cox	Leach	Reyes
Alquist	Daucher	Leonard	Richman
Aroner	Diaz	Leslie	Runner
Ashburn	Dickerson	Liu	Salinas
Bates	Dutra	Longville	Shelley
Briggs	Firebaugh	Lowenthal	Simitian
Calderon	Florez	Maddox	Steinberg
Campbell, Bill	Frommer	Maldonado	Strickland
Campbell, John	Goldberg	Matthews	Strom-Martin
Canciamilla	Harman	Migden	Thomson
Cardenas	Havice	Mountjoy	Washington
Cardoza	Hollingsworth	Nakano	Wayne
Cedillo	Horton	Nation	Wesson
Chan	Jackson	Negrete McLeod	Wiggins
Chavez	Keeley	Oropeza	Wright
Cogdill	Kehoe	Pacheco, Robert	Wyland
Cohn	Kelley	Pacheco, Rod	Wyman
Corbett	Koretz	Pavley	Zettel
Correa	La Suer	Pescetti	Mr. Speaker

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—76**

Aanestad	Cox	Leach	Reyes
Alquist	Daucher	Leonard	Richman
Aroner	Diaz	Leslie	Runner
Ashburn	Dickerson	Liu	Salinas
Bates	Dutra	Longville	Shelley
Briggs	Firebaugh	Lowenthal	Simitian
Calderon	Florez	Maddox	Steinberg
Campbell, Bill	Frommer	Maldonado	Strickland
Campbell, John	Goldberg	Matthews	Strom-Martin
Canciamilla	Harman	Migden	Thomson
Cardenas	Havice	Mountjoy	Washington
Cardoza	Hollingsworth	Nakano	Wayne
Cedillo	Horton	Nation	Wesson
Chan	Jackson	Negrete McLeod	Wiggins
Chavez	Keeley	Oropeza	Wright
Cogdill	Kehoe	Pacheco, Robert	Wyland
Cohn	Kelley	Pacheco, Rod	Wyman
Corbett	Koretz	Pavley	Zettel
Correa	La Suer	Pescetti	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 83 (Keeley)**—An act to amend Section 2827 of 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	Cox	Leach	Richman
Alquist	Daucher	Leonard	Runner
Aroner	Diaz	Leslie	Salinas
Ashburn	Dickerson	Longville	Shelley
Bates	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	Wyland
Cogdill	Kehoe	Pacheco, Rod	Wyman
Cohn	Kelley	Pavley	Zettel
Corbett	Koretz	Pescetti	Mr. Speaker
Correa	La Suer	Reyes	

**NOES—1**

Wright

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—75**

Aanestad	Cox	Leach	Richman
Alquist	Daucher	Leonard	Runner
Aroner	Diaz	Leslie	Salinas
Ashburn	Dickerson	Longville	Shelley
Bates	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	Wyland
Cogdill	Kehoe	Pacheco, Rod	Wyman
Cohn	Kelley	Pavley	Zettel
Corbett	Koretz	Pescetti	Mr. Speaker
Correa	La Suer	Reyes	

**NOES—1**

Wright

Bill ordered transmitted to the Senate.

**At 9:52 a.m., Speaker pro Tempore Keeley, 27th District, presiding**

**ASSEMBLY BILL NO. 40 (Steinberg)**—An act to add Chapter 5.3 (commencing with Section 25430) to Division 15 of the Public Resources Code, relating to energy resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**At 9:53 a.m., Speaker pro Tempore Kehoe, 76th District, presiding**

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—73**

Alquist	Dickerson	Longville	Shelley
Aroner	Dutra	Lowenthal	Simitian
Ashburn	Firebaugh	Maddox	Steinberg
Bates	Florez	Maldonado	Strickland
Briggs	Frommer	Matthews	Strom-Martin
Calderon	Goldberg	Migden	Thomson
Campbell, Bill	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
Cogdill	Kehoe	Pacheco, Rod	Wyland
Cohn	Kelley	Pavley	Wyman
Corbett	Koretz	Pescetti	Zettel
Correa	La Suer	Reyes	Mr. Speaker
Cox	Leach	Richman	
Daucher	Leslie	Runner	
Diaz	Liu	Salinas	

**NOES—3**

Aanestad                      Campbell, John              Leonard

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—73**

Alquist	Dickerson	Longville	Shelley
Aroner	Dutra	Lowenthal	Simitian
Ashburn	Firebaugh	Maddox	Steinberg
Bates	Florez	Maldonado	Strickland
Briggs	Frommer	Matthews	Strom-Martin
Calderon	Goldberg	Migden	Thomson
Campbell, Bill	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
Cogdill	Kehoe	Pacheco, Rod	Wyland
Cohn	Kelley	Pavley	Wyman
Corbett	Koretz	Pescetti	Zettel
Correa	La Suer	Reyes	Mr. Speaker
Cox	Leach	Richman	
Daucher	Leslie	Runner	
Diaz	Liu	Salinas	

**NOES—3**

Aanestad                      Campbell, John              Leonard

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 30 (Cardoza)**—An act to amend Section 463 of the Penal Code, and to add Section 2774.5 to the Public Utilities Code, relating to crime, 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	Cox	Leslie	Runner
Alquist	Daucher	Liu	Salinas
Aroner	Diaz	Longville	Shelley
Ashburn	Dickerson	Lowenthal	Simitian
Bates	Dutra	Maddox	Steinberg
Briggs	Firebaugh	Maldonado	Strickland
Calderon	Florez	Matthews	Strom-Martin
Campbell, Bill	Frommer	Migden	Thomson
Campbell, John	Harman	Mountjoy	Vargas
Canciamilla	Havice	Nakano	Washington
Cardenas	Hollingsworth	Nation	Wayne
Cardoza	Horton	Negrete McLeod	Wesson
Cedillo	Jackson	Oropeza	Wiggins
Chan	Kehoe	Pacheco, Robert	Wright
Chavez	Kelley	Pacheco, Rod	Wyland
Cogdill	Koretz	Pavley	Wyman
Cohn	La Suer	Pescetti	Zettel
Corbett	Leach	Reyes	Mr. Speaker
Correa	Leonard	Richman	

**NOES—None**

The question being on the passage of the bill.  
Bill passed by the following vote:

**AYES—75**

Aanestad	Cox	Leslie	Runner
Alquist	Daucher	Liu	Salinas
Aroner	Diaz	Longville	Shelley
Ashburn	Dickerson	Lowenthal	Simitian
Bates	Dutra	Maddox	Steinberg
Briggs	Firebaugh	Maldonado	Strickland
Calderon	Florez	Matthews	Strom-Martin
Campbell, Bill	Frommer	Migden	Thomson
Campbell, John	Harman	Mountjoy	Vargas
Canciamilla	Havice	Nakano	Washington
Cardenas	Hollingsworth	Nation	Wayne
Cardoza	Horton	Negrete McLeod	Wesson
Cedillo	Jackson	Oropeza	Wiggins
Chan	Kehoe	Pacheco, Robert	Wright
Chavez	Kelley	Pacheco, Rod	Wyland
Cogdill	Koretz	Pavley	Wyman
Cohn	La Suer	Pescetti	Zettel
Corbett	Leach	Reyes	Mr. Speaker
Correa	Leonard	Richman	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 60 (Hertzberg)**—An act to add Section 25525.3 to the Public Resources Code, relating to electrical generation, 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—64**

Alquist	Dickerson	Longville	Salinas
Aroner	Dutra	Lowenthal	Shelley
Bates	Firebaugh	Maddox	Simitian
Briggs	Florez	Maldonado	Steinberg
Calderon	Frommer	Matthews	Strickland
Canciamilla	Goldberg	Migden	Strom-Martin
Cardenas	Harman	Nakano	Thomson
Cardoza	Havice	Nation	Vargas
Cedillo	Horton	Negrete McLeod	Washington
Chan	Jackson	Oropeza	Wayne
Chavez	Keeley	Pacheco, Robert	Wesson
Cohn	Kehoe	Papan	Wiggins
Corbett	Kelley	Pavley	Wright
Correa	Koretz	Pescetti	Wyland
Daucher	Leach	Reyes	Zettel
Diaz	Liu	Richman	Mr. Speaker

**NOES—12**

Aanestad	Campbell, John	Hollingsworth	Mountjoy
Ashburn	Cogdill	Leonard	Pacheco, Rod
Campbell, Bill	Cox	Leslie	Wyman

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—64**

Alquist	Dickerson	Longville	Salinas
Aroner	Dutra	Lowenthal	Shelley
Bates	Firebaugh	Maddox	Simitian
Briggs	Florez	Maldonado	Steinberg
Calderon	Frommer	Matthews	Strickland
Canciamilla	Goldberg	Migden	Strom-Martin
Cardenas	Harman	Nakano	Thomson
Cardoza	Havice	Nation	Vargas
Cedillo	Horton	Negrete McLeod	Washington
Chan	Jackson	Oropeza	Wayne
Chavez	Keeley	Pacheco, Robert	Wesson
Cohn	Kehoe	Papan	Wiggins
Corbett	Kelley	Pavley	Wright
Correa	Koretz	Pescetti	Wyland
Daucher	Leach	Reyes	Zettel
Diaz	Liu	Richman	Mr. Speaker

**NOES—12**

Aanestad	Campbell, John	Hollingsworth	Mountjoy
Ashburn	Cogdill	Leonard	Pacheco, Rod
Campbell, Bill	Cox	Leslie	Wyman

Bill ordered transmitted to the Senate.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 10:34 a.m., by unanimous consent, the members of the Committee on Education were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.



**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 42 (Cedillo)**—An act to add and repeal Chapter 4 (commencing with Section 14420) of Division 12 of the Public Resources 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—59**

Alquist	Dutra	Longville	Richman
Aroner	Firebaugh	Lowenthal	Salinas
Calderon	Florez	Maddox	Shelley
Canciamilla	Frommer	Maldonado	Simitian
Cardenas	Goldberg	Matthews	Steinberg
Cardoza	Harman	Migden	Strom-Martin
Cedillo	Havice	Nakano	Thomson
Chan	Horton	Nation	Vargas
Chavez	Jackson	Negrete McLeod	Washington
Cohn	Keeley	Oropeza	Wayne
Corbett	Kehoe	Pacheco, Rod	Wesson
Correa	Kelley	Papan	Wiggins
Cox	Koretz	Pavley	Wright
Diaz	Leach	Pescetti	Mr. Speaker
Dickerson	Liu	Reyes	

**NOES—13**

Aanestad	Campbell, John	Leonard	Wyman
Ashburn	Cogdill	Leslie	
Bates	Daucher	Pacheco, Robert	
Campbell, Bill	Hollingsworth	Runner	

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—59**

Alquist	Dutra	Longville	Richman
Aroner	Firebaugh	Lowenthal	Salinas
Calderon	Florez	Maddox	Shelley
Canciamilla	Frommer	Maldonado	Simitian
Cardenas	Goldberg	Matthews	Steinberg
Cardoza	Harman	Migden	Strom-Martin
Cedillo	Havice	Nakano	Thomson
Chan	Horton	Nation	Vargas
Chavez	Jackson	Negrete McLeod	Washington
Cohn	Keeley	Oropeza	Wayne
Corbett	Kehoe	Pacheco, Rod	Wesson
Correa	Kelley	Papan	Wiggins
Cox	Koretz	Pavley	Wright
Diaz	Leach	Pescetti	Mr. Speaker
Dickerson	Liu	Reyes	

**NOES—13**

Aanestad	Campbell, John	Leonard	Wyman
Ashburn	Cogdill	Leslie	
Bates	Daucher	Pacheco, Robert	
Campbell, Bill	Hollingsworth	Runner	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 53 (Reyes)**—An act to add Article 4 (commencing with Section 15350) to Chapter 1 of Part 6.7 of Division 3 of Title 2 of the Government Code, relating to energy resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Cedillo.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—70**

Alquist	Diaz	Longville	Shelley
Aroner	Dickerson	Lowenthal	Simitian
Ashburn	Dutra	Maddox	Steinberg
Bates	Firebaugh	Maldonado	Strickland
Briggs	Florez	Matthews	Strom-Martin
Calderon	Frommer	Migden	Thomson
Campbell, Bill	Goldberg	Mountjoy	Vargas
Campbell, John	Harman	Nakano	Washington
Cardenas	Havice	Nation	Wayne
Cedillo	Hollingsworth	Negrete McLeod	Wesson
Chan	Horton	Pacheco, Robert	Wiggins
Chavez	Jackson	Pacheco, Rod	Wright
Cogdill	Keeley	Pavley	Wyland
Cohn	Kehoe	Pescetti	Wyman
Corbett	Kelley	Reyes	Zettel
Correa	Koretz	Richman	Mr. Speaker
Cox	Leach	Runner	
Daucher	Liu	Salinas	

**NOES—2**

Aanestad                      Leonard

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—70**

Alquist	Diaz	Longville	Shelley
Aroner	Dickerson	Lowenthal	Simitian
Ashburn	Dutra	Maddox	Steinberg
Bates	Firebaugh	Maldonado	Strickland
Briggs	Florez	Matthews	Strom-Martin
Calderon	Frommer	Migden	Thomson
Campbell, Bill	Goldberg	Mountjoy	Vargas
Campbell, John	Harman	Nakano	Washington
Cardenas	Havice	Nation	Wayne
Cedillo	Hollingsworth	Negrete McLeod	Wesson
Chan	Horton	Pacheco, Robert	Wiggins
Chavez	Jackson	Pacheco, Rod	Wright
Cogdill	Keeley	Pavley	Wyland
Cohn	Kehoe	Pescetti	Wyman
Corbett	Kelley	Reyes	Zettel
Correa	Koretz	Richman	Mr. Speaker
Cox	Leach	Runner	
Daucher	Liu	Salinas	

**NOES—2**

Aanestad                      Leonard

Bill ordered transmitted to the Senate.

**RECESS**

By unanimous consent, at 10:40 a.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**RECONVENED**

At 10:41 a.m., the Assembly reconvened.

Hon. Christine Kehoe, Assistant Speaker pro Tempore of the Assembly, presiding.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY  
CLAUSE TO ASSEMBLY BILL NO. 41**

At 10:41 a.m., on motion of Assembly Member Lowenthal, 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. 41 adopted by the following vote:

**AYES—57**

Alquist	Dutra	Maldonado	Simitian
Aroner	Firebaugh	Matthews	Steinberg
Briggs	Florez	Migden	Strom-Martin
Calderon	Frommer	Nakano	Thomson
Canciamilla	Goldberg	Nation	Vargas
Cardenas	Havice	Negrete McLeod	Washington
Cardoza	Horton	Oropeza	Wayne
Cedillo	Jackson	Pacheco, Rod	Wesson
Chan	Keeley	Papan	Wiggins
Chavez	Kehoe	Pavley	Wright
Cohn	Kelley	Pescetti	Wyland
Corbett	Koretz	Reyes	Mr. Speaker
Correa	Liu	Richman	
Diaz	Longville	Salinas	
Dickerson	Lowenthal	Shelley	

**NOES—18**

Aanestad	Cogdill	Leach	Strickland
Ashburn	Daucher	Leonard	Wyman
Bates	Harman	Leslie	Zettel
Campbell, Bill	Hollingsworth	Mountjoy	
Campbell, John	La Suer	Pacheco, Robert	

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—57**

Alquist	Dutra	Maldonado	Simitian
Aroner	Firebaugh	Matthews	Steinberg
Briggs	Florez	Migden	Strom-Martin
Calderon	Frommer	Nakano	Thomson
Canciamilla	Goldberg	Nation	Vargas
Cardenas	Havice	Negrete McLeod	Washington
Cardoza	Horton	Oropeza	Wayne
Cedillo	Jackson	Pacheco, Rod	Wesson
Chan	Keeley	Papan	Wiggins
Chavez	Kehoe	Pavley	Wright
Cohn	Kelley	Pescetti	Wyland
Corbett	Koretz	Reyes	Mr. Speaker
Correa	Liu	Richman	
Diaz	Longville	Salinas	
Dickerson	Lowenthal	Shelley	

**NOES—18**

Aanestad	Cogdill	Leach	Strickland
Ashburn	Daucher	Leonard	Wyman
Bates	Harman	Leslie	Zettel
Campbell, Bill	Hollingsworth	Mountjoy	
Campbell, John	La Suer	Pacheco, Robert	

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 completion of the Republican Caucus at the afternoon recess, in Room 4202.

**RECESS**

By unanimous consent, at 10:43 a.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**REPORTS OF STANDING COMMITTEES**

**Committee on Energy Costs and Availability**

Date of Hearing: March 22, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 21

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill re-referred to the Committee on Appropriations.

**COMMITTEE MEETING ANNOUNCEMENTS**

Speaker pro Tempore Keeley announced that the Committee on Appropriations would meet at this time in the Tom Bane Rules Committee Room, for the purpose of hearing Assembly Bill No. 21.

**REPORTS OF STANDING COMMITTEES**

**Committee on Energy Costs and Availability**

Date of Hearing: March 22, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 27

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill re-referred to the Committee on Appropriations.

**MESSAGES FROM THE SENATE**

Senate Chamber, March 22, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

- Senate Bill No. 5
- Senate Bill No. 28

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following bills were read the first time:

**SENATE BILL NO. 5**—An act to amend Section 15814.20 of, and to add and repeal Chapter 3.5 (commencing with Section 4240) of Division 5 of Title 1 of, the Government Code, and to amend Section 25402.5 of the Public Resources Code, relating to public utilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 28**—An act to add Section 42301.15 to, to add Chapter 7 (commencing with Section 39910) to Part 2 of Division 26 of, and to add and repeal Section 42314.3 of, the Health and Safety Code, and to amend Sections 25514, 25523, 25531, and 25552 of, to add Section 25526.1 to, and to add and repeal Sections 25519.5 and 25550.5 of, the Public Resources Code, and to add Article 3.5 (commencing with Section 353.1) to Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code, relating to energy resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**MESSAGES FROM THE SENATE**

Senate Chamber, March 22, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

- Assembly Bill No. 8

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

**CAUCUS ANNOUNCEMENTS**

At 2:53 p.m., Assembly Member Aroner announced that the Democratic Caucus would convene at 3:15 p.m., in the Assembly Lounge.

At 3:33 p.m., Assembly Member Pescetti announced that the Republican Caucus would convene at this time, in the Tom Bane Rules Committee Room.

**RECONVENED**

At 4:55 p.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Date of Hearing: March 22, 2001

Mr. Speaker: Your Committee on Appropriations reports:

- Assembly Bill No. 21

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**RESOLUTIONS**

The following resolution was offered:

**Resolution to Dispense With Constitutional Provision**

By Assembly Member Kelley.

*Resolved*, That Assembly Bill No. 21 presents a case of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage, and considered engrossed.

Resolution read.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Shelley moved a call of the Assembly.

Motion carried. Time, 4:58 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**RECESS**

By unanimous consent, at 4:58 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 4:58 p.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

**CALL OF THE ASSEMBLY DISPENSED WITH ON RESOLUTION TO DISPENSE WITH ARTICLE IV, SEC. 8(b) OF THE CONSTITUTION AS IT RELATES TO ASSEMBLY BILL NO. 21**

At 4:59 p.m., on motion of Assembly Member Shelley, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The resolution to dispense with Article IV, Sec. 8(b) of the Constitution, as it relates to Assembly Bill No. 21 adopted by the following vote:

**AYES—71**

Aanestad	Cox	Leslie	Runner
Alquist	Daucher	Liu	Salinas
Aroner	Diaz	Longville	Shelley
Ashburn	Dickerson	Lowenthal	Simitian
Bates	Dutra	Maldonado	Steinberg
Briggs	Firebaugh	Matthews	Strickland
Calderon	Florez	Mountjoy	Strom-Martin
Campbell, Bill	Harman	Nakano	Thomson
Campbell, John	Havice	Nation	Vargas
Canciamilla	Hollingsworth	Negrete McLeod	Wayne
Cardenas	Horton	Oropeza	Wesson
Cardoza	Jackson	Pacheco, Robert	Wiggins
Cedillo	Keeley	Pacheco, Rod	Wright
Chavez	Kelley	Papan	Wyland
Cogdill	Koretz	Pavley	Wyman
Cohn	La Suer	Pescetti	Zettel
Corbett	Leach	Reyes	Mr. Speaker
Correa	Leonard	Richman	

**NOES—None**

Article IV, Section 8(b) of the Constitution was declared dispensed with.

**ASSEMBLY BILL NO. 21 TAKEN UP FOR SECOND READING**

Upon request of Assembly Member Shelley, Assembly Member Kelley was granted unanimous consent to take up Assembly Bill No. 21 without reference to file, for the purpose of reading the bill a second time and adopting the committee amendments at this time.

**ASSEMBLY BILL NO. 21**—An act to amend Section 48915 of the Education Code, relating to pupils.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted; bill ordered reprinted.

**THIRD READING OF ASSEMBLY BILL NO. 21**

**ASSEMBLY BILL NO. 21 (Kelley)**—An act to add Section 743.2 to the Public Utilities Code, relating to electricity.

Bill read third time, and passed by the following vote:

**AYES—71**

Aanestad	Diaz	Liu	Salinas
Alquist	Dickerson	Longville	Shelley
Ashburn	Dutra	Lowenthal	Simitian
Bates	Firebaugh	Maldonado	Steinberg
Briggs	Florez	Matthews	Strickland
Calderon	Frommer	Mountjoy	Strom-Martin
Campbell, Bill	Harman	Nakano	Thomson
Campbell, John	Havice	Nation	Vargas
Canciamilla	Hollingsworth	Negrete McLeod	Washington
Cardoza	Horton	Oropeza	Wayne
Cedillo	Keeley	Pacheco, Robert	Wesson
Chavez	Kehoe	Pacheco, Rod	Wiggins
Cogdill	Kelley	Papan	Wright
Cohn	Koretz	Pavley	Wyland
Corbett	La Suer	Pescetti	Wyman
Correa	Leach	Reyes	Zettel
Cox	Leonard	Richman	Mr. Speaker
Daucher	Leslie	Runner	

**NOES—None  
Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Bill No. 21: Assembly Member Migden, from “Aye” to “Not Voting”.

Bill ordered transmitted to the Senate.

**At 5:02 p.m., Assistant Speaker pro Tempore Kehoe, 76th District, presiding**

**CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT  
AND ASSEMBLY RULE 77 SUSPENDED**

Assembly Member Keeley was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 8, without reference to file.

**ASSEMBLY BILL NO. 8 (Keeley)**—An act to amend Sections 332.1 and 360.5 of, to add Section 332.2 to, and to repeal and add Section 390 of, the Public Utilities Code, and to amend Sections 80106, 80130, 80132, and 80200 of, and to repeal Section 80114 of, the Water 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 and refused adoption by the following vote:

**AYES—48**

Alquist	Diaz	Longville	Shelley
Aroner	Dutra	Lowenthal	Simitian
Calderon	Firebaugh	Matthews	Steinberg
Canciamilla	Frommer	Migden	Strom-Martin
Cardenas	Goldberg	Nakano	Thomson
Cardoza	Havice	Nation	Vargas
Cedillo	Horton	Negrete McLeod	Washington
Chan	Jackson	Oropeza	Wayne
Chavez	Keeley	Papan	Wesson
Cohn	Kehoe	Pavley	Wiggins
Corbett	Koretz	Reyes	Wright
Correa	Liu	Salinas	Mr. Speaker

**NOES—25**

Aanestad	Cox	Leonard	Richman
Ashburn	Daucher	Leslie	Runner
Bates	Dickerson	Maldonado	Strickland
Briggs	Florez	Mountjoy	Wyman
Campbell, Bill	Harman	Pacheco, Robert	
Campbell, John	Hollingsworth	Pacheco, Rod	
Cogdill	Leach	Pescetti	

**Motion to Reconsider Urgency Clause to Assembly Bill No. 8  
on Next Legislative Day**

Assembly Member Keeley moved to reconsider on the next legislative day the vote whereby Senate amendments which add an urgency clause to Assembly Bill No. 8 were this day refused concurrence.

Assembly Bill No. 8 ordered to the unfinished business file.

**At 5:32 p.m., Speaker Hertzberg, 40th District, presiding**

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Kelley was granted unanimous consent that the following statement of legislative intent be printed in the Journal:

**Legislative Intent—Assembly Bill No. 21**

March 22, 2001

*The Honorable Robert Hertzberg  
Speaker of the Assembly  
State Capitol  
Sacramento, California*

Dear Mr. Speaker: I believe it is important to affirm my intent in relation to AB 21x. Therefore, I respectfully request that this letter be entered into the Assembly Daily Journal on this date.

It is particularly important that residential customers, small business customers, and multiple customers aggregated pursuant to Section 366 of the Public Utilities Code, have direct access to alternative electrical energy providers in the appropriate circumstances and subject to reasonable conditions.

In regard to the above, it is imperative that priority consideration be given to subsection (b) of Water Code Section 80111, subject to the reasonable exercise of the discretionary authority vested in the Public Utilities Commission under subsection (e) of Section 80111. The exercise of the discretionary authority should not take precedence over the mandatory directives of subsection (b) of Section 80111.

Thank you for considering this request and this letter to the Assembly Journal.

Sincerely,

DAVID G. KELLEY, Assembly Member  
Eightieth District

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Assembly Bill No. 26:** Aanestad, Cardenas, Firebaugh, Florez, Maddox, and Reyes—Aye.

**Assembly Bill No. 38 and Urgency:** Firebaugh, Florez, Maddox, and Reyes—Aye; Aanestad—No.

**Assembly Bill No. 43:** Firebaugh, Florez, Maddox, and Reyes—Aye; Aanestad—No.

**Assembly Bill No. 29 and Urgency:** Florez and Reyes—Aye; Runner—No.

**Assembly Bill No. 37 and Urgency:** Firebaugh, Florez, and Reyes—Aye.

**Assembly Bill No. 9:** Firebaugh, Florez, and Reyes—Aye.

**Assembly Bill No. 66 and Urgency:** Firebaugh, Florez, Rod Pacheco, and Reyes—Aye.

**Assembly Bill No. 33 and Urgency:** Florez, Rod Pacheco, and Reyes—Aye.

**Assembly Bill No. 40 and Urgency:** Briggs, Firebaugh, Florez, Kelley, Rod Pacheco, and Reyes—Aye.

**Assembly Bill No. 30 and Urgency:** Florez, Kehoe, Rod Pacheco, and Reyes—Aye.

**Assembly Bill No. 60 and Urgency:** Florez and Reyes—Aye.

**Assembly Bill No. 42 and Urgency:** Florez, Leach, Maddox, Rod Pacheco, and Reyes—Aye; Bates, Daucher, and Wyman—No.

**Assembly Bill No. 53 and Urgency:** Firebaugh, Florez, Leach, Maddox, Rod Pacheco, Reyes, Wyland, Wyman, and Zettel—Aye.

**Assembly Bill No. 41 and Urgency:** Florez and Reyes—Aye.

**Resolution to Invoke the Constitution, Assembly Bill No. 21:** Daucher, Leslie, and Reyes—Aye.

**Assembly Bill No. 21:** Firebaugh and Shelley—Aye.

**Assembly Bill No. 8, Urgency and Concurrence:** Florez—No.

**MOTION TO ADJOURN**

At 5:33 p.m., Assembly Member Shelley moved that the Assembly do now adjourn.

Assembly Member Bill Campbell seconded the motion.

Motion carried.

**ADJOURNMENT**

At 5:33 p.m., pursuant to the motion by Assembly Member Shelley, the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 22, 2001

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The following measures were amended in the Assembly on this day:

AB	RN
16	0109554
18	0109506
21	0109681
26	0109495
28	0109488
29	0109585
37	0109512
38	0109478
40	0109502
41	0109509
42	0109530
43	0109484
53	0109485
66	0109513
71	0109222

<b>Daily Total:</b>	<b>15</b>
<b>Cumulative Total:</b>	<b>93</b>

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, March 23, 2001**  
**FORTY-THIRD SESSION DAY**  
**EIGHTIETH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, March 23, 2001

The Assembly met at 10:30 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 following were placed upon the morning roll call—75:

Aanestad	Daucher	Leonard	Runner
Alquist	Diaz	Leslie	Salinas
Aroner	Dickerson	Liu	Shelley
Ashburn	Dutra	Longville	Simitian
Bates	Firebaugh	Lowenthal	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	Harman	Mountjoy	Vargas
Canciamilla	Havice	Nakano	Washington
Cardenas	Hollingsworth	Nation	Wayne
Cardoza	Horton	Negrete McLeod	Wesson
Chan	Jackson	Oropeza	Wiggins
Chavez	Keeley	Pacheco, Robert	Wright
Cogdill	Kehoe	Pacheco, Rod	Wyland
Cohn	Kelley	Papan	Wyman
Corbett	Koretz	Pavley	Zettel
Correa	La Suer	Pescetti	Mr. Speaker
Cox	Leach	Reyes	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*Because of illness: Assembly Member Maddox.*

*Because of illness in his family: Assembly Member Cedillo.*

*The following Assembly Member was excused for the day, and his per diem was waived: Richman.*

**REPORTS**

The following letter of transmittal was presented by the Chief Clerk, and ordered printed in the Journal:

California State Auditor

2000-134.1  
March 22, 2001

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the operations of the California Independent System Operator (ISO) and its relationship with the Power Exchange (PX).

This report concludes that the failure of deregulation is not the result of any single cause, but rather of a complex combination of factors. Foremost among these are certain fundamental flaws in the structure of the power market. For instance, the requirement that the investor-owned utilities sell all the power they generated themselves and purchase all their electricity through sequential short-term markets operated by the ISO and PX. This requirement established a structure that allowed—even encouraged—strategic bidding through the underscheduling of the demand and supply of power on the part of both buyers and sellers in an effort to manipulate wholesale prices to their advantage. Strategic bidding is one factor that significantly contributed to high wholesale energy prices in the year 2000.

In addition, misjudgments on the part of regulators about the effectiveness of their corrective actions also contributed to the current crisis. Starting in 1998, market monitoring groups within the ISO and PX warned the Federal Energy Regulatory Commission (FERC) and the California Public Utilities Commission (CPUC) of potential problems with the market structure. Although hindsight has shown the accuracy of these predictions, neither FERC nor the CPUC fully or successfully addressed these concerns at the time.

Finally, in analyzing the factors contributing to the energy crisis, it is important to note that some were beyond any regulator or agency's control. Competitive market forces, such as the demand for electrical power that far outstripped the growth in supply, recent unusual weather patterns, the steep increase in the cost of natural gas, and costly air quality emissions requirements were all beyond the control of California regulators or the ISO and PX. Yet, all of these factors exerted considerable influence over wholesale market prices in the year 2000.

Respectfully submitted,

ELAINE M. HOWLE  
State Auditor

Above report referred to the Committee on Energy Costs and Availability.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 23, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 16

Assembly Bill No. 28

Assembly Bill No. 18

Assembly Bill No. 71

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**REPORTS OF STANDING COMMITTEES****Committee on Energy Costs and Availability**

Date of Hearing: March 22, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 44

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

Date of Hearing: March 19, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 63

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE****SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 75**—An act to add Section 380 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 returned to the second reading file.

**UNFINISHED BUSINESS****MOTION TO RECONSIDER ASSEMBLY BILL NO. 8 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 8 was continued until the next legislative day.

**ADJOURNMENT**

At 3:30 p.m., the Assembly adjourned until 11 a.m., Monday, March 26, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 23, 2001**

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The following measures were amended in the Assembly on this day:

**AB RN**

75 0109491

**Daily Total: 1**

**Cumulative Total: 94**



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, March 26, 2001**  
**FORTY-FOURTH SESSION DAY**  
**EIGHTY-THIRD CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Monday, March 26, 2001

The Assembly met at 11:34 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—75:

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Liu	Runner
Aroner	Diaz	Longville	Salinas
Ashburn	Dickerson	Lowenthal	Shelley
Bates	Dutra	Maddox	Simitian
Briggs	Firebaugh	Maldonado	Steinberg
Calderon	Florez	Matthews	Strickland
Campbell, Bill	Goldberg	Migden	Strom-Martin
Campbell, John	Harman	Mountjoy	Thomson
Canciamilla	Havice	Nakano	Vargas
Cardenas	Hollingsworth	Nation	Washington
Cardoza	Horton	Negrete McLeod	Wayne
Cedillo	Jackson	Oropeza	Wesson
Chan	Keeley	Pacheco, Robert	Wiggins
Chavez	Kehoe	Pacheco, Rod	Wyland
Cogdill	Kelley	Papan	Wyman
Cohn	Koretz	Pavley	Zettel
Corbett	La Suer	Pescetti	Mr. Speaker
Correa	Leach	Reyes	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

*O Lord God, As we travel through life's journey, give us the wisdom to proceed with prudence and consideration for others, so that those roads we take, may be avenues leading always to You. We pray You, heavenly Father, grant us an Angel of light, to go before us and safeguard us from all harm, by night and day, so that led by the Spirit of God, we may travel safely and not labor in vain. For You are the way and the truth and the life and we give glory to You.—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 Bill Campbell.

**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 Frommer and Leslie.*

*Because of illness: Assembly Member Wright.*

(NOTE: For explanations of absences of Assembly Members Frommer and Leslie on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

March 26, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Appropriations Committee

Dear Dotson: This is to advise you that I have reduced the membership of the Assembly Appropriations Committee from 22 to 21, eliminating the vacancy.

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

March 26, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Education Committee

Dear Dotson: Please be advised that I have expanded the Assembly Education Committee from 15 to 17 and have appointed Assemblymember Sarah Reyes to fill one of the vacancies.

Sincerely,

ROBERT M. HERTZBERG  
 Speaker of the Assembly

#### COMMUNICATIONS

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

March 26, 2001

*The Honorable E. Dotson Wilson*  
*Chief Clerk, California State Assembly*  
*State Capitol*  
*Sacramento, California*

Dear Mr. Wilson: The Members of the Assembly Republican Caucus, in a meeting today, have selected me to serve as the Assembly Republican Leader. This change is effective immediately.

Assemblymember Tony Strickland will be serving as the Assembly Republican Caucus Chair. This change is also effective immediately.

Both of these changes are also effective for the current Extraordinary Session of the California State Assembly.

Please advise me of any additional information that the Assembly and your staff may require. Your assistance in this time of transition is greatly appreciated.

It is my honor to serve in the State Assembly and I look forward to serving in this new capacity.

Please do not hesitate to call if I can be of assistance. I can be reached at the office at (916) 319-2005 or at home at (916) 965-5140.

Sincerely,

DAVE COX, Assembly Member  
 Fifth District

#### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 26, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Bill No. 75

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

#### RESOLUTIONS

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 7—Runner.** Relative to hospitals as essential services.

**AUTHOR'S AMENDMENTS**  
**Committee on Revenue and Taxation**

March 26, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 49

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chairwoman

**ASSEMBLY BILL NO. 49**—An act to amend Section 25514 of the Public Resources Code, to add Section 633 to the Public Utilities Code, and to add Sections 96.08, 97.08, and 100.8 to the Revenue and Taxation Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Natural Resources**

March 26, 2001

Mr. Speaker: The Chair of your Committee on Natural Resources reports:  
Assembly Bill No. 39

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WAYNE, Chairman

**ASSEMBLY BILL NO. 39**—An act to amend Section 25120 of the Public Resources Code, relating to energy resources, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

March 26, 2001

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Assembly Bill No. 27

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 27**—An act to add Section 25216.6 to the Public Resources Code, to to add Section 367.1 to the Public Utilities Code, to amend Sections 17250 and 24349 of, to add Section 6902.3 to, and to add and repeal Sections 6367.5, 17053.84, and 23684 of, the Revenue and Taxation Code, and to amend Section 80110 of the Water Code, relating to electricity.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**CONSIDERATION OF DAILY FILE**  
**ASSEMBLY BILLS RETURNED TO SECOND READING FILE**  
**PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

**Assembly Bill No. 75**, ordered to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 63**—An act to amend Section 80004 of the Water Code, relating to electric power, and making an appropriation therefor.

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.

**ASSEMBLY BILL NO. 44**—An act to amend Section 25555 of the Public Resources Code, relating to energy resources, and making an appropriation therefor.

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.

**UNFINISHED BUSINESS****MOTION TO RECONSIDER ASSEMBLY BILL NO. 8 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 8 was continued until the next legislative day.

**MOTION TO ADJOURN**

At 11:35 a.m., Assembly Member Shelley moved that the Assembly do now adjourn.

Assembly Member Bill Campbell seconded the motion.

Motion carried.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Shelley, the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 26, 2001**

The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>	
27	0109879	
39	0109635	
44	0109649	
49	0109683	
63	0109738	
<b>Daily Total:</b>		<b>5</b>
<b>Cumulative Total:</b>		<b>99</b>



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, March 27, 2001**  
**FORTY-FIFTH SESSION DAY**  
**EIGHTY-FOURTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, March 27, 2001

The Assembly met at 11:12 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—62:

Aanestad	Goldberg	Maldonado	Simitian
Alquist	Havice	Matthews	Steinberg
Bates	Hollingsworth	Migden	Strickland
Briggs	Jackson	Mountjoy	Strom-Martin
Canciamilla	Keeley	Nakano	Thomson
Cardenas	Kehoe	Nation	Vargas
Cardoza	Kelley	Negrete McLeod	Wayne
Chan	Koretz	Pacheco, Robert	Wesson
Chavez	La Suer	Pacheco, Rod	Wiggins
Cohn	Leach	Papan	Wright
Cox	Leonard	Pavley	Wyland
Diaz	Leslie	Pescetti	Wyman
Dickerson	Liu	Reyes	Zettel
Dutra	Longville	Richman	Mr. Speaker
Firebaugh	Lowenthal	Salinas	
Frommer	Maddox	Shelley	

Quorum present.

**At 1:36 p.m., Hon. John Longville, 54th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Aroner, Ashburn, Calderon, John Campbell, Cedillo, Cogdill, Corbett, Correa, Daucher, Florez, Harman, Horton, Oropeza, Runner, and Washington.*

*On personal business, and waiving per diem: Assembly Member Bill Campbell.*

(NOTE: For explanations of absences of Assembly Members Aroner, Ashburn, Calderon, John Campbell, Cedillo, Cogdill, Corbett, Correa, Daucher, Florez, Harman, Horton, Oropeza, Runner, and Washington on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 27, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 27

Assembly Bill No. 49

Assembly Bill No. 39

Assembly Bill No. 63

Assembly Bill No. 44

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 2—Vargas.** Relative to the Federal Energy Regulatory Commission.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following resolution was referred to committee:

*Assembly Joint  
Resolution No.*

*Committee*

1 ----- E.C. & A.

**REPORTS OF STANDING COMMITTEES**

**Committee on Energy Costs and Availability**

Date of Hearing: March 22, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 46

Assembly Bill No. 64

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bills ordered to second reading.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

March 27, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:

Assembly Joint Resolution No. 1

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY JOINT RESOLUTION NO. 1—**Relative to natural gas.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**ADJOURNMENT**

At 5 p.m., the Assembly adjourned upon Call of the Speaker.

---

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 27, 2001**

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The following measures were amended in the Assembly on this day:

**AJR    RN**

1    0110026

**Daily Total:            1**

**Cumulative Total:      100**

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, March 28, 2001**  
**FORTY-SIXTH SESSION DAY**  
**EIGHTY-FIFTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Wednesday, March 28, 2001

The Assembly met at 7 a.m.  
Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.  
Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—71:

Aanestad	Daucher	Leslie	Reyes
Alquist	Diaz	Liu	Richman
Aroner	Dickerson	Longville	Salinas
Ashburn	Dutra	Lowenthal	Shelley
Bates	Firebaugh	Maddox	Simitian
Briggs	Frommer	Maldonado	Steinberg
Campbell, John	Goldberg	Matthews	Strickland
Canciamilla	Harman	Migden	Strom-Martin
Cardenas	Havice	Mountjoy	Thomson
Cardoza	Hollingsworth	Nakano	Vargas
Cedillo	Jackson	Nation	Wayne
Chan	Keeley	Negrete McLeod	Wiggins
Chavez	Kehoe	Oropeza	Wright
Cogdill	Kelley	Pacheco, Robert	Wyland
Cohn	Koretz	Pacheco, Rod	Wyman
Corbett	La Suer	Papan	Zettel
Correa	Leach	Pavley	Mr. Speaker
Cox	Leonard	Pescetti	

Quorum present.

**At 1:28 p.m., Hon. John Campbell, 70th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Calderon, Florez, Horton, Washington, and Wesson.*

*On personal business, and waiving per diem: Assembly Member Bill Campbell.*

*Because of illness: Assembly Member Runner.*

(NOTE: For explanations of absences of Assembly Members Florez, Horton, Washington, and Wesson 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 Calderon on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for March 27, 2001.)





**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Date of Hearing: March 28, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 32

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: March 28, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 46

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE****SECOND READING OF ASSEMBLY BILLS****ASSEMBLY BILL NO. 46**—An act to add Section 39607.6 to the Health and Safety Code, relating to air pollution.

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.

**ASSEMBLY BILL NO. 64**—An act to add Article 6 (commencing with Section 14710) to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

**ADJOURNMENT**

At 4 p.m., the Assembly adjourned until 8:30 a.m., Thursday, March 29, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 28, 2001**

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The following measures were amended in the Assembly on this day:

**AB RN**

15 0109819

46 0109858

64 0109883

**Daily Total: 3**

**Cumulative Total: 103**



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, March 29, 2001**  
**FORTY-SEVENTH SESSION DAY**  
**EIGHTY-SIXTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, March 29, 2001

The Assembly met at 8:59 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—77:

Aanestad	Daucher	Leslie	Salinas
Alquist	Diaz	Liu	Shelley
Aroner	Dickerson	Longville	Simitian
Ashburn	Dutra	Lowenthal	Steinberg
Bates	Firebaugh	Maddox	Strickland
Briggs	Florez	Maldonado	Strom-Martin
Calderon	Frommer	Matthews	Thomson
Campbell, Bill	Goldberg	Migden	Vargas
Campbell, John	Harman	Mountjoy	Washington
Canciamilla	Havice	Nakano	Wayne
Cardenas	Hollingsworth	Nation	Wesson
Cardoza	Horton	Negrete McLeod	Wiggins
Cedillo	Jackson	Oropeza	Wright
Chan	Keeley	Pacheco, Robert	Wyland
Chavez	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Zettel
Cohn	Koretz	Pavley	Mr. Speaker
Corbett	La Suer	Pescetti	
Correa	Leach	Reyes	
Cox	Leonard	Richman	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

A 19th century writer, Hannah Farnham Lee, observed that: “The knowledge of ourselves is a difficult study, and we must be willing to borrow the eyes of our enemies to assist the investigation.”

It takes a particular kind of courage to let down your guard in order to see not only the world, but also yourself, through the eyes of your critics.

It is much easier to live with one’s own images of self than to be open to critique. However, when we are open to seeing ourselves first as we are, then we can allow ourselves to become the type of person that we want to be.

May the Holy One of Blessing give us a clarity of vision to know ourselves and may we learn and grow from what we see.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Cox 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.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*Because of illness: Assembly Member Runner.*

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 29, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 15

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committee was permitted to meet:

Subcommittee on Natural Gas, Cost and Availability, on April 2, 2001 upon adjournment of the Committee on Utilities and Commerce.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

*Assembly Concurrent*

<i>Resolution No.</i>	<i>Committee</i>
<b>6</b> -----	E.C. & A.

*Senate*

<i>Bill No.</i>	<i>Committee</i>
<b>28</b> -----	E.C. & A.

**RE-REFERENCE OF BILLS**

Assembly Member Shelley was granted unanimous consent that Assembly Bill No. 39 be re-referred from the Committee on Natural Resources to the Committee on Energy Costs and Availability.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 32**—An act to amend Section 739 of, and to add Sections 739.9, 739.10, and 739.11 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 returned to the second reading file.

**ASSEMBLY BILL NO. 46**—An act relating to public utilities, making an appropriation therefor.

Bill read second time, and ordered to third reading.

**UNFINISHED BUSINESS**

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 8 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 8 was continued until the next legislative day.



**THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 75 (Calderon)**—An act to add Section 380 to the Public Utilities Code, relating to public utilities.

Bill read third time, and passed by the following vote:

**AYES—76**

Aanestad	Cox	Leach	Reyes
Alquist	Daucher	Leonard	Richman
Aroner	Diaz	Leslie	Salinas
Ashburn	Dickerson	Liu	Shelley
Bates	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
Cogdill	Kehoe	Pacheco, Rod	Wyland
Cohn	Kelley	Papan	Wyman
Corbett	Koretz	Pavley	Zettel
Correa	La Suer	Pescetti	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**RECESS**

By unanimous consent, at 9:02 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 9:05 a.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Shelley was granted unanimous consent that the following statement of legislative intent be printed in the Journal:

March 27, 2001

*Mr. E. Dotson Wilson  
Chief Clerk, California State Assembly  
Assembly Desk, State Capitol  
Sacramento, California*

RE: AB 1 (Keeley) of the First Extraordinary Session:  
Power exchanges:  
Department of Water Resources: electric power

Dear Mr. Wilson: This letter is to reiterate the legislative intent of portions of AB 1 (Keeley) of the First Extraordinary Session (Chapter 4, Statutes of 2001, First Extraordinary Session) related to the procurement and resale of electric power by the Department of Water Resources.

This letter is necessary because the investor-owned utilities are erroneously claiming that an ambiguity in AB 1 entitles them to a portion of the retail revenues attributable to the power provided by the Department of Water Resources. This claim is inconsistent with both the letter and the clear legislative intent of AB 1.

AB 1 provided that for each kilowatt-hour made available by the Department of Water Resources to retail end-use customers pursuant to Division 27 of the Water Code, the department is entitled to receive as revenue the generation related component of the retail rate for the serving electrical corporation in effect January 5, 2001, and that electrical corporation is not entitled to that revenue. Further, the bill provided that should the Department of Water Resources purchase any portion of the net short, the role of the utilities is only that of an agent for purposes of billing, collection, and other related services. These topics were discussed at length in policy committees of the Senate and Assembly and during floor debate on the bill.

Very truly yours,

ROBERT M. HERTZBERG  
Speaker of the Assembly

HELEN THOMSON  
JOE SIMITIAN  
BARBARA MATTHEWS  
GIL CEDILLO  
ALAN LOWENTHAL  
HANNAH-BETH JACKSON  
CHRISTINE KEHOE  
WILMA CHAN  
LOUIS J. PAPAN  
VIRGINIA STROM-MARTIN  
JOHN LONGVILLE  
JOHN DUTRA

LOU CORREA  
TONY CARDENAS  
DARRELL STEINBERG  
JACKIE GOLDBERG  
PATRICIA WIGGINS  
CAROL LIU  
ED CHAVEZ  
GLORIA NEGRETE McLEOD  
HERB WESSON  
DENNIS CARDOZA  
JOE NATION  
ELAINE ALQUIST

ELLEN M. CORBETT  
 REBECCA COHN  
 DARIO FROMMER  
 MANNY DIAZ  
 JUAN VARGAS  
 CAROLE MIGDEN  
 SIMÓN SALINAS  
 FRAN PAVLEY  
 SALLY HAVICE  
 THOMAS M. CALDERON  
 KEVIN SHELLEY

SARAH REYES  
 CARL WASHINGTON  
 GEORGE NAKANO  
 DION ARONER  
 PAUL KORETZ  
 JENNY OROPEZA  
 DEAN FLOREZ  
 HOWARD WAYNE  
 JEROME HORTON  
 MARCO A. FIREBAUGH  
 FRED KEELEY

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Steinberg announced that the Subcommittees on Energy Oversight and Natural Gas Costs and Availability would convene jointly in Room 4202, upon adjournment of the Budget Committee.

**RECESS**

By unanimous consent, at 9:07 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

March 29, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 23

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 23**—An act to add Section 25524 to the Public Resources Code, and to add Section 743.2 to the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

March 29, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 52

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 52**—An act to add Section 743.5 to the Public Utilities Code, relating to energy, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Energy Costs and Availability**

March 29, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 62

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 62**—An act to add Part 8.5 (commencing with Section 17750) to Division 4 of Title 2 of the Government Code, relating to local government finance, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Appropriations**

March 29, 2001

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Assembly Bill No. 63

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 63**—An act to amend Section 80004 of the Water Code, relating to electric power, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES****Committee on Energy Costs and Availability**

Date of Hearing: March 28, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 16

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill re-referred to the Committee on Appropriations.

**Committee on Education**

Date of Hearing: March 21, 2001

Mr. Speaker: Your Committee on Education reports:  
Assembly Bill No. 50

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Energy Costs and Availability.

STROM-MARTIN, Chairwoman

Above bill ordered to second reading.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Monday, April 2, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 29, 2001

—————

The following measures were amended in the Assembly on this day:

AB	RN	
23	0110174	
32	0109834	
52	0109931	
62	0110065	
63	0110224	
<b>Daily Total:</b>		<b>5</b>
<b>Cumulative Total:</b>		<b>108</b>

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, April 2, 2001**  
**FORTY-EIGHTH SESSION DAY**  
**NINETIETH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Monday, April 2, 2001

The Assembly met at 11:24 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—76:

Aanestad	Cox	Leach	Pescetti
Alquist	Daucher	Leonard	Richman
Aroner	Diaz	Leslie	Salinas
Ashburn	Dickerson	Liu	Shelley
Bates	Dutra	Longville	Simitian
Briggs	Firebaugh	Lowenthal	Steinberg
Calderon	Florez	Maddox	Strickland
Campbell, Bill	Frommer	Maldonado	Strom-Martin
Campbell, John	Goldberg	Matthews	Thomson
Canciamilla	Harman	Migden	Vargas
Cardenas	Havice	Mountjoy	Washington
Cardoza	Hollingsworth	Nakano	Wayne
Cedillo	Horton	Nation	Wesson
Chan	Jackson	Negrete McLeod	Wiggins
Chavez	Keeley	Oropeza	Wright
Cogdill	Kehoe	Pacheco, Robert	Wyland
Cohn	Kelley	Pacheco, Rod	Wyman
Corbett	Koretz	Papan	Zettel
Correa	La Suer	Pavley	Mr. Speaker

Quorum present.



**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

George Bernard Shaw wryly noted that “All great truths begin as blasphemies.”

There is something about this time of year that allows us to rethink the world in a radically different way. Spring is season of both birth and rebirth.

This time of year we are reminded that two great religions were born in the Spring, Passover which begins this weekend reminds us that an enslaved people had the audacity and courage to say, we have the right to live in both physical and spiritual freedom. And Easter gave us the concept that people can find redemption through the life of another.

Both were radical ideas in their time, met with resistance and cries of heresy. Both turned out to be great Truths that ennobled and enriched the lives of many.

May it be the will of the Creator that we all rejoice in the blessings of the season and find renewed meaning in our communal festivals.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Chan 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.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*Because of illness: Assembly Member Runner.*

*Because of illness in her family: Assembly Member Reyes.*

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

April 2, 2001

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Energy Costs and Availability Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Jackie Goldberg to replace Assemblymember Sarah Reyes on the Assembly Energy Costs and Availability Committee for today's hearing only.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

April 2, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Judiciary Committee

Dear Dotson: This is to advise you that I have removed Assemblymember Christine Kehoe from the Assembly Judiciary Committee and am reducing the committee membership from 11 to 10 members.

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, April 2, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 32

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, April 2, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 23  
Assembly Bill No. 52

Assembly Bill No. 62  
Assembly Bill No. 63

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**RE-REFERENCE OF BILLS**

Assembly Member Migden was granted unanimous consent that Assembly Bill No. 63 be re-referred from the Committee on Appropriations to the Committee on Energy Costs and Availability.

**RECESS**

By unanimous consent, at 11:24 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 11:28 a.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

**REPORTS OF STANDING COMMITTEES**

**Committee on Energy Costs and Availability**

Date of Hearing: March 28, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
Senate Bill No. 5

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

**SENATE BILL NO. 5 TAKEN UP BY UNANIMOUS CONSENT FOR SECOND READING**

Assembly Member Shelley was granted unanimous consent to take up Senate Bill No. 5 without reference to file, for the purpose of reading the bill a second time and adopting the committee amendments at this time.

**SENATE BILL NO. 5**—An act to amend Section 15814.20 of, and to add and repeal Chapter 3.5 (commencing with Section 4240) of Division 5 of Title 1 of, the Government Code, and to amend Section 25402.5 of the Public Resources Code, relating to public utilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

**CONSIDERATION OF DAILY FILE  
ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

**Assembly Bill No. 32**, ordered to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 50**—An act to add Section 46010.4 to the Education Code, and to add Section 2774.5 to the Public Utilities Code, relating to electrical and gas service.

Bill read second time; amendments proposed by the Committee on Education read and adopted, bill ordered reprinted and to be re-referred to the Committee on Energy Costs and Availability.

**THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 46 (Canciamilla)**—An act to repeal and add Section 39607.6 of the Health and Safety Code, relating to air pollution.

Bill read third time, and passed by the following vote:

**AYES—70**

Aanestad	Cox	Leonard	Salinas
Alquist	Daucher	Leslie	Shelley
Aroner	Diaz	Longville	Simitian
Ashburn	Dickerson	Lowenthal	Steinberg
Bates	Dutra	Maddox	Strickland
Briggs	Florez	Maldonado	Strom-Martin
Calderon	Frommer	Matthews	Thomson
Campbell, Bill	Goldberg	Migden	Vargas
Campbell, John	Harman	Mountjoy	Washington
Canciamilla	Havice	Nakano	Wayne
Cardoza	Hollingsworth	Nation	Wiggins
Cedillo	Horton	Negrete McLeod	Wright
Chan	Keeley	Oropeza	Wyland
Chavez	Kehoe	Pacheco, Robert	Wyman
Cogdill	Kelley	Pacheco, Rod	Zettel
Cohn	Koretz	Papan	Mr. Speaker
Corbett	La Suer	Pescetti	
Correa	Leach	Richman	

**NOES—None**

Bill ordered transmitted to the Senate.

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 8 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 8 was continued until Wednesday, April 4, 2001.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Wright announced that the Committee on Energy Costs and Availability would meet today at 1 p.m. in Room 4202.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Assembly Bill No. 46:** Briggs, Cedillo, Hollingsworth, Longville, Pescetti, and Wyland—Aye.

**MOTION TO ADJOURN**

At 11:32 a.m., Assembly Member Shelley moved that the Assembly do now adjourn.

Assembly Member Cox seconded the motion.

Motion carried.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Shelley, the Assembly adjourned until 7 a.m., Tuesday, April 3, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON APRIL 2, 2001**

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The following measures were amended in the Assembly on this day:

**AB RN**  
50 0109652

**SB RN**  
5 0110382

**Daily Total: 2**  
**Cumulative Total: 110**



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, April 3, 2001**  
**FORTY-NINTH SESSION DAY**  
**NINETY-FIRST CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, April 3, 2001

The Assembly met at 7 a.m.

Hon. Tom Harman, Assembly Member, 67th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—75:

Aanestad	Daucher	Leonard	Reyes
Alquist	Diaz	Leslie	Richman
Aroner	Dickerson	Liu	Salinas
Ashburn	Dutra	Longville	Shelley
Bates	Firebaugh	Lowenthal	Simitian
Briggs	Florez	Maddox	Steinberg
Calderon	Frommer	Maldonado	Strom-Martin
Campbell, John	Goldberg	Matthews	Thomson
Canciamilla	Harman	Migden	Vargas
Cardenas	Havice	Mountjoy	Washington
Cardoza	Hollingsworth	Nakano	Wayne
Cedillo	Horton	Nation	Wesson
Chan	Jackson	Negrete McLeod	Wiggins
Chavez	Keeley	Oropeza	Wright
Cogdill	Kehoe	Pacheco, Robert	Wyland
Cohn	Kelley	Pacheco, Rod	Wyman
Corbett	Koretz	Papan	Zettel
Correa	La Suer	Pavley	Mr. Speaker
Cox	Leach	Pescetti	

Quorum present.

At 1 p.m., Hon. Jay La Suer, 77th District, presiding

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.



**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On legislative business, and waiving per diem: Assembly Member Strickland.*

*On personal business, and waiving per diem: Assembly Member Bill Campbell.*

*Because of illness: Assembly Member Runner.*

(NOTE: For explanation of absence of Assembly Member Strickland on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**REPORTS OF STANDING COMMITTEES**  
**Committee on Energy Costs and Availability**

Date of Hearing: April 2, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Senate Bill No. 28

Senate Bill No. 43

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: April 2, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 2

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill re-referred to the Committee on Appropriations.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9:30 a.m., Wednesday, April 4, 2001.

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ROBERT M. HERTZBERG, Speaker

S. RICHARD TIMMINS, Acting Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, April 4, 2001**  
**FIFTIETH SESSION DAY**  
**NINETY-SECOND CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Wednesday, April 4, 2001

The Assembly met at 11:16 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—77:

Aanestad	Diaz	Liu	Salinas
Alquist	Dickerson	Longville	Shelley
Aroner	Dutra	Lowenthal	Simitian
Ashburn	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	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
Cogdill	Kelley	Papan	Wyman
Cohn	Koretz	Pavley	Zettel
Corbett	La Suer	Pescetti	Mr. Speaker
Correa	Leach	Reyes	
Cox	Leonard	Richman	
Daucher	Leslie	Runner	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Member Tim Leslie, of the 4th Assembly District:

*Lord, We pray that ideological and political differences may never divert us from our ultimate goal of providing a better living and growing situation for all Americans. We pray that nations' boundaries or philosophies may never ignore the fact that we are a world of brothers and sisters. And we pray that religious differences may be of short duration, so that we, Your children, may look to You as one and live as one.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Nation 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.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*Because of a death in her family: Assembly Member Bates.*

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, April 4, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 50

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Date of Hearing: April 3, 2001

Mr. Speaker: Your Committee on Appropriations reports:  
Senate Bill No. 5

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: April 3, 2001

Mr. Speaker: Your Committee on Appropriations reports:  
Senate Bill No. 43

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**SENATE BILL NO. 5 TAKEN UP BY UNANIMOUS CONSENT  
FOR SECOND READING**

Assembly Member Shelley was granted unanimous consent to take up Senate Bill No. 5 without reference to file, for the purpose of reading the bill a second time and adopting the committee amendments at this time.

**SENATE BILL NO. 5**—An act to amend Section 15814.20 of, and to add and repeal Chapter 3.5 (commencing with Section 4240) of Division 5 of Title 1 of, the Government Code, and to amend Section 25402.5 of the Public Resources Code, relating to public utilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted; bill ordered reprinted.

**SENATE BILL NO. 43 TAKEN UP BY UNANIMOUS CONSENT  
FOR SECOND READING**

Assembly Member Shelley was granted unanimous consent to take up Senate Bill No. 43 without reference to file, for purpose of reading the bill a second time and adopting the committee amendments at this time.

**SENATE BILL NO. 43**—An act to amend Section 332.1 of the Public Utilities Code, and to amend Section 80134 of the Water Code, relating to electric power, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted; bill ordered reprinted.

**RESOLUTIONS**

The following resolution was offered:

**Resolution to Dispense With Constitutional Provision**

By Assembly Member Shelley.

*Resolved*, That Senate Bill No. 43 presents a case of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage.

Resolution read, and adopted by the following vote:

**AYES—74**

Aanestad	Diaz	Liu	Salinas
Alquist	Dickerson	Longville	Shelley
Aroner	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
Cogdill	Kehoe	Papan	Wyland
Cohn	Kelley	Pavley	Wyman
Corbett	Koretz	Pescetti	Zettel
Correa	La Suer	Reyes	Mr. Speaker
Cox	Leach	Richman	
Daucher	Leslie	Runner	

**NOES—None**

Article IV, Section 8(b) of the Constitution was declared dispensed with.

**CONSIDERATION OF SENATE BILL NO. 43 BY UNANIMOUS CONSENT**

Upon request of Assembly Member Shelley, Assembly Member Vargas was granted unanimous consent to take up Senate Bill No. 43 without reference to file, for purpose of consideration.

**SENATE BILL NO. 43 (Alpert)**—An act to amend Section 332.1 of, and to add Section 332.2 to, the Public Utilities Code, relating to electric power, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Vargas.

**Urgency Clause**

Urgency clause read.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Shelley moved a call of the Assembly.

Motion carried. Time, 11:33 a.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**At 11:34 a.m., Assistant Speaker pro Tempore Christine Kehoe,  
76th District, presiding**

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Date of Hearing: April 3, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 28

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**SENATE BILL NO. 28 TAKEN UP BY UNANIMOUS CONSENT  
FOR SECOND READING**

Assembly Member Shelley was granted unanimous consent to take up Senate Bill No. 28 without reference to file, for the purpose of reading the bill a second time and adopting the committee amendments at this time.

**SENATE BILL NO. 28**—An act to add Section 42301.15 to, to add Chapter 7 (commencing with Section 39910) to Part 2 of Division 26 of, and to add and repeal Section 42314.3 of, the Health and Safety Code, and to amend Sections 25514, 25523, 25531, and 25552 of, to add Section 25526.1 to, and to add and repeal Sections 25519.5 and 25550.5 of, the Public Resources Code, and to add Article 3.5 (commencing with Section 353.1) to Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code, relating to energy resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

**CONSIDERATION OF SENATE BILL NO. 5 BY UNANIMOUS CONSENT**

Upon request of Assembly Member Shelley, Assembly Member Keeley was granted unanimous consent to take up Senate Bill No. 5 without reference to file, for purpose of consideration.

**SENATE BILL NO. 5 (Sher)**—An act to amend Section 15814.20 of, and to add and repeal Chapter 3.5 (commencing with Section 4240) of Division 5 of Title 1 of, the Government Code, to amend Section 25402.5 of the Public Resources Code, and to add Sections 740.7, 740.9, 740.10, and 740.11 to the Public Utilities 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 Keeley.

**Urgency Clause**

Urgency clause read.

**Request for Use of Visual Aids**

Assembly Member Keeley was granted unanimous consent to use visual aids on the Floor to assist in debate.

The question being on the adoption of the urgency clause.

Urgency clause adopted by the following vote:

**AYES—76**

Aanestad	Diaz	Leslie	Riechman
Alquist	Dickerson	Liu	Runner
Aroner	Dutra	Longville	Salinas
Ashburn	Firebaugh	Lowenthal	Shelley
Briggs	Florez	Maddox	Simitian
Calderon	Frommer	Maldonado	Steinberg
Campbell, Bill	Goldberg	Matthews	Strickland
Cancianilla	Harman	Migden	Strom-Martin
Cardenas	Havice	Mountjoy	Thomson
Cardoza	Hollingsworth	Nakano	Vargas
Cedillo	Horton	Nation	Washington
Chan	Jackson	Negrete McLeod	Wayne
Chavez	Keeley	Oropeza	Wesson
Cogdill	Kehoe	Pacheco, Robert	Wiggins
Cohn	Kelley	Pacheco, Rod	Wright
Corbett	Koretz	Papan	Wyland
Correa	La Suer	Pavley	Wyman
Cox	Leach	Pescetti	Zettel
Daucher	Leonard	Reyes	Mr. Speaker

**NOES—1**

Campbell, John

The question being on the passage of the bill.



Bill passed by the following vote:

**AYES—76**

Aanestad	Diaz	Leslie	Richman
Alquist	Dickerson	Liu	Runner
Aroner	Dutra	Longville	Salinas
Ashburn	Firebaugh	Lowenthal	Shelley
Briggs	Florez	Maddox	Simitian
Calderon	Frommer	Maldonado	Steinberg
Campbell, Bill	Goldberg	Matthews	Strickland
Canciamilla	Harman	Migden	Strom-Martin
Cardenas	Havice	Mountjoy	Thomson
Cardoza	Hollingsworth	Nakano	Vargas
Cedillo	Horton	Nation	Washington
Chan	Jackson	Negrete McLeod	Wayne
Chavez	Keeley	Oropeza	Wesson
Cogdill	Kehoe	Pacheco, Robert	Wiggins
Cohn	Kelley	Pacheco, Rod	Wright
Corbett	Koretz	Papan	Wyland
Correa	La Suer	Pavley	Wyman
Cox	Leach	Pescetti	Zettel
Daucher	Leonard	Reyes	Mr. Speaker

**NOES—1**

Campbell, John

Bill ordered transmitted to the Senate:

(NOTE: On April 5, 2001, the action was rescinded whereby the urgency clause was adopted and Senate Bill No. 5 was passed, and whereby the bill was ordered transmitted to the Senate. See page 358.)

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY CLAUSE TO SENATE BILL NO. 43**

At 12:04 p.m., on motion of Assembly Member Shelley, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 43 adopted by the following vote:

**AYES—76**

Aanestad	Daucher	Leonard	Richman
Alquist	Diaz	Leslie	Runner
Aroner	Dickerson	Liu	Salinas
Ashburn	Dutra	Longville	Shelley
Briggs	Firebaugh	Lowenthal	Simitian
Calderon	Florez	Maddox	Steinberg
Campbell, Bill	Frommer	Maldonado	Strickland
Campbell, John	Goldberg	Matthews	Strom-Martin
Canciamilla	Harman	Migden	Thomson
Cardenas	Havice	Nakano	Vargas
Cardoza	Hollingsworth	Nation	Washington
Cedillo	Horton	Negrete McLeod	Wayne
Chan	Jackson	Oropeza	Wesson
Chavez	Keeley	Pacheco, Robert	Wiggins
Cogdill	Kehoe	Pacheco, Rod	Wright
Cohn	Kelley	Papan	Wyland
Corbett	Koretz	Pavley	Wyman
Correa	La Suer	Pescetti	Zettel
Cox	Leach	Reyes	Mr. Speaker

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—76**

Aanestad	Daucher	Leonard	Richman
Alquist	Diaz	Leslie	Runner
Aroner	Dickerson	Liu	Salinas
Ashburn	Dutra	Longville	Shelley
Briggs	Firebaugh	Lowenthal	Simitian
Calderon	Florez	Maddox	Steinberg
Campbell, Bill	Frommer	Maldonado	Strickland
Campbell, John	Goldberg	Matthews	Strom-Martin
Canciamilla	Harman	Migden	Thomson
Cardenas	Havice	Nakano	Vargas
Cardoza	Hollingsworth	Nation	Washington
Cedillo	Horton	Negrete McLeod	Wayne
Chan	Jackson	Oropeza	Wesson
Chavez	Keeley	Pacheco, Robert	Wiggins
Cogdill	Kehoe	Pacheco, Rod	Wright
Cohn	Kelley	Papan	Wyland
Corbett	Koretz	Pavley	Wyman
Correa	La Suer	Pescetti	Zettel
Cox	Leach	Reyes	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS**

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 8 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 8 was continued until the next legislative day.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Senate Bill No. 43, Resolution to Invoke Constitution:** Aanestad, La Suer, Mountjoy, and Runner—Aye.

**Senate Bill No. 5 and Urgency:** Aanestad and Maddox—Aye.

**Senate Bill No. 43 and Urgency:** Aanestad and Daucher—Aye.

**RECESS**

By unanimous consent, at 12:06 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 127—Richman.** An act to repeal and add Section 360.5 of, and to repeal Section 390 of, the Public Utilities Code, and to amend Sections 80100, and 80130 of, and to add Sections 80100.5 and 80114 to, the Water Code, relating to energy.

**ASSEMBLY BILL NO. 128—Corbett (Coauthors: Aroner, Goldberg, Jackson, Migden, Pavley, Shelley, Steinberg, Strom-Martin, Thomson, and Wiggins).** An act to add Chapter 2.3 (commencing with Section 17065) to Part 10 of, and to add Chapter 2.7 (commencing with Section 23471) to Part 11 of, Division 2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**AUTHOR'S AMENDMENTS**  
**Committee on Revenue and Taxation**

April 4, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 11

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chairwoman

**ASSEMBLY BILL NO. 11**—An act to repeal Article 10 (commencing with Section 890) of Chapter 4 of Part 1 of Division 1 of the Public Utilities Code, and to repeal Part 19 (commencing with Section 40001) of Division 2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Appropriations**

Date of Hearing: April 3, 2001

Mr. Speaker: Your Committee on Appropriations reports:  
Assembly Bill No. 44

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, April 5, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON APRIL 4, 2001**

The following measures were amended in the Assembly on this day:

**AB RN**

11 0110293

**SB RN**

5 0110597

28 0110595

43 0110581

**Daily Total: 4****Cumulative Total: 114**

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, April 5, 2001**  
**FIFTY-FIRST SESSION DAY**  
**NINETY-THIRD CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, April 5, 2001

The Assembly met at 9:14 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—76:

Aanestad	Daucher	Leonard	Richman
Alquist	Diaz	Leslie	Runner
Aroner	Dickerson	Liu	Salinas
Ashburn	Dutra	Longville	Shelley
*Bogh	Firebaugh	Lowenthal	Simitian
Briggs	Florez	Maddox	Steinberg
Calderon	Frommer	Maldonado	Strickland
Campbell, Bill	Goldberg	Matthews	Strom-Martin
Campbell, John	Harman	Migden	Thomson
Canciamilla	Havice	Mountjoy	Vargas
Cardenas	Hollingsworth	Nakano	Washington
Cardoza	Horton	Negrete McLeod	Wayne
Cedillo	Jackson	Oropeza	Wesson
Chan	Keeley	Pacheco, Robert	Wiggins
Chavez	Kehoe	Pacheco, Rod	Wright
Cohn	Kelley	Papan	Wyland
Corbett	Koretz	Pavley	Wyman
Correa	La Suer	Pescetti	Zettel
Cox	Leach	Reyes	Mr. Speaker

Quorum present.

\*(NOTE: Assembly Member Bogh took and subscribed to the Oath of Office on this day, at 8:53 a.m. in the Regular Session.)

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

Germaine de Stael, a French-Swiss intellectual who lived during the French Revolution commented that “The pursuit of politics is religion, morality, and poetry all in one.”

Politics is more than the prosaic business of legislating people’s lives in issues such as commerce and crime; it is about creating the essence of society, of what binds us together as a community. The practitioners of this craft must be able to embrace both the artistry and ethics that their roles require.

By recognizing the poetry, morality and religion at play within politics, and within our diverse political beliefs, even the most cynical amongst us can reignite the idealism that led us to pursue politics in the first place and allows us to anchor our visions of the ideal society which we wish to create.

May the Holy One of Blessing nurture our hopes and values, and help us find a way to live by our ideals. May this be God’s will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Strickland 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.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*Because of illness in his family: Assembly Member Nation.*

*Because of death in her family: Assembly Member Bates.*

*The following Assembly Member was excused for the day, and his per diem was waived: Cogdill.*

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

April 5, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Energy Costs and Availability Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Bill Campbell to the Assembly Energy Costs and Availability Committee for the First Extraordinary Session for 2001–02.

Sincerely,

**ROBERT M. HERTZBERG**  
 Speaker of the Assembly

**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

April 5, 2001

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 61

With author's amendments with the recommendation: Amend, and re-refer to the committee.

STEINBERG, Chairman

**ASSEMBLY BILL NO. 61**—An act to amend Section 1240.650 of the Code of Civil Procedure, to amend Sections 56129 and 56133 of the Government Code, and to amend Section 366 of, and to add Sections 851.1 and 1411.1 to, the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**COMMUNICATIONS**

The following communications were presented by the Chief Clerk, and ordered printed in the Journal:



**ADVANCE UNOFFICIAL ELECTION RETURNS  
65TH ASSEMBLY DISTRICT**

**GENERAL SPECIAL ELECTION  
APRIL 3, 2001**

**The unofficial returns reported herein are those from the office of the Honorable Bill Jones,  
Secretary of State.**

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**DISTRIBUTED TO OFFICES OF THE CALIFORNIA ASSEMBLY  
AND SENATE BY THE OFFICE OF THE CHIEF CLERK**

**Special Election Results  
State Assembly, District 65  
Special General Election, April 3, 2001  
SEMI OFFICIAL CANVASS**

<b>County Name</b>		<b>Ray R.</b>	<b>Russ</b>
<b>Riverside</b>		<b>Quinto</b>	<b>Bogh*</b>
Registered Voters	120,200	Dem	Rep
Riverside Votes Cast	20,210	9,898	10,312
	%	48.98%	51.02%
<b>San Bernardino</b>			
Registered Voters	69,961		
San Bernardino Votes Cast	13,155	5,991	7,164
	%	45.54%	54.46%
<b>District Total</b>			
Registered Voters	190,161		
Total Votes Cast	33,365	15,889	17,476
	%	47.62%	52.38%

---

<b>Total Ballots Cast</b>		<b>Total Registration</b>	
Riverside	20,516	Riverside	120,200
San Bernardino	13,199	San Bernardino	69,961
<b>Total</b>	<b>33,715</b>	<b>Total</b>	<b>190,161</b>
<b>Percent Turnout</b>		<b>Number of Precincts</b>	
Riverside	17.07%	Riverside	111 of 111
San Bernardino	18.87%	San Bernardino	66 of 66
<b>Total</b>	<b>17.73%</b>	<b>Total</b>	<b>177 of 177</b>

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\*Elected

**CERTIFICATE OF ELECTION**

The following Certificate of Election was presented and ordered printed in the Journal:

**Certificate of Election**

I, BILL JONES, Secretary of State of the State of California, hereby certify:

That according to the semi-final official returns of the Special General Election held on the 3rd day of April, 2001, and the statement of the result thereof on file in my office,

**RUSS BOGH**

was elected by the majority of the voters of the  
65th State Assembly District to serve as

California State Assembly, District 65  
for the term prescribed by law.

IN WITNESS WHEREOF,  
I hereunto set my hand and affix  
the Great Seal of the State of California,  
at Sacramento, this 4th day of April, 2001



**BILL JONES**  
Secretary of State

**OATH OF OFFICE**

The following Oath of Office was administered by Speaker Robert M. Hertzberg:

**OATH**

*for the Office of Member of the Assembly  
65th Assembly District*

I, Russ Bogh, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

**RUSS BOGH**

Subscribed and sworn to before me,  
this 5th day of April  
A.D. 2001

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

**MESSAGES FROM THE SENATE**

Senate Chamber, April 4, 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. 43

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**MESSAGES FROM THE SENATE**

April 5, 2001

*Hon. E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*Assembly Chamber*

Dear Dotson: By direction of the Senate I am returning SB 5 to the Assembly for further action.

Sincerely,

GREGORY SCHMIDT  
Secretary of the Senate

Above bill held at the Desk.

Senate Chamber, April 5, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 39

GREGORY P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following bill was read the first time:

**SENATE BILL NO. 39**—An act to amend Sections 216, 362, and 431 of, and to add Section 761.3 to, the Public Utilities Code, relating to public utilities.

**SENATE BILL NO. 31 WITHDRAWN FROM COMMITTEE**

Upon request of Assembly Member Shelley, Assembly Member Kehoe was granted unanimous consent that Senate Bill No. 31 be withdrawn from the Committee on Energy Costs and Availability for the purpose of amendment, without reference to file.

**SENATE BILL NO. 31 (Bowen)**—An act to amend Sections 335, 337, and 341.2 of the Public Utilities Code, relating to public utilities.

Bill read second time.

**Motion to Amend**

Assembly Member Kehoe moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted.

**VOTE SYSTEM ANNOUNCEMENT**

Speaker pro Tempore Keeley announced that there is a technical malfunction of Assembly Member Simitian's vote switch and therefore his vote adds would not be recorded separately in this day's Journal.

**RESOLUTIONS**

The following resolution was offered:

**Resolution to Dispense With Constitutional Provision**

By Assembly Member Shelley.

*Resolved*, That Senate Bill No. 31 presents a case of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage.

Resolution read, and adopted by the following vote:

**AYES—72**

Aanestad	Cox	Leach	Richman
Alquist	Daucher	Leonard	Runner
Aroner	Diaz	Liu	Salinas
Ashburn	Dickerson	Longville	Shelley
Bogh	Dutra	Lowenthal	Simitian
Briggs	Florez	Maddox	Steinberg
Calderon	Frommer	Maldonado	Strickland
Campbell, Bill	Goldberg	Matthews	Strom-Martin
Campbell, John	Harman	Migden	Thomson
Canciamilla	Havice	Mountjoy	Vargas
Cardenas	Hollingsworth	Nakano	Washington
Cardoza	Horton	Negrete McLeod	Wayne
Cedillo	Jackson	Oropeza	Wesson
Chan	Keeley	Pacheco, Robert	Wiggins
Chavez	Kehoe	Papan	Wyland
Cohn	Kelley	Pavley	Wyman
Corbett	Koretz	Pescetti	Zettel
Correa	La Suer	Reyes	Mr. Speaker

**NOES—None**

Article IV, Section 8(b) of the Constitution was declared dispensed with.

**CONSIDERATION OF SENATE BILL NO. 31 BY UNANIMOUS CONSENT**

Assembly Member Kehoe was granted unanimous consent to take up Senate Bill No. 31 without reference to file, for purpose of consideration.

**SENATE BILL NO. 31 (Alpert)**—An act to add and repeal Article 2 (commencing with Section 81610) and Article 2.5 (commencing with Section 81620) to Chapter 3 of Part 49 of the Education Code, to add Article 6 (commencing with Section 14710) to Chapter 2 of Part 5.5 and Article 4 (commencing with Section 15350) to Chapter 1 of Part 6.7, of Division 3 of Title 2 of, the Government Code, to amend Sections 26003 and 26011.5 of, to add Section 26011.6 to, to add Chapter 5.3 (commencing with Section 25425) to Division 15 of, and to add and repeal Chapter 4 (commencing with Section 14420) of Division 12 of, the Public Resources Code, to amend Section 739 of, to amend, repeal, and add Section 2827 of, to add Sections 739.10, 2827.5, and 2827.7 to, and to add and repeal Section 739.11 of, the Public Utilities 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 Kehoe.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—65**

Alquist	Dutra	Longville	Shelley
Aroner	Firebaugh	Lowenthal	Simitian
Briggs	Florez	Maddox	Steinberg
Calderon	Frommer	Maldonado	Strickland
Canciamilla	Goldberg	Matthews	Strom-Martin
Cardenas	Harman	Migden	Thomson
Cardoza	Haviee	Mountjoy	Vargas
Cedillo	Horton	Nakano	Washington
Chan	Jackson	Negrete McLeod	Wayne
Chavez	Keeley	Oropeza	Wesson
Cohn	Kehoe	Pacheco, Robert	Wiggins
Corbett	Kelley	Papan	Wyland
Correa	Koretz	Pavley	Zettel
Cox	La Suer	Peseetti	Mr. Speaker
Daucher	Leach	Reyes	
Diaz	Leslie	Richman	
Dickerson	Liu	Salinas	

**NOES—10**

Aanestad	Campbell, Bill	Leonard	Wyman
Ashburn	Campbell, John	Pacheco, Rod	
Bogh	Hollingsworth	Runner	

The question being on the passage of the bill:  
Bill passed by the following vote:

**AYES—65**

Alquist	Dutra	Longville	Shelley
Aroner	Firebaugh	Lowenthal	Simitian
Briggs	Florez	Maddox	Steinberg
Calderon	Frommer	Maldonado	Strickland
Canciamilla	Goldberg	Matthews	Strom-Martin
Cardenas	Harman	Migden	Thomson
Cardoza	Haviee	Mountjoy	Vargas
Cedillo	Horton	Nakano	Washington
Chan	Jackson	Negrete McLeod	Wayne
Chavez	Keeley	Oropeza	Wesson
Cohn	Kehoe	Pacheco, Robert	Wiggins
Corbett	Kelley	Papan	Wyland
Correa	Koretz	Pavley	Zettel
Cox	La Suer	Peseetti	Mr. Speaker
Daucher	Leach	Reyes	
Diaz	Leslie	Richman	
Dickerson	Liu	Salinas	

**NOES—10**

Aanestad	Campbell, Bill	Leonard	Wyman
Ashburn	Campbell, John	Pacheco, Rod	
Bogh	Hollingsworth	Runner	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on the urgency clause to Senate Bill No. 31, and on passage of the bill: Assembly Members Bogh, Hollingsworth, and Rod Pacheco, from "Aye" to "No".

(NOTE: On May 7, 2001, the action was rescinded whereby the urgency clause was adopted and Senate Bill No. 31 was passed. See page 445.)

**RECESS**

By unanimous consent, at 9:27 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 10 a.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 44**—An act to amend Section 25555 of the Public Resources Code, relating to energy resources, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**RECESS**

By unanimous consent, at 10:01 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 3:33 p.m., the Assembly reconvened.

Hon. Christine Kehoe, Assistant Speaker pro Tempore of the Assembly, presiding.

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

**Leave of Absence—Balance of the Day**

April 5, 2001

*The Honorable Robert M. Hertzberg  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I am writing to respectfully request that I be excused for the remainder of today's session, waiving per diem, as of 1:30 p.m. due to personal business.

Please do not hesitate to contact my office should you have any questions regarding this matter.

Sincerely,

CAROL LIU, Assembly Member  
Forty-fourth District

**ACTION RESCINDED ON SENATE BILL NO. 5**

Assistant Speaker pro Tempore Kehoe was granted unanimous consent to rescind the action whereby the Assembly, on April 4, 2001 (Assembly Journal, page 343), adopted the urgency clause and passed Senate Bill No. 5, and whereby the bill was ordered transmitted to the Senate.

**CONSIDERATION OF SENATE BILL NO. 5 BY UNANIMOUS CONSENT**

Assembly Member Keeley was granted unanimous consent to take up Senate Bill No. 5 without reference to file, for purpose of amendment.

**SENATE BILL NO. 5 (Sher)**—An act to amend Section 15814.20 of, and to add and repeal Chapter 3.5 (commencing with Section 4240) of Division 5 of Title 1 of, the Government Code, to amend Section 25402.5 of the Public Resources Code, and to add Sections 740.7, 740.9, 740.10, and 740.11 to the Public Utilities Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Assembly Member Keeley moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted.

**Further Consideration of Senate Bill No. 5, As Amended, by Unanimous Consent**

Assembly Member Keeley was granted unanimous consent to take up Senate Bill No. 5, as amended, without reference to file, for purpose of consideration.

**SENATE BILL NO. 5 (Sher)**—An act to amend Section 15814.20 of, and to add and repeal Chapter 3.5 (commencing with Section 4240) of Division 5 of Title 1 of, the Government Code, to amend Section 25402.5 of the Public Resources Code, and to add Sections 740.7, 740.9, 740.10, and 740.11 to the Public Utilities 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 Keeley.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—73**

Aanestad	Dickerson	Longville	Shelley
Alquist	Dutra	Lowenthal	Simitian
Aroner	Firebaugh	Maddox	Steinberg
Ashburn	Florez	Maldonado	Strickland
Bogh	Frommer	Matthews	Strom-Martin
Briggs	Goldberg	Migden	Thomson
Calderon	Harman	Mountjoy	Vargas
Campbell, Bill	Havice	Nakano	Washington
Canciamilla	Hollingsworth	Negrete McLeod	Wayne
Cardenas	Horton	Oropeza	Wesson
Cardoza	Jackson	Pacheco, Robert	Wiggins
Cedillo	Keeley	Pacheco, Rod	Wright
Chan	Kehoe	Papan	Wyland
Chavez	Kelley	Pavley	Wyman
Cohn	Koretz	Pescetti	Zettel
Corbett	La Suer	Reyes	Mr. Speaker
Correa	Leach	Richman	
Cox	Leonard	Runner	
Diaz	Leslie	Salinas	

**NOES—None**

The question being on the passage of the bill.



Bill passed by the following vote:

**AYES—73**

Aanestad	Dickerson	Longville	Shelley
Alquist	Dutra	Lowenthal	Simitian
Aroner	Firebaugh	Maddox	Steinberg
Ashburn	Florez	Maldonado	Strickland
Bogh	Frommer	Matthews	Strom-Martin
Briggs	Goldberg	Migden	Thomson
Calderon	Harman	Mountjoy	Vargas
Campbell, Bill	Havice	Nakano	Washington
Canciamilla	Hollingsworth	Negrete McLeod	Wayne
Cardenas	Horton	Oropeza	Wesson
Cardoza	Jackson	Pacheco, Robert	Wiggins
Cedillo	Keeley	Pacheco, Rod	Wright
Chan	Kehoe	Papan	Wyland
Chavez	Kelley	Pavley	Wyman
Cohn	Koretz	Pescetti	Zettel
Corbett	La Suer	Reyes	Mr. Speaker
Correa	Leach	Richman	
Cox	Leonard	Runner	
Diaz	Leslie	Salinas	

**NOES—None**

Bill ordered transmitted to the Senate.

**At 3:39 p.m., Speaker pro Tempore Fred Keeley, 27th District, presiding**

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Cardoza announced that the Committee on Rules would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

**MESSAGES FROM THE SENATE**

Senate Chamber, April 5, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 43

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

**CONSIDERATION OF SENATE AMENDMENTS  
BY UNANIMOUS CONSENT  
AND ASSEMBLY RULE 77 SUSPENDED**

Assembly Member Correa was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 43, without reference to file.

**ASSEMBLY BILL NO. 43 (Correa)**—An act to amend Section 332.1 of, and to add Section 332.2 to, the Public Utilities Code, relating to electric power, 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—69**

Aanestad	Diaz	Leslie	Shelley
Alquist	Dickerson	Longville	Simitian
Aroner	Dutra	Lowenthal	Steinberg
Ashburn	Florez	Maddox	Strickland
Bogh	Frommer	Maldonado	Strom-Martin
Briggs	Goldberg	Matthews	Thomson
Calderon	Harman	Migden	Vargas
Campbell, Bill	Havice	Nakano	Washington
Canciamilla	Hollingsworth	Negrete McLeod	Wayne
Cardenas	Horton	Oropeza	Wesson
Cardoza	Jackson	Pacheco, Robert	Wiggins
Cedillo	Keeley	Pacheco, Rod	Wyland
Chan	Kehoe	Papan	Wyman
Chavez	Kelley	Pavley	Zettel
Cohn	Koretz	Pescetti	Mr. Speaker
Corbett	La Suer	Reyes	
Correa	Leach	Richman	
Cox	Leonard	Salinas	

**NOES—None**

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—69**

Aanestad	Diaz	Leslie	Shelley
Alquist	Dickerson	Longville	Simitian
Aroner	Dutra	Lowenthal	Steinberg
Ashburn	Florez	Maddox	Strickland
Bogh	Frommer	Maldonado	Strom-Martin
Briggs	Goldberg	Matthews	Thomson
Calderon	Harman	Migden	Vargas
Campbell, Bill	Havice	Nakano	Washington
Canciamilla	Hollingsworth	Negrete McLeod	Wayne
Cardenas	Horton	Oropeza	Wesson
Cardoza	Jackson	Pacheco, Robert	Wiggins
Cedillo	Keeley	Pacheco, Rod	Wyland
Chan	Kehoe	Papan	Wyman
Chavez	Kelley	Pavley	Zettel
Cohn	Koretz	Pescetti	Mr. Speaker
Corbett	La Suer	Reyes	
Correa	Leach	Richman	
Cox	Leonard	Salinas	

**NOES—None**

Above bill ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Cardoza was granted unanimous consent that the following communications be printed in the Journal:

**Legislative Intent—Senate Bill No. 5**

April 5, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

RE: SB 5X (Sher)

Dear Mr. Wilson: Enclosed is a letter from the California Public Utilities Commission and a letter from the California Air Resources Board expressing our intent in passing SB 5X (Sher).

Please include this letter and the enclosures in the Assembly Daily Journal.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

DAVE COX  
Assembly Minority Leader

Public Utilities Commission  
State of California  
April 5, 2001

*The Honorable Robert Hertzberg  
Speaker  
California State Assembly  
State Capitol  
Sacramento, California*

RE: Agricultural Customer Participation in  
Voluntary Gear-Down Programs

Dear Mr. Speaker: It has come to my attention that the participation of agricultural customers in the recently approved Optional Binding Mandatory Curtailment (OBMC) Program may be limited by the conditions of the program including, no limitation on the daily or monthly participation in voluntary optional load reductions that may qualify a distribution circuit for exclusion from rotating blackouts.

It is my intent to develop conditions, including reasonable daily and monthly limitations on load reduction hours, in order to encourage the participation of agricultural production and processing customers. I look forward to working with key members of the Legislature to develop an effective, voluntary OBMC program.

Sincerely,

CARL WOOD  
Commissioner

State of California  
California Environmental Protection Agency  
April 5, 2001

*The Honorable Robert M. Hertzberg*  
*Speaker*  
*California State Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Hertzberg: We have reviewed the enclosed language clarifying the use of backup generation (section 740.9) to offset the curtailed load under the California Public Utility Commission's recently-adopted Optional Binding Mandatory Curtailment program. It is our interpretation that this language will permit the use of backup generation under existing law, including but not limited to, all relevant local air pollution control district rules and regulations, even though rotating outages may not be occurring in the same area where the curtailed customer is located.

This clarifies existing law and is in accordance with the Governor's Executive Orders dealing with energy.

Sincerely,

WINSTON H. HICKOX  
Secretary

Enclosure

cc: Mr. John Stevens  
Deputy Chief of Staff  
Staff Director  
Office of Governor Gray Davis  
Ms. Linda Adams  
Chief Deputy Assembly Relations  
Office of Governor Gray Davis

**RECESS**

By unanimous consent, at 3:56 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 3:58 p.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

**MESSAGES FROM THE SENATE**

Senate Chamber, April 5, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 29

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

**CONSIDERATION OF SENATE AMENDMENTS  
BY UNANIMOUS CONSENT  
AND ASSEMBLY RULE 77 SUSPENDED**

Assembly Member Kehoe was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 29, without reference to file.

**ASSEMBLY BILL NO. 29 (Kehoe)**—An act to add and repeal Article 2 (commencing with Section 81610) and Article 2.5 (commencing with Section 81620) to Chapter 3 of Part 49 of the Education Code, to add Article 6 (commencing with Section 14710) to Chapter 2 of Part 5.5 and Article 4 (commencing with Section 15350) to Chapter 1 of Part 6.7 of Division 3 of Title 2 of, the Government Code, to amend Sections 26003 and 26011.5 of, to add Section 26011.6 to, to add Chapter 5.3 (commencing with Section 25425 to Division 15 of, and to add and repeal Chapter 4 (commencing with Section 14420) of Division 12 of, the Public Resource Code, to amend Section 739 of, to amend, repeal, and add Section 2827 of, to add Sections 739.10, 2827.5, and 2827.7 to, and to add and repeal Section 739.11 of, the Public Utilities Code, relating to energy, making an appropriation therefor, 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.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—55**

Alquist	Diaz	Leslie	Richman
Aroner	Dutra	Longville	Salinas
Briggs	Firebaugh	Lowenthal	Shelley
Calderon	Florez	Maddox	Simitian
Canciamilla	Frommer	Maldonado	Steinberg
Cardenas	Goldberg	Matthews	Strickland
Cardoza	Harman	Migden	Strom-Martin
Cedillo	Havice	Nakano	Thomson
Chan	Horton	Negrete McLeod	Vargas
Chavez	Jackson	Oropeza	Wayne
Cohn	Keeley	Papan	Wesson
Corbett	Kehoe	Pavley	Wiggins
Correa	Kelley	Pescetti	Mr. Speaker
Cox	Koretz	Reyes	

**NOES—14**

Aanestad	Dickerson	Leonard	Runner
Ashburn	Hollingsworth	Mountjoy	Wyman
Bogh	La Suer	Pacheco, Robert	
Campbell, Bill	Leach	Pacheco, Rod	

**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 29: Assembly Member Maldonado, from “No” to “Aye”.

Above bill ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS**

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 8 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 8 was continued until the next legislative day.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Senate Bill No. 5 and Urgency:** Pescetti—Aye.

**Assembly Bill No. 43 Urgency and Concurrence:** Cardenas, Pavley, and Wiggins—Aye.

**MOTION TO ADJOURN**

At 4:15 p.m., Assembly Member Chan moved that the Assembly do now adjourn.

Assembly Member Cox seconded the notion.

Motion carried.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 129—Hollingsworth.** An act to add Section 625.5 to the Public Utilities Code, relating to eminent domain.

**REPORTS OF STANDING COMMITTEES  
Committee on Energy Costs and Availability**

Date of Hearing: April 2, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 18

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

Date of Hearing: March 22, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 28

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

**Committee on Appropriations**

Date of Hearing: April 4, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 16

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**Committee on Energy Costs and Availability**

Date of Hearing: April 2, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 62

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

Date of Hearing: April 4, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 63

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

Date of Hearing: April 4, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Joint Resolution No. 1

With amendments with the recommendation: Amend, and be adopted as amended.

WRIGHT, Chairman

Above resolution ordered to second reading.

### MESSAGES FROM THE SENATE

Senate Chamber, April 5, 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. 5

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, April 5, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 66

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, April 5, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 33

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

### FIRST READING OF SENATE BILLS

The following bill was read the first time:

**SENATE BILL NO. 33**—An act relating to public utilities.

### ADJOURNMENT

At 4:16 p.m., pursuant to the motion by Assembly Member Chan, the Assembly adjourned until Monday, April 16, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON APRIL 5, 2001**

The following measures were amended in the Assembly on this day:

**AB RN**

61 0110627

**SB RN**

5 0110770

31 0110741

**Daily Total: 3**

**Cumulative Total: 117**



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, April 16, 2001**

**FIFTY-SECOND SESSION DAY**

**ONE HUNDRED FOURTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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  
Monday, April 16, 2001

The Assembly met at 11:21 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—78:

Alquist	Daucher	Leslie	Runner
Aroner	Diaz	Liu	Salinas
Ashburn	Dickerson	Longville	Shelley
Bates	Dutra	Lowenthal	Simitian
Bogh	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	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
Cogdill	Kelley	Papan	Wyman
Cohn	Koretz	Pavley	Zettel
Corbett	La Suer	Pescetti	Mr. Speaker
Correa	Leach	Reyes	
Cox	Leonard	Richman	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

Ilka Chase wrote in her book *Past Imperfect* “Democracy is not an easy form of government, because it is never final; it is a living, changing organism, with a continuous shifting and adjusting of balance between individual freedom and general order.”

Being a politician can be as difficult as it is rewarding. This is because your work is forever pulled by two paradoxes intrinsic to the core of politics.

The first is the demand to respect each individual’s autonomy with the demand to balance the communal needs of the many.

The second paradox is that while what government does day in and day out is of the greatest importance, it can be quickly washed aside by the need to continually adapt to the changes wrought by the inevitable march of time and the changing needs of society.

It is within the dynamic tension of these two paradoxes that our work is pushed, pulled, and defined. And it is within this dynamic tension that we can experience the wondrous vitality that is at the core of democracy.

May the Holy One of Blessing offer us the foresight to see the impact of our labors and the insight to appreciate the contributions we make. May this be God’s will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Matthews 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.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*On personal business, and waiving per diem: Assembly Member Aanestad.*

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, April 6, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 29

And reports the same correctly enrolled, and presented to the Governor on the 6th day of April, 2001, at 2 p.m.

E. DOTSON WILSON, Chief Clerk  
Assembly Chamber, April 6, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 43

And reports the same correctly enrolled, and presented to the Governor on the 6th day of April, 2001, at 11:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, April 16, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 11

Assembly Bill No. 61

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, April 16, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 14

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

April 16, 2001

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 14

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 14**—An act to add Section 743.7 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

April 16, 2001

Mr. Speaker: the Chair of your Committee on Appropriations reports:

Assembly Bill No. 2

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 2**—An act to add Section 332 to the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

April 16, 2001

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 6

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**SENATE BILL NO. 6**—An act to add Division 1.5 (commencing with Section 3300) to the Public Utilities Code, relating to electrical power.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

April 6, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Assembly Concurrent Resolution No. 5

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY CONCURRENT RESOLUTION NO. 5**—Relative to the Public Utilities Commission.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**

**Committee on Appropriations**

April 16, 2001

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Assembly Bill No. 13

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 13**—An act to amend Section 2790 of, and to add Sections 327.1, 382.1, 2790.1, and 2790.2 to, the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**

**Committee on Revenue and Taxation**

Date of Hearing: April 2, 2001

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 49

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Energy Costs and Availability.

CORBETT, Chairwoman

Above bill ordered to second reading.

**Committee on Energy Costs and Availability**

Date of Hearing: April 2, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 39

With amendments with the recommendation: Amend, and do pass, as amended.

WRIGHT, Chairman

Above bill ordered to second reading.

**MESSAGES FROM THE GOVERNOR**

The following item veto message from the Governor was received and ordered printed in the Journal and the bill ordered to the unfinished business file:

**Item Veto—Assembly Bill No. 29**

Governor's Office, Sacramento  
April 11, 2001

*To Members of the California State Assembly:*

I have signed Assembly Bill AB 29X with the following line item vetoes and reductions to more closely align the bill with my expenditure plan and to prioritize conservation measures for this summer.

I am eliminating the following:

- \$25,150,000 million re-appropriation from the Proposition 98 Reversion Account to the Chancellor of the California Community Colleges for energy efficient projects and a statewide utility usage database. These funds are already budgeted for other purposes and are required by law to be used by community colleges for educational purposes.
- \$20 million to the Department of Community Services and Development to supplement the Low-Income Housing Energy Assistance Program (LIHEAP). \$120 million has been provided for this program in SB 5X.
- \$50 million to the California Energy Commission (CEC) for loans and grants for construction and retrofit projects and \$50 million to the CEC for the Small Business Energy Efficiency Refrigeration Loan Program. These new programs require the establishment of administrative procedures and will not deliver peak reduction savings for this summer.
- \$24 million to the Department of Corrections to install systems to retrofit generating units. These funds would not increase electricity supply or reduce demand.
- \$15 million to the Public Utilities Commission to fund a study of real-time meters. This bill appropriates funds for the purchase and installation of these meters.

In addition, I am reducing the following allocations:

- From the funds allocated to the California Conservation Corps, reduce the allocation from \$40 million to \$20 million for the Mobile Efficiency Brigade. In order to achieve the most effective energy savings by this summer, I am directing the Conservation Corps to use these funds to purchase materials and mobilize crews to deliver high efficiency lighting to low-income residences.

While I am signing this bill, it is my understanding that the Legislature will enact subsequent legislation to remove the mandate created by the Statewide Energy Management Program. I am also requesting subsequent legislation to continuously appropriate the Renewable Energy Loan Guarantee Program. It is standard for loan guarantee programs to be continuously appropriated and not contingent upon the annual budget. As drafted, this bill removes the incentive for banks to participate in this worthy program.

Sincerely,

GRAY DAVIS

**RECEIPT**

I acknowledge receipt this 12th day of April 2001 at 12:35 p.m., of the Governor's statement of the items of appropriation reduced from Assembly Bill No. 29x delivered to me personally by Casey Elliott.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

**RE-REFERENCE OF BILLS**

Assembly Member Migden was granted unanimous consent that Assembly Bill No. 14 be re-referred from the Committee on Appropriations to the Committee on Revenue and Taxation.

Assembly Member Shelley was granted unanimous consent that the following bills be re-referred as noted:

Assembly Bill No. 11 from the Committee on Revenue and Taxation, to the Committee on Energy Costs and Availability;

Assembly Bill No. 61 from the Committee on Judiciary, to the Committees on Natural Resources and Energy Costs and Availability.

**CONSIDERATION OF DAILY FILE****SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 18**—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 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.

**ASSEMBLY BILL NO. 28**—An act to add and repeal Section 41514.11 of the Health and Safety Code, relating to energy.

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.

**ASSEMBLY BILL NO. 16**—An act relating to 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.

**ASSEMBLY BILL NO. 62**—An act to add Part 8.5 (commencing with Section 17750) to Division 4 of Title 2 of the Government Code, relating to local government finance, and making an appropriation therefor.

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.

**ASSEMBLY BILL NO. 63**—An act to amend Section 377 of the Public Utilities Code, relating to electric power.

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.

**ASSEMBLY JOINT RESOLUTION NO. 1**—Relative to natural gas.

Resolution read; amendments proposed by the Committee on Energy Costs and Availability read and adopted, resolution ordered reprinted and to be placed upon the third reading file.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 66**, on request of Assembly Member Keeley.

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

April 16, 2001

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I have appointed Assemblymember Russ Bogh to the Assembly Business and Professions Committee, replacing Assemblymember Dave Cox; to the Assembly Insurance Committee, replacing Assemblymember Dave Cox; and to the Assembly Jobs, Economic Development, and the Economy Committee replacing Assemblymember Lynne Leach.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS****MOTION TO RECONSIDER ASSEMBLY BILL NO. 8 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 8 was continued until Thursday, April 19, 2001.

**MOTION TO ADJOURN**

At 11:25 a.m., Assembly Member Shelley moved that the Assembly do now adjourn.

Assembly Member Cox seconded the motion.

Motion carried.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Shelley, the Assembly adjourned until Thursday April 19, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON APRIL 16, 2001**

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The following measures were amended in the Assembly on this day:

**AB RN**

- 2 0110880
- 13 0111472
- 14 0110791
- 16 0110596
- 18 0110824
- 28 0110664
- 62 0110789
- 63 0110840

**ACR RN**

- 5 0109726

**AJR RN**

- 1 0110777

**SB RN**

- 6 0111488

**Daily Total: 11**  
**Cumulative Total: 128**



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, April 17, 2001**  
**FIFTY-THIRD SESSION DAY**  
**ONE HUNDRED FIFTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, April 17, 2001

The Assembly met at 7 a.m.

Hon. Manny Diaz, Assembly Member, 23rd District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—79:

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Runner
Aroner	Diaz	Liu	Salinas
Ashburn	Dickerson	Longville	Shelley
Bates	Dutra	Lowenthal	Simitian
Bogh	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	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
Cogdill	Kelley	Papan	Wyman
Cohn	Koretz	Pavley	Zettel
Corbett	La Suer	Pescetti	Mr. Speaker
Correa	Leach	Reyes	

Quorum present.

**At 12:12 p.m., Hon. Jay La Suer, 77th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, April 17, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 16

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, April 17, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Bill No. 18  
 Assembly Bill No. 28  
 And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, April 17, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Concurrent Resolution No. 5  
 And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, April 17, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Joint Resolution No. 1  
 And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**CONSIDERATION OF DAILY FILE  
 ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
 PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

**Assembly Bill No. 16**, ordered to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 49**—An act to amend Section 25514 of the Public Resources Code, and to add Sections 96.08, 97.08, and 100.8 to the Revenue and Taxation Code, relating to powerplant facilities.

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 Energy Costs and Availability.

**ASSEMBLY BILL NO. 39**—An act to add and repeal Article 9 (commencing with Section 22200) to Chapter 1 of Part 5 of Division 11 of the Water Code, relating to energy.

Bill read second time; amendments proposed by the Committee on Energy Costs and Availability read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9:30 a.m., Thursday, April 19, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON APRIL 17, 2001**

The following measures were amended in the Assembly on this day:

**AB RN**

39 0110801

49 0110530

**Daily Total: 2**

**Cumulative Total: 130**

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, April 18, 2001**  
**FIFTY-FOURTH SESSION DAY**  
**ONE HUNDRED SIXTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Wednesday, April 18, 2001

The Assembly met at 7 a.m.  
Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.  
Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—78:

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	Florez	Matthews	Strom-Martin
Calderon	Frommer	Migden	Thomson
Campbell, Bill	Goldberg	Mountjoy	Vargas
Campbell, John	Harman	Nakano	Washington
Canciamilla	Havice	Nation	Wayne
Cardenas	Hollingsworth	Negrete McLeod	Wesson
Cardoza	Horton	Oropeza	Wiggins
Cedillo	Jackson	Pacheco, Robert	Wright
Chan	Keeley	Pacheco, Rod	Wyland
Chavez	Kehoe	Papan	Wyman
Cogdill	Koretz	Pavley	Zettel
Cohn	La Suer	Pescetti	Mr. Speaker
Corbett	Leach	Reyes	
Correa	Leonard	Richman	

Quorum present.

**At 2:05 p.m., Hon. Ed Chavez, 57th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*Because of illness: Assembly Member Kelley.*

#### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, April 18, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 39

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.



Assembly Chamber, April 18, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

- Assembly Bill No. 2
- Assembly Bill No. 13
- Assembly Bill No. 49

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

April 18, 2001

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 28

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 28**—An act to add and repeal Section 41514.11 of the Health and Safety Code, relating to energy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Appropriations**

Date of Hearing: April 18, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 6

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE**  
**ASSEMBLY BILLS RETURNED TO SECOND READING FILE**  
**PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

**Assembly Bill No. 39**, ordered to third reading.

**ADJOURNMENT**

At 4 p.m., the Assembly adjourned until 9:30 a.m., Thursday, April 19, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON APRIL 18, 2001**

The following measures were amended in the Assembly on this day:

**AB RN**

28 0111525

**Daily Total: 1**

**Cumulative Total: 131**

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, April 19, 2001**  
**FIFTY-FIFTH SESSION DAY**  
**ONE HUNDRED SEVENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, April 19, 2001

The Assembly met at 10:02 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—77:

Aanestad	Daucher	Liu	Salinas
Alquist	Diaz	Longville	Shelley
Aroner	Dickerson	Lowenthal	Simitian
Ashburn	Dutra	Maddox	Steinberg
Bates	Firebaugh	Maldonado	Strickland
Bogh	Florez	Matthews	Strom-Martin
Briggs	Frommer	Migden	Thomson
Calderon	Goldberg	Mountjoy	Vargas
Campbell, Bill	Harman	Nakano	Washington
Campbell, John	Havice	Nation	Wayne
Canciamilla	Hollingsworth	Negrete McLeod	Wesson
Cardenas	Horton	Oropeza	Wiggins
Cardoza	Jackson	Pacheco, Robert	Wright
Chan	Keeley	Pacheco, Rod	Wyland
Chavez	Kehoe	Papan	Wyman
Cogdill	Koretz	Pavley	Zettel
Cohn	La Suer	Pescetti	Mr. Speaker
Corbett	Leach	Reyes	
Correa	Leonard	Richman	
Cox	Leslie	Runner	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

Today the Jewish community observes Yom HaShoah—Holocaust Memorial Day. On this day we set aside time not only to remember our own tragedy, but to remind the world that racism, homophobia, fear of strangers, political intolerance, and bigotry in its many shapes and forms still exists in every nation.

The Nobel Prize winner and Holocaust survivor, Elie Weisel, warns us that one of the most powerful lessons that we can learn from the Holocaust is that “Indifference . . . is not only a sin, it is a punishment.” When we are silent in the face of hatred, we not only fail God, we condemn ourselves.

May it be the will of the Creator that we allow our eyes to see the suffering of others, use our voices to cry out against injustice, and commit our strength to create a more tolerant and compassionate world.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Bogh 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 Cox.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*Because of illness: Assembly Member Kelley.*

*Because of death in his family: Assembly Member Cedillo.*

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

*Assembly Joint*

*Resolution No. 2 ----- Committee E.C. & A.*

*Senate*

*Bill No. 33 ----- Committee E.C. & A.*

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 44**, on request of Assembly Member Cohn.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 6**—An act to add Division 1.5 (commencing with Section 3300) to the Public Utilities Code, relating to electrical power, and making an appropriation therefor.

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.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Kehoe was granted unanimous consent that the Governor's veto of Assembly Bill No. 29 be stricken from file.

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 8 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 8 was continued until the next legislative day.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 16 (Lowenthal)**—An act relating to energy.

Bill read third time, and passed by the following vote:

**AYES—75**

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	Florez	Matthews	Strom-Martin
Calderon	Frommer	Migden	Thomson
Campbell, Bill	Goldberg	Mountjoy	Vargas
Campbell, John	Harman	Nakano	Washington
Canciamilla	Havice	Nation	Wayne
Cardenas	Hollingsworth	Negrete McLeod	Wesson
Cardoza	Horton	Oropeza	Wiggins
Chan	Jackson	Pacheco, Robert	Wright
Chavez	Keeley	Pacheco, Rod	Wyland
Cogdill	Kehoe	Papan	Wyman
Cohn	Koretz	Pavley	Zettel
Corbett	La Suer	Pescetti	Mr. Speaker
Correa	Leach	Reyes	

**NOES—None**

Bill ordered transmitted to the Senate.

**RECESS**

By unanimous consent, at 10:10 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 11:52 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 JOINT RESOLUTION NO. 1 (Cardoza)**—Relative to natural gas.  
Resolution read.

**Demand for Previous Question**

Assembly Members Lowenthal, Calderon, Richman, Vargas, and Dickerson demanded the previous question. Demand sustained.

The question being on the adoption of the resolution.

Resolution adopted by the following vote:

**AYES—48**

Alquist	Dutra	Longville	Shelley
Aroner	Firebaugh	Lowenthal	Simitian
Calderon	Florez	Matthews	Steinberg
Canciamilla	Frommer	Migden	Strom-Martin
Cardenas	Goldberg	Nakano	Thomson
Cardoza	Havice	Nation	Vargas
Chan	Horton	Negrete McLeod	Washington
Chavez	Jackson	Oropeza	Wayne
Cohn	Keeley	Papan	Wesson
Corbett	Kehoe	Pavley	Wiggins
Correa	Koretz	Reyes	Wright
Diaz	Liu	Salinas	Mr. Speaker

**NOES—7**

Aanestad	Campbell, Bill	Hollingsworth	Wyman
Ashburn	Campbell, John	Leonard	

Resolution ordered transmitted to the Senate.

**RECESS**

By unanimous consent, at 12:52 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**REPORTS OF STANDING COMMITTEES**

**Committee on Natural Resources**

April 4, 2001

Mr. Speaker: Your Committee on Natural Resources reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 55

WAYNE, Chairman

Above bill ordered filed with the Chief Clerk.

**Committee on Appropriations**

Date of Hearing: April 18, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 2

Assembly Bill No. 57

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bills ordered to second reading.

**MESSAGES FROM THE SENATE**

Senate Chamber, April 19, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 1

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following resolution was read:

**SENATE JOINT RESOLUTION NO. 1**—Relative to daylight saving time.**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Monday, April 23, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON APRIL 19, 2001**

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The following measure was amended in the Assembly on this day:

**AB RN**

**6 011731**

**Daily Total: 1**

**Cumulative Total: 132**



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, April 23, 2001**  
**FIFTY-SIXTH SESSION DAY**  
**ONE HUNDRED ELEVENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Monday, April 23, 2001

The Assembly met at 1:20 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—75:

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	Harman	Migden	Thomson
Campbell, Bill	Havice	Mountjoy	Vargas
Campbell, John	Hollingsworth	Nakano	Washington
Canciamilla	Horton	Nation	Wayne
Cardoza	Jackson	Negrete McLeod	Wesson
Chan	Keeley	Pacheco, Robert	Wiggins
Chavez	Kehoe	Pacheco, Rod	Wright
Cogdill	Kelley	Papan	Wyland
Cohn	Koretz	Pavley	Wyman
Corbett	La Suer	Pescetti	Zettel
Correa	Leach	Reyes	Mr. Speaker
Cox	Leonard	Richman	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

One of the greatest orators of the 20th century, the Reverend Martin Luther King, Jr. ironically said that “Occasionally in life there are moments . . . which can not be completely explained by words. Their meaning can only be articulated by the inaudible language of the heart.”

We depend on language, on words, it is our craft, and it is our greatest tool. It is with words that bridges are built and policy is created. Through language we can begin to understand other people’s perceptions of the world.

But some of life’s most important moments are best experienced when we learn to communicate with our hearts rather than our minds; when we look into our children’s eyes; when our hand slips into the hand of a loved one; when we are given a hug from a friend, or a smile from a stranger.

In these moments where there are no erudite dialogues, no witty repartee, when we speak what Dr. King called the “inaudible language of the heart” we can begin to know each other with greater understanding, and we can begin to experience the presence of God in our daily life.

May the Holy One of Blessing reveal to us the greatness of life in the many small acts of kindness that are offered to us each day.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Cogdill 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.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*To attend a funeral: Assembly Members Cardenas, Goldberg, and Oropeza.*

*Because of a death in his family: Assembly Member Cedillo.*

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

April 23, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Appropriations Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Fran Pavley to the Assembly Appropriations Committee, replacing Assemblymember Kevin Shelley.

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

April 23, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Business and Professions Committee

Dear Dotson: This is to advise you that I have removed Assemblymember Kevin Shelley from the Assembly Business and Professions Committee, creating a vacancy on the committee.

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, April 23, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 28

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

<i>Assembly</i>	<i>Committee</i>
<i>Bill No.</i>	
77 -----	E.C. & A.
104 -----	E.C. & A.
117 -----	E.C. & A.
128 -----	Rev. & Tax

**CONSIDERATION OF DAILY FILE  
THIRD READING OF SENATE BILLS**

**SENATE BILL NO. 28 (Sher)**—An act to add Section 42301.15 to, to add Chapter 7 (commencing with Section 39910) to Part 2 of Division 26 of, and to add and repeal Section 42314.3 of, the Health and Safety Code, and to amend Sections 25514, 25521, 25523, 25531, and 25552 of, and to add and repeal Sections 25519.5 and 25550.5 of, the Public Resources Code, and to add Article 3.5 (commencing with Section 353.1) to Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code, and to amend Section 1032 of, and add Section 1279.6 to, the Unemployment Insurance Code, relating to energy resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend by Assembly Member Wright**

Assembly Member Wright moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted.

**Further Consideration of Senate Bill No. 28, As Amended,  
By Unanimous Consent**

Upon request of Assembly Member Shelley, Assembly Member Keeley was granted unanimous consent to take up Senate Bill No. 28, as amended, without reference to file, for purpose of consideration.

**SENATE BILL NO. 28 (Sher)**—An act to add Section 42301.15 to, to add Chapter 7 (commencing with Section 39910) to Part 2 of Division 26 of, and to add and repeal Section 42314.3 of, the Health and Safety Code, and to amend Sections 25514, 25521, 25523, 25531, and 25552 of, and to add and repeal Sections 25519.5 and 25550.5 of, the Public Resources Code, and to add Article 3.5 (commencing with Section 353.1) to Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code, and to amend and repeal Sections 1032 and 1253 of, and to add and repeal Sections 1253.9 and 1279.6 of, the Unemployment Insurance Code, relating to the energy emergency, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Keeley.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—69**

Alquist	Datcher	Liu	Shelley
Aroner	Diaz	Longville	Simitian
Ashburn	Dickerson	Lowenthal	Steinberg
Bates	Dutra	Maddox	Strickland
Bogh	Firebaugh	Maldonado	Strom-Martin
Briggs	Frommer	Matthews	Thomson
Calderon	Harman	Migden	Vargas
Campbell, Bill	Havice	Mountjoy	Washington
Campbell, John	Hollingsworth	Nakano	Wayne
Canciamilla	Horton	Nation	Wesson
Cardoza	Jackson	Negrete McLeod	Wiggins
Chan	Keeley	Pacheco, Rod	Wright
Chavez	Kehoe	Papan	Wyland
Cogdill	Kelley	Pavley	Zettel
Cohn	Koretz	Pescetti	Mr. Speaker
Corbett	La Suer	Reyes	
Correa	Leonard	Richman	
Cox	Leslie	Salinas	

**NOES—5**

Aanestad	Pacheco, Robert	Wyman
Leach	Runner	

The question being on the passage of the bill:

Bill passed by the following vote:

**AYES—69**

Alquist	Daucher	Liu	Shelley
Aroner	Diaz	Longville	Simitian
Ashburn	Dickerson	Lowenthal	Steinberg
Bates	Dutra	Maddox	Strickland
Bogh	Firebaugh	Maldonado	Strom-Martin
Briggs	Frommer	Matthews	Thomson
Calderon	Harman	Migden	Vargas
Campbell, Bill	Havice	Mountjoy	Washington
Campbell, John	Hollingsworth	Nakano	Wayne
Canciamilla	Horton	Nation	Wesson
Cardoza	Jackson	Negrete McLeod	Wiggins
Chan	Keeley	Pacheco, Rod	Wright
Chavez	Kehoe	Papan	Wyland
Cogdill	Kelley	Pavley	Zettel
Cohn	Koretz	Pescetti	Mr. Speaker
Corbett	La Suer	Reyes	
Correa	Leonard	Richman	
Cox	Leslie	Salinas	

**NOES—5**

Aanestad	Pacheco, Robert	Wyman
Leach	Runner	

Bill ordered transmitted to the Senate:

(NOTE: On May 10, 2001, the action was rescinded whereby the urgency clause was adopted and Senate Bill No. 28 was passed, and whereby the bill was transmitted to the Senate. See page 470.)

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 2**—An act to add Section 3108.5 to the Public Resources Code, and to add Sections 785.8 and 785.9 to the Public Utilities Code, relating to 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.

**ASSEMBLY BILL NO. 57**—An act to add Section 2773.3 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 returned to the second reading file.

**SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

**Senate Bill No. 6**, ordered to third reading.

**UNFINISHED BUSINESS**

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 8 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 8 was continued until Thursday, April 26, 2001.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following item:

**Senate Bill No. 28 and Urgency:** Briggs and Mountjoy—Aye; Leach—No.



**RECESS**

By unanimous consent, at 1:33 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, April 26, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON APRIL 23, 2001**

The following measures were amended in the Assembly on this day:

**AB RN**

2 0111730

57 0111901

**SB RN**

28 0112080

**Daily Total: 3**

**Cumulative Total: 135**

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, April 24, 2001**  
**FIFTY-SEVENTH SESSION DAY**  
**ONE HUNDRED TWELFTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, April 24, 2001

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—79:

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Runner
Aroner	Diaz	Liu	Salinas
Ashburn	Dickerson	Longville	Shelley
Bates	Dutra	Lowenthal	Simitian
Bogh	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	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
Cogdill	Kelley	Papan	Wyman
Cohn	Koretz	Pavley	Zettel
Corbett	La Suer	Pescetti	Mr. Speaker
Correa	Leach	Reyes	

Quorum present.

**At 2:04 p.m., Hon. Jay La Suer, 77th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, April 24, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 2

Assembly Bill No. 57

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

**CONSIDERATION OF DAILY FILE  
ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

**Assembly Bills Nos. 2 and 57**, ordered to third reading.

**AUTHOR'S AMENDMENTS  
Committee on Energy Costs and Availability**

April 24, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 67

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 67**—An act to add Section 12087.5 to the Government Code, relating to energy resources, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, April 25, 2001, or upon Call of the Speaker

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON APRIL 24, 2001**

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The following measure was amended in the Assembly on this day:

**AB RN**

67 0112335

**Daily Total: 1**

**Cumulative Total: 136**

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, April 25, 2001**  
**FIFTY-EIGHTH SESSION DAY**  
**ONE HUNDRED THIRTEENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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  
Wednesday, April 25, 2001

The Assembly met at 7 a.m.

Hon. Anthony Pescetti, Assembly Member, 10th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—78:

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Runner
Aroner	Diaz	Liu	Salinas
Ashburn	Dickerson	Longville	Shelley
Bates	Dutra	Lowenthal	Simitian
Bogh	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	Harman	Mountjoy	Vargas
Canciamilla	Havice	Nakano	Wayne
Cardenas	Hollingsworth	Nation	Wesson
Cardoza	Horton	Negrete McLeod	Wiggins
Cedillo	Jackson	Oropeza	Wright
Chan	Keeley	Pacheco, Robert	Wyland
Chavez	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Zettel
Cohn	Koretz	Pavley	Mr. Speaker
Corbett	La Suer	Pescetti	
Correa	Leach	Reyes	

Quorum present.

**At 2:58 p.m., Hon. Ed Chavez, 57th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*On legislative business: Assembly Member Washington.*

(NOTE: For explanation of absence of Assembly Member Washington on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)



**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

April 25, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Committee on Energy Costs and Availability  
 for the First Extraordinary Session for 2001–02

Dear Dotson: This is to advise you that I have removed Assemblymember Carole Migden from the Assembly Committee on Energy Costs and Availability for the First Extraordinary Session of 2001–02, reducing the committee membership by one.

Sincerely,

ROBERT M. HERTZBERG  
 Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, April 25, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Bill No. 67

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Energy Costs and Availability**

Date of Hearing: March 28, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
 Assembly Bill No. 48

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

**Committee on Appropriations**

Date of Hearing: April 25, 2001

Mr. Speaker: Your Committee on Appropriations reports:  
 Assembly Bill No. 28

With the recommendation: Do pass.

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.

Date of Hearing: April 25, 2001

Mr. Speaker: Your Committee on Appropriations reports:  
 Assembly Bill No. 63

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, April 26, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, April 26, 2001**  
**FIFTY-NINTH SESSION DAY**  
**ONE HUNDRED FOURTEENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, April 26, 2001

The Assembly met at 12:23 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—79:

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Runner
Aroner	Diaz	Liu	Salinas
Ashburn	Dickerson	Longville	Shelley
Bates	Dutra	Lowenthal	Simitian
Bogh	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	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
Cogdill	Kelley	Papan	Wyman
Cohn	Koretz	Pavley	Zettel
Corbett	La Suer	Pescetti	Mr. Speaker
Correa	Leach	Reyes	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

*Lord Our God,* You abide in unapproachable light and are the source of wisdom and learning. It is You, Lord, Who said: “Let light shine out of the darkness.” Let Your everlasting light and the knowledge of Your truth shine in our hearts. Grant us the spirit of wisdom, the spirit of judgement; illumine our spiritual eyes, that we may perceive and do Your will, now and forever.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Alquist 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.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

*Assembly*

<i>Bill No.</i>	<i>Committee</i>
78	E.C. & A.
79	Rev. & Tax. and E.C. & A.
80	E.C. & A.
84	Rev. & Tax.
85	E.C. & A.
86	Rev. & Tax. and E.C. & A.
88	Nat. Res. and E.C. & A.
89	E.C. & A.
92	Nat. Res. and E.C. & A.
96	Rev. & Tax.
97	Nat. Res. and E.C. & A.
98	E.C. & A.
99	E.C. & A.
100	Nat. Res. and E.C. & A.
101	Nat. Res. and E.C. & A.
102	Rev. & Tax.
105	E.C. & A.
106	Nat. Res. and E.C. & A.
107	E.C. & A.
108	E.C. & A.
109	E.C. & A.
111	E.C. & A.
113	E.C. & A.
114	E.C. & A.
115	Rev. & Tax. and E.C. & A.
116	E.C. & A.
118	Nat. Res. and E.C. & A.
119	Nat. Res. and E.C. & A.
121	E.C. & A. and Pub. S.
123	E.C. & A.

- 124 ----- Rev. & Tax.
- 125 ----- Nat. Res. and E.C. & A.
- 126 ----- E.C. & A.
- 127 ----- E.C. & A.
- 129 ----- Jud. and E.C. & A.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 48**—An act to amend Sections 331, 366, and 381 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

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.

**ASSEMBLY BILL NO. 28**—An act to add and repeal Section 41514.11 of the Health and Safety Code, relating to energy.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 63**—An act to amend Section 377 of the Public Utilities Code, relating to electric power.

Bill read second time, and ordered to third reading.

**UNFINISHED BUSINESS  
MOTION TO RECONSIDER ASSEMBLY BILL NO. 8 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 8 was continued until the next legislative day.

**ASSEMBLY BILL NO. 57 (Dutra)**—An act to add Section 2773.3 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—78**

Aanestad	Cox	Leonard	Runner
Alquist	Daucher	Leslie	Salinas
Aroner	Diaz	Liu	Shelley
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	Mountjoy	Washington
Canciamilla	Havice	Nakano	Wayne
Cardenas	Hollingsworth	Nation	Wesson
Cardoza	Horton	Negrete McLeod	Wiggins
Cedillo	Jackson	Oropeza	Wright
Chan	Keeley	Pacheco, Robert	Wyland
Chavez	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Zettel
Cohn	Koretz	Pavley	Mr. Speaker
Corbett	La Suer	Reyes	
Correa	Leach	Richman	

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—78**

Aanestad	Cox	Leonard	Runner
Alquist	Daucher	Leslie	Salinas
Aroner	Diaz	Liu	Shelley
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	Mountjoy	Washington
Canciamilla	Havice	Nakano	Wayne
Cardenas	Hollingsworth	Nation	Wesson
Cardoza	Horton	Negrete McLeod	Wiggins
Cedillo	Jackson	Oropeza	Wright
Chan	Keeley	Pacheco, Robert	Wyland
Chavez	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Zettel
Cohn	Koretz	Pavley	Mr. Speaker
Corbett	La Suer	Reyes	
Correa	Leach	Richman	

**NOES—None**

Bill ordered transmitted to the Senate.

**THIRD READING OF SENATE BILLS**

**SENATE BILL NO. 6 (Burton)**—An act to add Division 1.5 (commencing with Section 3300) to the Public Utilities Code, relating to electrical power, and making an appropriation therefor.

**Assembly Rule 69(b) Suspended**

Upon request of Assembly Member Shelley, Assembly Member Hertzberg was granted unanimous consent that Assembly Rule 69(b) be suspended to permit consideration of proposed amendments to Senate Bill No. 6.

Bill read third time.

**Motion to Amend**

Assembly Member Hertzberg moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted.

(NOTE: Assembly Rule 69(a) was invoked for the purpose of adding a coauthor amendment to Senate Bill No. 6.)

**Assembly Rule 69(d) Suspended**

Upon request of Assembly Member Shelley, Assembly Member Hertzberg was granted unanimous consent that Assembly Rule 69(d) be suspended to permit consideration of Senate Bill No. 6, as amended, without reference to file.

**SENATE BILL NO. 6 (Burton)**—An act to add Division 1.5 (commencing with Section 3300) to the Public Utilities Code, relating to electrical power, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Hertzberg.

Bill passed by the following vote:

**AYES—48**

Alquist	Diaz	Longville	Shelley
Aroner	Dutra	Lowenthal	Simitian
Calderon	Firebaugh	Matthews	Steinberg
Canciamilla	Florez	Migden	Strom-Martin
Cardenas	Frommer	Nakano	Thomson
Cardoza	Goldberg	Nation	Vargas
Cedillo	Havice	Negrete McLeod	Washington
Chan	Horton	Oropeza	Wayne
Chavez	Jackson	Papan	Wesson
Cohn	Keeley	Pavley	Wiggins
Corbett	Kehoe	Reyes	Wright
Correa	Koretz	Salinas	Mr. Speaker

**NOES—28**

Aanestad	Cogdill	La Suer	Pacheco, Rod
Ashburn	Cox	Leach	Richman
Bates	Daucher	Leonard	Runner
Bogh	Dickerson	Leslie	Strickland
Briggs	Harman	Maldonado	Wyland
Campbell, Bill	Hollingsworth	Mountjoy	Wyman
Campbell, John	Kelley	Pacheco, Robert	Zettel

Bill ordered transmitted to the Senate.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following item:

**Senate Bill No. 6:** Firebaugh—Aye.

**RECESS**

By unanimous consent, at 12:46 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Date of Hearing: April 25, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 13

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Monday, April 30, 2001, or upon Call of the Speaker.

---

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON APRIL 26, 2001**

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The following measures were amended in the Assembly on this day:

**AB RN**

48 0112224

**SB RN**

6 0112563 (Assembly Rule 69(a) invoked)

**Daily Total: 2**

**Cumulative Total: 138**



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, April 30, 2001**

**SIXTIETH SESSION DAY**

**ONE HUNDRED EIGHTEENTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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  
Monday, April 30, 2001

The Assembly met at 1:43 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 —78:

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Runner
Aroner	Diaz	Liu	Salinas
Ashburn	Dickerson	Longville	Shelley
Bates	Dutra	Lowenthal	Simitian
Bogh	Firebaugh	Maddox	Strickland
Briggs	Florez	Maldonado	Strom-Martin
Calderon	Frommer	Matthews	Thomson
Campbell, Bill	Goldberg	Migden	Vargas
Campbell, John	Harman	Mountjoy	Washington
Canciamilla	Havice	Nakano	Wayne
Cardenas	Hollingsworth	Nation	Wesson
Cardoza	Horton	Negrete McLeod	Wiggins
Cedillo	Jackson	Oropeza	Wright
Chan	Keeley	Pacheco, Robert	Wyland
Chavez	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Zettel
Cohn	Koretz	Pavley	Mr. Speaker
Corbett	La Suer	Pescetti	
Correa	Leach	Reyes	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

*O Great God,* It is fitting at all times to raise a song of praise in measured melody to You, O Giver of Life. Behold, the universe sings Your glory. Having arrived at the dawn of a new day, we give You thanks, we praise You, we glorify You and we ask that Your mighty hand guide us this day and always.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Pavley 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.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*On legislative business, per diem waived for the 2001–2002 Session (See Assembly Journal, page 162): Assembly Member Steinberg.*

(NOTE: For explanation of absence of Assembly Member Steinberg on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

April 30, 2001

*The Honorable E. Dotson Wilson  
Chief Clerk, California State Assembly  
State Capitol  
Sacramento, California*

Dear Mr. Wilson: My March 26, 2001 letter to you failed to state that I have appointed Assemblymember Tony Strickland as the Second Ranking Minority Leader. Mr. Strickland will serve in both this capacity and as the Assembly Republican Caucus Chair.

Please take the necessary steps for Mr. Strickland's compensation to reflect this new assignment effective May 1, 2001.

Thank you in advance for your assistance. If I can be of assistance to you, please do not hesitate to call. I can be reached at the office at (916) 319-2005.

Sincerely,

DAVE COX  
Assembly Republican Leader

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, April 30, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 48

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

*Assembly*

*Bill No.*

*Committee*

73 ----- E.C. & A.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

April 30, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 23

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 23**—An act to amend Sections 1032 and 1253 of, and to add Section 1253.9 to, the Unemployment Insurance Code, relating to unemployment insurance.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

April 30, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 73

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 73**—An act relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

April 30, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 78

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 78**—An act to amend Sections 785, 785.1, and 785.5, of the Public Utilities Code, relating to energy.

Bill read second time; author’s amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committee was permitted to meet:

Subcommittee on Natural Gas Costs and Availability, on April 30, 2001, upon adjournment of floor session.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 13**—An act to amend Sections 382 and 2790 of, and to add Sections 382.1 and 2790.1 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 returned to the second reading file.

**UNFINISHED BUSINESS**

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 8 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 8 was continued until the next legislative day.

**THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 2 (Bill Campbell)**—An act to add Section 3108.5 to the Public Resources Code, and to add Section 785.8 to, and to add and repeal Section 785.9 of, the Public Utilities Code, relating to energy.

Bill read third time, and passed by the following vote:

**AYES—76**

Aanestad	Correa	Leach	Pescetti
Alquist	Cox	Leonard	Reyes
Aroner	Daucher	Leslie	Richman
Ashburn	Diaz	Liu	Runner
Bates	Dickerson	Longville	Salinas
Bogh	Dutra	Lowenthal	Shelley
Briggs	Firebaugh	Maddox	Strickland
Calderon	Florez	Maldonado	Strom-Martin
Campbell, Bill	Frommer	Matthews	Thomson
Campbell, John	Goldberg	Migden	Vargas
Canciamilla	Harman	Mountjoy	Washington
Cardenas	Havice	Nakano	Wayne
Cardoza	Hollingsworth	Nation	Wesson
Cedillo	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Oropeza	Wright
Chavez	Kehoe	Pacheco, Robert	Wyland
Cogdill	Kelley	Pacheco, Rod	Wyman
Cohn	Koretz	Papan	Zettel
Corbett	La Suer	Pavley	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 63 (Florez)**—An act to amend Section 377 of the Public Utilities Code, relating to electric power.

Bill read third time, and passed by the following vote:

**AYES—76**

Aanestad	Correa	Leach	Reyes
Alquist	Cox	Leonard	Richman
Aroner	Daucher	Leslie	Runner
Ashburn	Diaz	Longville	Salinas
Bates	Dickerson	Lowenthal	Shelley
Bogh	Dutra	Maddox	Simitian
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	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 ANNOUNCEMENT**

Assembly Member Canciamilla announced that the Subcommittee on Natural Gas Costs and Availability would meet today, upon adjournment of Floor session.

**COMMUNICATIONS**

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

**Report of Subcommittee on Natural Gas  
Costs and Availability**

April 30, 2001

*Mr. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: This transmittal serves as a record of the vote of the Energy Costs and Availability Subcommittee on Natural Gas Costs and Availability, First Extraordinary Session, in regards to the attached Final Report of the Subcommittee.

Motion to Approve the Report of the Assembly Subcommittee on Natural Gas Costs and Availability:

AYES

JOE CANCIAMILLA, Chair

MANNY DIAZ

RICHARD DICKERSON

DEAN FLOREZ

HERB WESSON

CHARLENE ZETTEL

NOES—None

Sincerely,

JOE CANCIAMILLA, Chair

Subcommittee on Natural Gas Costs and Availability



**FINAL REPORT  
OF  
THE ASSEMBLY SUBCOMMITTEE ON NATURAL  
GAS COSTS AND AVAILABILITY**

**Assembly Member Joe Canciamilla, Chair**

**April 30, 2001**

**SUBCOMMITTEE ON NATURAL GAS COSTS AND AVAILABILITY**

*The Honorable Joe Canciamilla, Chair*

*Executive Summary*

Natural Gas Challenges and Opportunities

Natural gas provides more than half (56 percent) of the state's energy used for non-transportation applications. The single largest use of natural gas in California is for generating electricity. The reduced availability of low-cost hydropower from the Pacific Northwest and imported power from the desert southwest, resulted in increased demand for natural gas-fired electric generators. The increased demand for natural gas to fuel power generators, combined with increases due to cold and wet winter weather in California, placed record demands on both the intrastate and interstate pipeline systems. Additionally, natural gas prices doubled and, during the winter, quadrupled.

- All new power plants approved or under construction in California will rely on natural gas. Over the next 10 years, demand for natural gas to fuel electric generation is projected to grow by 20 percent. California-produced natural gas meets only 16 percent of California's demand. The remainder of the natural gas used in California comes from the Southwest (46 percent), Canada (28 percent) and the Rocky Mountains (10 percent). We want to make sure our natural gas production and the pipeline and storage infrastructure is able to accommodate projected demand growth and provide a cost-effective margin of reserve capacity. Additionally, it is necessary to ensure that the market for natural gas is truly competitive to maintain lower prices and a reliable supply of gas.

*Summary of Recommendations*

Natural Gas Storage Optimization

- Increase supply reliability this summer by directing the California Public Utilities Commission (CPUC) to encourage large natural gas customers (industrial companies and electric generators) to inject natural gas into storage to maintain reliable service when demand is high and pipeline capacity is full. The CPUC's review of storage issues should include review of the rules affecting the utilities' storage programs to ensure the appropriate incentives are in place to facilitate optimization of storage assets.
- Increase supply reliability by directing the CPUC to promptly act on Southern California Gas (SoCalGas) Company's proposal to draw down the gas stored in the Montebello storage field.

- Expedite the development of new facilities by amending the Public Utilities Code to exempt competitive natural gas pipeline companies and natural gas storage facilities from duplicative reviews by the CPUC related to their exercise of condemnation rights.

#### Intrastate and Interstate Pipeline Capacity

- Expedite the construction of new facilities by amending Section 1005.5 of the Public Utilities Code to increase from \$50 to \$100 million the financial threshold requiring public utilities to obtain a CPUC Certificate of Public Convenience and Necessity (CPCN). Public utilities would be allowed discretion to apply for a CPCN for any project below the \$100 million threshold if they want regulatory approval before undertaking a project.
- Accelerate review of CPCN applications by requiring the CPUC to issue or deny a CPCN within 12 months of receipt of a completed application, or immediately upon completion of all other permitting processes, whichever comes first. Failure to act within the statutory period would result in the automatic issuance of the CPCN.
- Avoid unnecessary project delays by establishing specific deadlines for environmental and other permitting agencies to review and permit all natural gas pipeline, compression, and storage projects. This would be similar to the Chapter 329, Statutes of 2000 (Ducheny), requirement pertaining to electric generation projects.
- Encourage competition and capacity additions by requiring the CPUC to eliminate utility tariff provisions that are detrimental to competition.
- Encourage cost-effective system expansion that does not rely solely on the utilities' proposals. The CPUC would be directed to convene a workshop (or other appropriate regulatory vehicles) to hear from customers and potential project proponents to determine the full range of expansion and efficiency improvements required to support the state's growing natural gas demand. Issues to be addressed could include, but not be limited to, rolled-in versus incremental pricing for new facilities, the utilities' obligation to service both core and non-core loads, appropriate interconnection requirements, the desired level of capacity reserves to accommodate planning contingencies and expected load growth, and utility obligations. The CPUC would be directed to report the results of its analysis to the Legislature no later than six months from the date of the resolution.

#### California Natural Gas Production

- Facilitate California natural gas production by requiring equitable rules governing utility system interconnections with California natural gas producers.
- Allow California natural gas producers to sell, and deliver through privately owned pipelines, low-Btu natural gas that does not meet the minimum standards required for purchase by

public utilities. Sales would be limited to no more than five end-users. These sales would not trigger the Public Utilities Code provisions that would designate these sellers as “public utilities.”

#### Conservation and Energy Efficiency

- Continue to encourage customers to conserve natural gas and use it efficiently. Existing utility programs, funded through utility rates, are provided to help customers achieve these goals. Additionally, the Legislature is evaluating potential programs to target reductions in natural gas used for space and water heating.

#### **VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Assembly Bill No. 2:** Briggs, Firebaugh, Leslie, and Nation—Aye.

**Assembly Bill No. 63:** Dutra and Nation—Aye.

#### **RECESS**

By unanimous consent, at 1:48 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

#### **ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, May 3, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON APRIL 30, 2001**

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The following measures were amended in the Assembly on this day:

**AB RN**

13 0112433

23 0112701

73 0112360

78 0112377

**Daily Total: 4**

**Cumulative Total: 142**

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, May 1, 2001**  
**SIXTY-FIRST SESSION DAY**  
**ONE HUNDRED NINETEENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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 1, 2001

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—73:

Aanestad	Cox	Leslie	Richman
Aroner	Daucher	Liu	Runner
Ashburn	Diaz	Longville	Salinas
Bates	Dickerson	Lowenthal	Shelley
Bogh	Dutra	Maddox	Simitian
Briggs	Firebaugh	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	Harman	Mountjoy	Vargas
Canciamilla	Havice	Nakano	Wayne
Cardenas	Hollingsworth	Nation	Wesson
Cardoza	Horton	Negrete McLeod	Wiggins
Cedillo	Jackson	Oropeza	Wright
Chan	Kehoe	Pacheco, Robert	Wyland
Chavez	Kelley	Pacheco, Rod	Wyman
Cogdill	Koretz	Papan	Zettel
Cohn	La Suer	Pavley	
Corbett	Leach	Pescetti	
Correa	Leonard	Reyes	

Quorum present.

**At 2:19 p.m., Hon. Joe Canciamilla, 11th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Alquist, Hertzberg, Keeley, and Washington.*

*On legislative business, per diem waived for the 2001–2002 Session (See Assembly Journal, page 162): Assembly Member Steinberg.*

*The following Assembly Member was excused for the day, and his per diem was waived: Florez.*

(NOTE: For explanations of absences of Assembly Members Alquist, Hertzberg, Keeley, and Washington 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 Steinberg on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for April 30, 2001.)

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 130—Vargas.** An act to add and repeal Chapter 7 (commencing with Section 80272) of Division 27 of the Water Code, relating to electric power.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 1, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 13

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

**CONSIDERATION OF DAILY FILE  
ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

**Assembly Bill No. 13,** ordered to third reading.

**ADJOURNMENT**

At 4:35 p.m., the Assembly adjourned until 8:30 a.m., Thursday, May 3, 2001, or upon Call of the Speaker.

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CHRISTINE KEHOE, Assistant Speaker pro Tempore

S. RICHARD TIMMINS, Acting Minute Clerk





CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, May 2, 2001**  
**SIXTY-SECOND SESSION DAY**  
**ONE HUNDRED TWENTIETH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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  
Wednesday, May 2, 2001

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—74:

Aanestad	Cox	Leslie	Richman
Aroner	Daucher	Liu	Runner
Ashburn	Diaz	Longville	Salinas
Bates	Dickerson	Lowenthal	Shelley
Bogh	Dutra	Maddox	Simitian
Briggs	Florez	Maldonado	Steinberg
Calderon	Frommer	Matthews	Strickland
Campbell, Bill	Goldberg	Migden	Strom-Martin
Campbell, John	Harman	Mountjoy	Thomson
Canciamilla	Havice	Nakano	Vargas
Cardenas	Hollingsworth	Nation	Wayne
Cardoza	Horton	Negrete McLeod	Wesson
Cedillo	Jackson	Oropeza	Wiggins
Chan	Kehoe	Pacheco, Robert	Wright
Chavez	Kelley	Pacheco, Rod	Wyland
Cogdill	Koretz	Papan	Wyman
Cohn	La Suer	Pavley	Zettel
Corbett	Leach	Pescetti	
Correa	Leonard	Reyes	

Quorum present.

**At 2:09 p.m., Hon. Patricia Wiggins, 7th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Alquist, Firebaugh, Hertzberg, Keeley, and Washington.*

(NOTE: For explanation of absence of Assembly Member Firebaugh on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day; for explanations of absences of Assembly Members Alquist, Hertzberg, Keeley, and Washington on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for May 1, 2001.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 2, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 23

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, May 2, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 73  
Assembly Bill No. 78

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday,  
May 2, 2001.

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CHRISTINE KEHOE, Assistant Speaker pro Tempore

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, May 3, 2001**

**SIXTY-THIRD SESSION DAY**

**ONE HUNDRED TWENTY-FIRST CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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, May 3, 2001

The Assembly met at 11:02 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—77:

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Salinas
Aroner	Diaz	Liu	Shelley
Ashburn	Dickerson	Longville	Simitian
Bates	Dutra	Lowenthal	Steinberg
Bogh	Firebaugh	Maddox	Strom-Martin
Briggs	Florez	Maldonado	Thomson
Calderon	Frommer	Matthews	Vargas
Campbell, Bill	Goldberg	Migden	Washington
Campbell, John	Harman	Mountjoy	Wayne
Canciamilla	Havice	Nakano	Wesson
Cardenas	Hollingsworth	Nation	Wiggins
Cardoza	Horton	Negrete McLeod	Wright
Cedillo	Jackson	Oropeza	Wyland
Chan	Keeley	Pacheco, Robert	Wyman
Chavez	Kehoe	Pacheco, Rod	Zettel
Cogdill	Kelley	Papan	Mr. Speaker
Cohn	Koretz	Pavley	
Corbett	La Suer	Pescetti	
Correa	Leach	Reyes	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by the Most Reverend Richard J. Garcia, Auxiliary Bishop of Sacramento:

On this day of prayer, we pray:

*Gracious God*, source of life and sustainer of our cultural roots and heritage, sanctify us, your people, as we celebrate Cinco de Mayo with our sisters and brothers in California, in the United States of America, and in Mexico. Open our hearts to welcome all immigrants. In particular, strengthen our ties with the nation of Mexico. Que nosotros podamos crecer y edificar puertas nuevos entre nuestros paisas como vecinos y hermanos. Help us to dream of new possibilities and to realize our dreams in the hope you give us.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Negrete McLeod 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 Chan, seconded by Assembly Member Cox.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On legislative business, and waiving per diem: Assembly Member Runner.*

*On personal business, and waiving per diem: Assembly Member Strickland.*

(NOTE: For explanation of absence of Assembly Member Runner on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

<i>Senate Joint</i>	
<i>Resolution No.</i>	<i>Committee</i>
1 -----	E.C. & A.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

May 3, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 67

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 67**—An act to add Section 2120 to the Public Utilities Code, relating to electricity.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time.

**ASSEMBLY BILL NO. 131—Vargas.** An act to add and repeal Section 739.21 of the Public Utilities Code, relating to rate credits.

**CONSIDERATION OF DAILY FILE  
UNFINISHED BUSINESS**

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 8 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 8 was continued until the next legislative day.

**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. 28 (Daucher)**—An act to add and repeal Section 41514.11 of the Health and Safety Code, relating to energy.

Bill read third time, and passed by the following vote:

**AYES—77**

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Salinas
Aroner	Diaz	Liu	Shelley
Ashburn	Dickerson	Longville	Simitian
Bates	Dutra	Lowenthal	Steinberg
Bogh	Firebaugh	Maddox	Strom-Martin
Briggs	Florez	Maldonado	Thomson
Calderon	Frommer	Matthews	Vargas
Campbell, Bill	Goldberg	Migden	Washington
Campbell, John	Harman	Mountjoy	Wayne
Canciamilla	Havice	Nakano	Wesson
Cardenas	Hollingsworth	Nation	Wiggins
Cardoza	Horton	Negrete McLeod	Wright
Cedillo	Jackson	Oropeza	Wyland
Chan	Keeley	Pacheco, Robert	Wyman
Chavez	Kehoe	Pacheco, Rod	Zettel
Cogdill	Kelley	Papan	Mr. Speaker
Cohn	Koretz	Pavley	
Corbett	La Suer	Pescetti	
Correa	Leach	Reyes	

**NOES—None**

Bill ordered transmitted to the Senate.

**VOTE ADDS**

The following Assembly Member was granted unanimous consent to record his vote on the following item:

**Consent Calendar:** Firebaugh—Aye.

**RECESS**

By unanimous consent, at 11:03 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.



**MESSAGES FROM THE SENATE**

Senate Chamber, May 3, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted as amended:

Assembly Joint Resolution No. 1

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above resolution ordered to unfinished business file.

Senate Chamber, May 3, 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. 6

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Monday, May 7, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 3, 2001**

The following measures were amended in the Assembly on this day:

**AB RN**

67 0113063

**Daily Total: 1**

**Cumulative Total: 143**

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, May 7, 2001**

**SIXTY-FOURTH SESSION DAY**

**ONE HUNDRED TWENTY-FIFTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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  
Monday, May 7, 2001

The Assembly met at 4:44 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—79:

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Runner
Aroner	Diaz	Liu	Salinas
Ashburn	Dickerson	Longville	Shelley
Bates	Dutra	Lowenthal	Simitian
Bogh	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	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
Cogdill	Kelley	Papan	Wyman
Cohn	Koretz	Pavley	Zettel
Corbett	La Suer	Pescetti	Mr. Speaker
Correa	Leach	Reyes	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

*Lord, We are pilgrims on this earth, seeking the citizenship which is in heaven; gladden our hearts with Your presence. During our journey in this life, surround us with Your holy angels and keep us safe from seen and unseen dangers. Grant that we may carry out our plans and fulfill our expectations according to Your will. Help us to see the beauty of creation and to comprehend the wonder of Your truth in all things.—AMEN*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Oropeza 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 Chan, seconded by Assembly Member Strickland.

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

May 7, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Business and Professions Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Ellen Corbett to fill the vacancy on the Assembly Business and Professions Committee.

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

May 7, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Public Safety Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Manny Diaz to the Assembly Public Safety Committee, replacing Assemblymember Ellen Corbett.

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

May 7, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Natural Resources Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Dion Aroner to replace Assemblymember Carole Migden on the Assembly Natural Resources Committee for today's hearing only.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

May 7, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Business and Professions Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Dennis Cardoza to replace Assemblymember Barbara Matthews on the Assembly Business and Professions Committee for tomorrow's hearing only, Tuesday, May 8, 2001.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 132—Florez.** An act to add Section 2774.7 to the Public Utilities Code, relating to electric power.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bill was referred to committee:

<i>Senate</i>		<i>Committee</i>
<i>Bill No.</i>	-----	E.C. & A.
<b>39</b>		

**REPORTS OF STANDING COMMITTEES  
Committee on Revenue and Taxation**

Date of Hearing: May 7, 2001

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 128

With amendments with the recommendation: Amend, do pass, as amended, and to be re-referred to the Committee on Appropriations.

CORBETT, Chairwoman

Above bill ordered to second reading.

**ACTION RESCINDED ON SENATE BILL NO. 31**

Assembly Member Shelley was granted unanimous consent to rescind the action whereby the Assembly, on April 5, 2001 (Assembly Journal, page 356), adopted the urgency clause and passed Senate Bill No. 31.

**Consideration of Senate Bill No. 31 by Unanimous Consent**

Upon request of Assembly Member Shelley, Assembly Member Keeley was granted unanimous consent to take up Senate Bill No. 31 without reference to file, for purpose of amendment.

**SENATE BILL NO. 31 (Alpert)**—An act to add and repeal Article 2 (commencing with Section 81610) and Article 2.5 (commencing with Section 81620) to Chapter 3 of Part 49 of the Education Code, to add Article 6 (commencing with Section 14710) to Chapter 2 of Part 5.5 and Article 4 (commencing with Section 15350) to Chapter 1 of Part 6.7, of Division 3 of Title 2 of, the Government Code, to amend Sections 26003 and 26011.5 of, to add Section 26011.6 to, to add Chapter 5.3 (commencing with Section 25425) to Division 15 of, and to add and repeal Chapter 4 (commencing with Section 14420) of Division 12 of, the Public Resources Code, to amend Section 739 of, to amend, repeal, and add Section 2827 of, to add Sections 739.10, 2827.5, and 2827.7 to, and to add and repeal Section 739.11 of, the Public Utilities Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Assembly Member Keeley moved the adoption of amendments.  
Amendments read and adopted; bill ordered reprinted.

**Consideration of Senate Bill No. 31 by Unanimous Consent**

Upon request of Assembly Member Shelley, Assembly Member Keeley was granted unanimous consent to take up Senate Bill No. 31 without reference to file, for purpose of consideration.

**SENATE BILL NO. 31 (Burton)**—An act to amend Section 1731 of, and to add Section 1768 to, the Public Utilities Code, and to amend Sections 80106, 80130, 80132, and 80200 of, and to repeal Section 80114 of, the Water Code, and to amend and repeal Section 6 of Chapter 4 of the Statutes of 2001 of the First Extraordinary Session, 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 Keeley.

**Urgency Clause**

Urgency clause read.

**Demand for Previous Question**

Assembly Member Negrete McLeod demanded the previous question.

**Ruled Out of Order**

Assistant Speaker pro Tempore Kehoe ruled the demand for the previous question out of order as Assembly Member Negrete McLeod spoke in debate, prior to making the motion.

**Demand for Previous Question**

Assembly Members Aroner, Migden, Reyes, Vargas, and Dutra demanded the previous question.

**Roll Call Demanded**

Assembly Members Strickland, John Campbell, and Leonard, demanded a roll call.

The roll was called, and the demand for the previous question was sustained by the following vote:

**AYES—46**

Alquist	Dutra	Longville	Simitian
Aroner	Firebaugh	Lowenthal	Steinberg
Calderon	Florez	Matthews	Strom-Martin
Cardenas	Frommer	Migden	Thomson
Cardoza	Goldberg	Nakano	Vargas
Cedillo	Havice	Nation	Wayne
Chan	Horton	Negrete McLeod	Wesson
Chavez	Jackson	Oropeza	Wiggins
Cohn	Keeley	Pavley	Wright
Corbett	Kehoe	Reyes	Mr. Speaker
Correa	Koretz	Salinas	
Diaz	Liu	Shelley	

**NOES—31**

Aanestad	Cogdill	Leach	Pescetti
Ashburn	Cox	Leonard	Richman
Bates	Daucher	Leslie	Runner
Bogh	Dickerson	Maddox	Strickland
Briggs	Harman	Maldonado	Wyland
Campbell, Bill	Hollingsworth	Mountjoy	Wyman
Campbell, John	Kelley	Pacheco, Robert	Zettel
Canciamilla	La Suer	Pacheco, Rod	

The question being on the adoption of the urgency clause.



Urgency clause refused adoption by the following vote:

**AYES—49**

Alquist	Dutra	Lowenthal	Steinberg
Aroner	Firebaugh	Matthews	Strom-Martin
Calderon	Florez	Migden	Thomson
Canciamilla	Frommer	Nakano	Vargas
Cardenas	Goldberg	Nation	Washington
Cardoza	Havice	Negrete McLeod	Wayne
Cedillo	Horton	Oropeza	Wesson
Chan	Jackson	Pavley	Wiggins
Chavez	Keeley	Pescetti	Wright
Cohn	Kehoe	Reyes	Mr. Speaker
Corbett	Koretz	Salinas	
Correa	Liu	Shelley	
Diaz	Longville	Simitian	

**NOES—29**

Aanestad	Cox	Leonard	Runner
Ashburn	Daucher	Leslie	Strickland
Bates	Dickerson	Maddox	Wyland
Bogh	Harman	Maldonado	Wyman
Briggs	Hollingsworth	Mountjoy	Zettel
Campbell, Bill	Kelley	Pacheco, Robert	
Campbell, John	La Suer	Pacheco Rod	
Cogdill	Leach	Richman	

**Motion to Amend Pursuant to Joint Rule 23.5**

Assembly Member Keeley moved the adoption of amendments.  
Amendments read.

**Parliamentary Inquiry**

Assembly Member Wyman arose to the following parliamentary inquiry:

What is the vote requirement for passage of Senate Bill No. 31, if proposed amendments are adopted?

**Reply by Assistant Speaker pro Tempore Kehoe**

Assistant Speaker pro Tempore Kehoe replied that Legislative Counsel opines that the urgency clause contained in Senate Bill No. 31 is the only requirement for a  $\frac{2}{3}$  vote for passage, and that the bill is a 41 vote bill.

The question being on the adoption of the amendments.

**Roll Call Demanded**

Assembly Members Strickland, John Campbell, and Wyman, demanded a roll call.

The roll was called, and the Keeley amendments adopted by the following vote:

**AYES—46**

Alquist	Dutra	Longville	Simitian
Aroner	Firebaugh	Lowenthal	Steinberg
Calderon	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
Cohn	Keeley	Pavley	Wiggins
Corbett	Kehoe	Reyes	Mr. Speaker
Correa	Koretz	Salinas	
Diaz	Liu	Shelley	

**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	

Bill ordered reprinted.

**Point of Order**

Assembly Member Strickland arose to the following point of order: Senate Bill No. 31, as amended, is a  $\frac{2}{3}$  vote bill.

**Ruling by Assistant Speaker pro Tempore Kehoe**

Assistant Speaker pro Tempore Kehoe ruled that Senate Bill No. 31, as amended, requires 41 votes for passage.

**Motion to Appeal from the Decision of the Chair**

Assembly Member Strickland moved to appeal from the decision of the Chair that Senate Bill No. 31 requires a majority vote for passage.

**Point of Order**

Assembly Member Cardoza arose to the following point of order:

Assembly Member Strickland is speaking to the merits of the bill and not to the merits of his motion to appeal from the decision of the Chair.

**Ruling by Assistant Speaker pro Tempore Kehoe**

The Assistant Speaker pro Tempore ruled the point of order well-taken.

**Request for Unanimous Consent**

Assembly Member Zettel requested unanimous consent to ask a question of Assembly Member Strickland.

**Reply by Assistant Speaker pro Tempore Kehoe**

Assistant Speaker pro Tempore Kehoe replied that a motion to appeal from the decision of the Chair is not debatable.

**Request for Unanimous Consent**

Assembly Member Zettel requested unanimous consent to ask a question of Assembly Member Strickland.

**Request Ruled Out of Order**

Assistant Speaker pro Tempore Kehoe ruled the request by Assembly Member Zettel out of order, stating that a suspension of the Rules would be required for one Member to ask a question of another Member on a motion to appeal from the decision of the Chair.

**Point of Order**

Assembly Member Leonard arose to the following point of order: The parliamentary question before the Body is the request by Assembly Member Zettel that Assembly Member Strickland yield a portion of his remaining time for debate, and that a vote of the House is not required for Assembly Member Strickland to yield his time.

**Ruling by Assistant Speaker pro Tempore Kehoe**

Assistant Speaker pro Tempore Kehoe ruled that a suspension of Assembly Rule 108 would be required to permit Assembly Member Strickland to yield time for debate.

**Further Consideration of Strickland Motion to Appeal from the Decision of the Chair**

The question being: Shall the decision of the Chair that Senate Bill No. 31 requires a majority vote for passage be overruled?

The roll was opened and the decision of the Chair sustained by the following vote:

**AYES—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	

**NOES—46**

Alquist	Diaz	Liu	Shelley
Aroner	Dutra	Longville	Simitian
Calderon	Firebaugh	Lowenthal	Steinberg
Canciamilla	Florez	Matthews	Strom-Martin
Cardenas	Frommer	Migden	Thomson
Cardoza	Goldberg	Nakano	Vargas
Cedillo	Havice	Nation	Wayne
Chan	Horton	Negrete McLeod	Wesson
Chavez	Jackson	Oropeza	Wiggins
Cohn	Keeley	Pavley	Mr. Speaker
Corbett	Kehoe	Reyes	
Correa	Koretz	Salinas	

### PRIVILEGES OF THE FLOOR

Assembly Member Rod Pacheco was granted unanimous consent that his wife, Rebecca Pacheco, be permitted the privileges of the Floor during today's Floor session.

### REQUEST FOR CONSIDERATION OF SENATE BILL NO. 31 WITHOUT REFERENCE TO FILE

Assembly Member Keeley requested unanimous consent to take up Senate Bill No. 31, as amended, without reference to file, for purpose of consideration.

Unanimous consent was withheld.

### Motion to Temporarily Suspend Rules

Assembly Member Shelley moved to temporarily suspend the Rules to permit consideration of Senate Bill No. 31, as amended, without reference to file.

Assembly Member Washington seconded the motion.

Motion for temporary suspension of the Rules carried by the following vote:

### AYES—47

Alquist	Diaz	Liu	Shelley
Aroner	Dutra	Longville	Simitian
Calderon	Firebaugh	Lowenthal	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
Cohn	Keeley	Pavley	Wiggins
Corbett	Kehoe	Reyes	Mr. Speaker
Correa	Koretz	Salinas	

### 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	

### Consideration of SB No. 31, as Amended, Without Reference to File

Assembly Member Keeley took up Senate Bill No. 31, as amended, without reference to file, for purpose of consideration.

**SENATE BILL NO. 31 (Burton)**—An act to amend Section 1731 of, and to add Section 1768 to, the Public Utilities Code, and to amend Sections 80106, 80130, 80132, and 80200 of, and to repeal Section 80114 of, the Water Code, and to amend and repeal Section 6 of Chapter 4 of the Statutes of 2001 of the First Extraordinary Session, relating to energy, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Keeley.

### Demand for Previous Question

Assembly Members Aroner, Wayne, Cohn, Reyes, and Wiggins demanded the previous question.

**Roll Call Demanded**

Assembly Members Strickland, Cox, and Leonard, demanded a roll call.

The roll was called, and the demand for the previous question was sustained by the following vote:

**AYES—47**

Alquist	Dutra	Longville	Shelley
Aroner	Firebaugh	Lowenthal	Simitian
Calderon	Florez	Matthews	Steinberg
Cardenas	Frommer	Migden	Strom-Martin
Cardoza	Goldberg	Nakano	Thomson
Cedillo	Havice	Nation	Vargas
Chan	Horton	Negrete McLeod	Washington
Chavez	Jackson	Oropeza	Wayne
Cohn	Keeley	Papan	Wesson
Corbett	Kehoe	Pavley	Wiggins
Correa	Koretz	Reyes	Mr. Speaker
Diaz	Liu	Salinas	

**NOES—29**

Aanestad	Cogdill	Leonard	Richman
Ashburn	Daucher	Leslie	Runner
Bates	Dickerson	Maddox	Wyland
Bogh	Harman	Maldonado	Wyman
Briggs	Hollingsworth	Mountjoy	Zettel
Campbell, Bill	Kelley	Pacheco, Robert	
Campbell, John	La Suer	Pacheco, Rod	
Canciamilla	Leach	Pescetti	

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—49**

Alquist	Dutra	Lowenthal	Simitian
Aroner	Firebaugh	Matthews	Steinberg
Calderon	Florez	Migden	Strom-Martin
Canciamilla	Frommer	Nakano	Thomson
Cardenas	Goldberg	Nation	Vargas
Cardoza	Havice	Negrete McLeod	Washington
Cedillo	Horton	Oropeza	Wayne
Chan	Jackson	Papan	Wesson
Chavez	Keeley	Pavley	Wiggins
Cohn	Kehoe	Pescetti	Mr. Speaker
Corbett	Koretz	Reyes	
Correa	Liu	Salinas	
Diaz	Longville	Shelley	

**NOES—29**

Aanestad	Cox	Leonard	Runner
Ashburn	Daucher	Leslie	Strickland
Bates	Dickerson	Maddox	Wyland
Bogh	Harman	Maldonado	Wyman
Briggs	Hollingsworth	Mountjoy	Zettel
Campbell, Bill	Kelley	Pacheco, Robert	
Campbell, John	La Suer	Pacheco, Rod	
Cogdill	Leach	Richman	

Bill ordered transmitted to the Senate immediately.

**CONSIDERATION OF DAILY FILE  
UNFINISHED BUSINESS**

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY JOINT RESOLUTION NO. 1 (Cardoza)**—Relative to natural gas.

The question being: Shall the Assembly concur in the Senate amendments to the above resolution?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

**Request to Read a Paper on the Floor**

Assembly Member Hertzberg was granted unanimous consent to read a paper on the Floor of the Assembly.

The question being on concurrence in Senate amendments.

Amendments concurred in by the following vote:

**AYES—50**

Alquist	Dutra	Lowenthal	Simitian
Aroner	Firebaugh	Maldonado	Steinberg
Calderon	Florez	Matthews	Strom-Martin
Canciamilla	Frommer	Migden	Thomson
Cardenas	Goldberg	Nakano	Vargas
Cardoza	Havice	Nation	Washington
Cedillo	Horton	Negrete McLeod	Wayne
Chan	Jackson	Oropeza	Wesson
Chavez	Keeley	Papan	Wiggins
Cohn	Kehoe	Pavley	Wright
Corbett	Koretz	Reyes	Mr. Speaker
Correa	Liu	Salinas	
Diaz	Longville	Shelley	

**NOES—17**

Aanestad	Cogdill	Hollingsworth	Strickland
Ashburn	Cox	Kelley	Wyman
Bates	Daucher	La Suer	
Campbell, Bill	Dickerson	Leach	
Campbell, John	Harman	Runner	

Above resolution ordered enrolled.

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 8 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 8 was continued until Thursday, May 10, 2001.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 32**, on request of Assembly Member Nation.

**MOTION TO ADJOURN**

At 7:08 p.m., Assembly Member Shelley moved that the Assembly do now adjourn.

Assembly Member Cox seconded the motion.

Motion carried.

**ADJOURNMENT**

At 7:08 p.m., pursuant to the motion by Assembly Member Shelley, the Assembly adjourned until 8:30 a.m., Thursday, May 10, 2001, or upon Call of the Speaker.

---

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 7, 2001**

The following measures were amended in the Assembly on this day:

**SB RN**

31 0113368

31 0113366

**Daily Total: 2**

**Cumulative Total: 145**



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, May 8, 2001**

**SIXTY-FIFTH SESSION DAY**

**ONE HUNDRED TWENTY-SIXTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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 8, 2001

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—77:

Aanestad	Daucher	Leslie	Salinas
Alquist	Diaz	Liu	Shelley
Aroner	Dickerson	Longville	Simitian
Ashburn	Dutra	Lowenthal	Steinberg
Bates	Firebaugh	Maddox	Strickland
Bogh	Florez	Maldonado	Strom-Martin
Briggs	Frommer	Migden	Thomson
Calderon	Goldberg	Mountjoy	Vargas
Campbell, John	Harman	Nakano	Washington
Canciamilla	Havice	Nation	Wayne
Cardenas	Hollingsworth	Negrete McLeod	Wesson
Cardoza	Horton	Oropeza	Wiggins
Cedillo	Jackson	Pacheco, Robert	Wright
Chan	Keeley	Pacheco, Rod	Wyland
Chavez	Kehoe	Papan	Wyman
Cogdill	Kelley	Pavley	Zettel
Cohn	Koretz	Pescetti	Mr. Speaker
Corbett	La Suer	Reyes	
Correa	Leach	Richman	
Cox	Leonard	Runner	

Quorum present.

**At 11:45 a.m., Hon. Tom Harman, 67th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Bill Campbell and Matthews.*

(NOTE: For explanations of absences of Assembly Members Bill Campbell and Matthews on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 8, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 67

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

May 8, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:

Assembly Bill No. 47

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 47**—An act to amend Sections 1240.650 and 1245.250 of the Code of Civil Procedure, to amend Sections 56129 and 56133 of the Government Code, and to amend Sections 366 and 11652 of, and to add Section 851.1 to, the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

May 8, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:

Senate Bill No. 33

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**SENATE BILL NO. 33**—An act relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

May 8, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:

Senate Joint Resolution No. 1

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**SENATE JOINT RESOLUTION NO. 1**—Relative to daylight saving time.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**MESSAGES FROM THE SENATE**

Senate Chamber, May 7, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 1  
Senate Bill No. 17

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following bills were read the first time:

**SENATE BILL NO. 1**—An act 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.

**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.

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May 8, 2001

*Hon. E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*Assembly Chamber*

Dear Dotson: By direction of the Senate I am returning Senate Bill 28 to the Assembly for further action.

Sincerely,

GREGORY SCHMIDT  
Secretary of the Senate

Above bill held at the Desk.

**MESSAGES FROM THE GOVERNOR**

The following message from the Governor was received and ordered printed in the Journal:

**EXECUTIVE ORDER D-35-01**

by the

Governor of the State of California

WHEREAS, on January 17, 2001, I proclaimed a State of Emergency to exist due to the energy shortage in the State of California; and

WHEREAS, there is a high probability that the electricity supply shortage will continue throughout California affecting millions of Californians; and

WHEREAS, all reasonable conservation, allocation, and service restriction measures will not alleviate the energy supply emergency; and

WHEREAS, a portion of California's 16.5 million member workforce may suffer total or partial unemployment due to power outages resulting from a lack of electrical supply during critical summer peak consumption periods; and

WHEREAS, these unemployed workers and their families will face significant financial hardship resulting from loss of employment and will need immediate financial assistance to mitigate the effects of this emergency;

NOW, THEREFORE, I, Gray Davis, Governor of the State of California, by virtue of the power and authority vested in me by the

Constitution and statutes of the State of California, do hereby issue this order to become effective immediately:

IT IS ORDERED that the Employment Development Department shall waive the one-week waiting period for all unemployment insurance applicants who are unemployed due to power outages resulting from a lack of electrical supply after May 8, 2001, through December 31, 2001, and who are otherwise eligible for unemployment insurance benefits.

The activities herein are authorized to be carried out pursuant to the Emergency Services Act, Government Code section 8550 et seq., and Unemployment Insurance Code section 1253, as necessary to mitigate the effects of the emergency.

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of California  
to be affixed this 8th day  
of May 2001.

GRAY DAVIS  
Governor of California

ATTEST:

BILL JONES  
Secretary of State



**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 128**—An act to add Chapter 2.3 (commencing with Section 17065) to Part 10 of, and to add Chapter 2.7 (commencing with Section 23471) to Part 11 of, 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.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, May 10, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MAY 8, 2001

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>
47	0113030
128	0113400

<b>SB</b>	<b>RN</b>
33	0113442

<b>SJR</b>	<b>RN</b>
1	0113269

<b>Daily Total:</b>	<b>4</b>
<b>Cumulative Total:</b>	<b>149</b>

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, May 9, 2001**  
**SIXTY-SIXTH SESSION DAY**  
**ONE HUNDRED TWENTY-SEVENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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  
Wednesday, May 9, 2001

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—76:

Aanestad	Daucher	Leonard	Reyes
Alquist	Diaz	Leslie	Richman
Aroner	Dickerson	Liu	Runner
Ashburn	Dutra	Longville	Salinas
Bates	Firebaugh	Lowenthal	Shelley
Bogh	Florez	Maddox	Simitian
Briggs	Frommer	Maldonado	Steinberg
Calderon	Goldberg	Matthews	Strickland
Campbell, John	Harman	Migden	Strom-Martin
Canciamilla	Havice	Mountjoy	Thomson
Cardenas	Hollingsworth	Nakano	Vargas
Cardoza	Horton	Nation	Wayne
Cedillo	Jackson	Negrete McLeod	Wesson
Chan	Keeley	Oropeza	Wiggins
Chavez	Kehoe	Pacheco, Robert	Wright
Cogdill	Kelley	Pacheco, Rod	Wyland
Cohn	Koretz	Papan	Wyman
Correa	La Suer	Pavley	Zettel
Cox	Leach	Pescetti	Mr. Speaker

Quorum present.

**At 1:34 p.m., Speaker pro Tempore Keeley, 27th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Bill Campbell, Corbett, and Washington.*

(NOTE: For explanations of absences of Assembly Members Corbett and Washington 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 on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for May 8, 2001.)



**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

May 9, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Special Committee on Power Outage Preparedness

Dear Dotson: This is to advise you that I have created the Special Committee on Power Outage Preparedness for the 2001–02 Regular Session and the First Extraordinary Session of 2001–02. I have appointed the following members to this new committee:

Speaker Robert M. Hertzberg, Chair  
Assemblymember Mike Briggs  
Assemblymember Dean Florez  
Assemblymember Jackie Goldberg  
Assemblymember Fred Keeley  
Assemblymember Bill Leonard  
Assemblymember Anthony Pescetti  
Assemblymember Sarah Reyes  
Assemblymember Patricia Wiggins

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

May 9, 2001

*The Honorable E. Dotson Wilson*  
*Chief Clerk, California State Assembly*  
*State Capitol*  
*Sacramento, California*

Dear Mr. Wilson: Please take the necessary actions for the official and working records of the Assembly to reflect the following assignments of the Assembly Republican Leadership.

Dave Cox	Assembly Republican Leader
Tony Strickland	Assistant Republican Leader/Caucus Chair
Keith Richman	Assistant Republican Leader
Mike Briggs	Assistant Republican Leader for the Central Valley
Lynn Daucher	Assistant Caucus Chair Whip
Phil Wyman	Whip
Dennis Mountjoy	Whip

Thank you in advance for your attention to this matter. Please advise me should you need additional information. Please do not hesitate to call if I can be of assistance. I can be reached at the office at (916) 319-2005 or at home at (916) 965-5140.

Sincerely,

DAVE COX  
 Assemblymember, 5th District

#### **INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 133—Horton.** An act to add Section 65863.13 to the Government Code, and to add Sections 17052.88, 17210, and 24371 to the Revenue and Taxation Code, relating to energy conservation.

#### **REPORTS OF STANDING COMMITTEES** **Committee on Energy Costs and Availability**

Date of Hearing: May 8, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
 Assembly Joint Resolution No. 2

With the recommendation: Be adopted.

WRIGHT, Chairman

Above resolution ordered to second reading.

#### **MESSAGES FROM THE SENATE**

Senate Chamber, May 9, 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. 31

GREG P. SCHMIDT, Secretary of the Senate  
 By John W. Rovane, Assistant Secretary

Senate Chamber, May 9, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 3

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, May 9, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 3

GREG 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 First Extraordinary Session of the Legislature.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, May 10, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, May 10, 2001**

**SIXTY-SEVENTH SESSION DAY**

**ONE HUNDRED TWENTY-EIGHTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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, May 10, 2001

The Assembly met at 9:42 a.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—77:

Aanestad	Daucher	Liu	Salinas
Alquist	Diaz	Longville	Shelley
Ashburn	Dickerson	Lowenthal	Simitian
Bates	Dutra	Maddox	Steinberg
Bogh	Firebaugh	Maldonado	Strickland
Briggs	Florez	Matthews	Strom-Martin
Calderon	Frommer	Migden	Thomson
Campbell, Bill	Goldberg	Mountjoy	Vargas
Campbell, John	Harman	Nakano	Washington
Canciamilla	Havice	Nation	Wayne
Cardenas	Hollingsworth	Negrete McLeod	Wesson
Cardoza	Jackson	Oropeza	Wiggins
Cedillo	Keeley	Pacheco, Robert	Wright
Chan	Kehoe	Pacheco, Rod	Wyland
Chavez	Kelley	Papan	Wyman
Cogdill	Koretz	Pavley	Zettel
Cohn	La Suer	Pescetti	Mr. Speaker
Corbett	Leach	Reyes	
Correa	Leonard	Richman	
Cox	Leslie	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 Our God, You alone perform wonders. You have sent prophets and evangelists and teachers as wise heralds of Your word. Shine in our minds this morning, the light of Your grace. Grant us discernment, understanding and wisdom as we complete the tasks set before us today and may we abound in every good work.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Richman 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 Chan, seconded by Assembly Member Cox.

**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 Member Aroner.*

*Because of illness: Assembly Member Horton.*

(NOTE: For explanation of absence of Assembly Member Aroner on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 10, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Joint Resolution No. 2

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 134—Vargas.** An act to add and repeal Section 779.3 to the Public Utilities Code, relating to public utilities.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 8—Alquist.** Relative to electricity blackouts.

**AUTHOR'S AMENDMENTS****Committee on Energy Costs and Availability**

May 10, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Senate Bill No. 39

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**SENATE BILL NO. 39**—An act to amend Sections 216, 362, and 431 of, and to add Section 761.3 to, the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

### **REPORTS OF STANDING COMMITTEES**

#### **Committee on Appropriations**

Date of Hearing: May 9, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 18

Assembly Bill No. 62

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bills ordered to second reading.

#### **ACTION RESCINDED ON SENATE BILL NO. 28**

Assembly Member Shelley was granted unanimous consent to rescind the action whereby the Assembly, on April 23, 2001 (Assembly Journal, page 397), adopted the urgency clause and passed Senate Bill No. 28, and whereby the bill was ordered transmitted to the Senate.

#### **CONSIDERATION OF SENATE BILL NO. 28 BY UNANIMOUS CONSENT**

Assembly Member Keeley was granted unanimous consent to take up Senate Bill No. 28 without reference to file, for purpose of amendment.

**SENATE BILL NO. 28 (Sher)**—An act to add Section 42301.15 to, to add Chapter 7 (commencing with Section 39910) to Part 2 of Division 26 of, and to add and repeal Section 42314.3 of, the Health and Safety Code, and to amend Sections 25514, 25521, 25523, 25531, and 25552 of, and to add and repeal Sections 25519.5 and 25550.5 of, the Public Resources Code, and to add Article 3.5 (commencing with Section 353.1) to Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code, and to amend and repeal Sections 1032 and 1253 of, and to add and repeal Sections 1253.9 and 1279.6 of, the Unemployment Insurance Code, relating to the energy emergency, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### **Motion to Amend**

Assembly Member Keeley moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted.

#### **Assembly Rule 69(d) Suspended**

Assembly Member Keeley was granted unanimous consent that Assembly Rule 69(d) be suspended to permit consideration of Senate Bill No. 28, as amended, without reference to file.



**SENATE BILL NO. 28 (Sher)**—An act to add Section 42301.15 to, to add Chapter 7 (commencing with Section 39910) to Part 2 of Division 26 of, and to add and repeal Section 42314.3 of, the Health and Safety Code, and to amend Sections 25514, 25521, 25523, 25531, and 25552 of, and to add and repeal Sections 25519.5 and 25550.5 of, the Public Resources Code, and to add Article 3.5 (commencing with Section 353.1) to Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code, relating to the energy emergency, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Keeley.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—75**

Aanestad	Cox	Leslie	Richman
Alquist	Daucher	Liu	Runner
Ashburn	Diaz	Longville	Salinas
Bates	Dickerson	Lowenthal	Shelley
Bogh	Dutra	Maddox	Simitian
Briggs	Firebaugh	Maldonado	Steinberg
Calderon	Frommer	Matthews	Strickland
Campbell, Bill	Goldberg	Migden	Strom-Martin
Campbell, John	Harman	Mountjoy	Thomson
Canciamilla	Havice	Nakano	Vargas
Cardenas	Hollingsworth	Nation	Washington
Cardoza	Jackson	Negrete McLeod	Wayne
Cedillo	Keeley	Oropeza	Wesson
Chan	Kehoe	Pacheco, Robert	Wiggins
Chavez	Kelley	Pacheco, Rod	Wright
Cogdill	Koretz	Papan	Wyland
Cohn	La Suer	Pavley	Zettel
Corbett	Leach	Pescetti	Mr. Speaker
Correa	Leonard	Reyes	

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—75**

Aanestad	Cox	Leslie	Richman
Alquist	Daucher	Liu	Runner
Ashburn	Diaz	Longville	Salinas
Bates	Dickerson	Lowenthal	Shelley
Bogh	Dutra	Maddox	Simitian
Briggs	Firebaugh	Maldonado	Steinberg
Calderon	Frommer	Matthews	Strickland
Campbell, Bill	Goldberg	Migden	Strom-Martin
Campbell, John	Harman	Mountjoy	Thomson
Canciamilla	Havice	Nakano	Vargas
Cardenas	Hollingsworth	Nation	Washington
Cardoza	Jackson	Negrete McLeod	Wayne
Cedillo	Keeley	Oropeza	Wesson
Chan	Kehoe	Pacheco, Robert	Wiggins
Chavez	Kelley	Pacheco, Rod	Wright
Cogdill	Koretz	Papan	Wyland
Cohn	La Suer	Pavley	Zettel
Corbett	Leach	Pescetti	Mr. Speaker
Correa	Leonard	Reyes	

**NOES—None**

Bill ordered transmitted to the Senate immediately.

**At 9:53 a.m., Speaker pro Tempore Fred Keeley, 27th District, presiding**

**RECESS**

By unanimous consent, at 9:54 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 11:28 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**

Upon request of Assembly Member Shelley, Assembly Member Wright was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 3.

**ASSEMBLY BILL NO. 3 (Wright)**—An act to add Section 739.4 to the Public Utilities Code, relating to public utilities, 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.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—74**

Alquist	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	Jackson	Oropeza	Wiggins
Chan	Keeley	Pacheco, Robert	Wright
Chavez	Kehoe	Pacheco, Rod	Wyland
Cogdill	Kelley	Papan	Wyman
Cohn	Koretz	Pavley	Zettel
Corbett	La Suer	Pescetti	Mr. Speaker
Correa	Leach	Reyes	
Cox	Leonard	Runner	

**NOES—None**

Above bill ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)****MOTION TO RECONSIDER ASSEMBLY BILL NO. 8 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 8 was continued until the next legislative day.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Senate Bill No. 28 and Urgency:** Firebaugh—Aye.

**Assembly Bill No. 3, Concurrence:** Firebaugh, Florez, and Maldonado—Aye.

**RECESS**

By unanimous consent, at 11:29 a.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**MESSAGES FROM THE SENATE**

Senate Chamber, May 10, 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. 28

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 10, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 3

And reports the same correctly enrolled, and presented to the Governor on the 10th day of May, 2001, at 3:45 p.m.

E. DOTSON WILSON, Chief Clerk

**ADJOURNMENT**

At 3:45 p.m., the Assembly adjourned until 11 a.m., Monday, May 14, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 10, 2001**

The following measures were amended in the Assembly on this day:

**SB RN**

28 0113379

39 0113573

**Daily Total: 2**

**Cumulative Total: 151**

CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, May 14, 2001**  
**SIXTY-EIGHTH SESSION DAY**  
**ONE HUNDRED THIRTY-SECOND CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Monday, May 14, 2001

The Assembly met at 1:07 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—78:

Aanestad	Daucher	Leslie	Runner
Alquist	Diaz	Liu	Salinas
Aroner	Dickerson	Longville	Shelley
Bates	Dutra	Lowenthal	Simitian
Bogh	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	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
Cogdill	Kelley	Papan	Wyman
Cohn	Koretz	Pavley	Zettel
Corbett	La Suer	Pescetti	Mr. Speaker
Correa	Leach	Reyes	
Cox	Leonard	Richman	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

*Lord and Savior; Giver of light and wisdom, You have promised an abundance of blessings to those who follow You faithfully. Bless our endeavors this day, Lord, and fill our hearts with Your grace, that we may act with faith and courage in all our dealings. Guide us that we may abound in every good work to Your praise and glory.—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 Leonard.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*On legislative business: Assembly Member Ashburn.*

(NOTE: For explanation of absence of Assembly Member Ashburn on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

May 14, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Rules Committee

Dear Dotson: This is to advise you that I will serve as the acting Chair of the Assembly Rules Committee from May 15–22, while the Committee Chair, Assemblyman Dennis Cardoza, is out due to illness.

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

**Report of Subcommittee on Energy Oversight**

May 14, 2001

*Mr. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: This transmittal serves as a record of the vote of the Assembly Energy Costs and Availability Subcommittee on Energy Oversight, First Extraordinary Session, in regards to the attached final Report of the Subcommittee, "California Natural Gas Market: Interstate Pipeline Dominance, Exorbitant Prices and Federal Regulatory Actions."

Motion to Approve the final Report of the Assembly Subcommittee on Energy Oversight:

AYES

Mr. Steinberg, Chair  
Ms. Oropeza  
Mr. Vargas

NOES

Mr. J. Campbell  
Sincerely,

DARRELL STEINBERG, Chair  
Subcommittee on Energy Oversight

Above report referred to the Committee on Energy Costs and Availability.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 14, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 47  
Assembly Bill No. 128

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 11, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Joint Resolution No. 1

And reports the same correctly enrolled, and presented to the Secretary of State on the 11th day of May, 2001, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bill was referred to committee:

*Senate Concurrent  
Resolution No.*

*Committee*

**3** ----- Rls.



**REPORTS OF STANDING COMMITTEES**  
**Committee on Energy Costs and Availability**

Date of Hearing: May 8, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 23

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

Date of Hearing: May 8, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 73

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

Date of Hearing: May 8, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 78

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

**Committee on Appropriations**

Date of Hearing: May 9, 2001

Mr. Speaker: Your Committee on Appropriations reports:  
Assembly Bill No. 48

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**Committee on Energy Costs and Availability**

Date of Hearing: May 8, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
Assembly Concurrent Resolution No. 5

With amendments with the recommendation: Amend, be adopted as amended, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above resolution ordered to second reading.

**REQUEST TO TAKE UP BILLS WITHOUT REFERENCE TO FILE**

Assembly Member Shelley requested unanimous consent that all bills reported from committees today with amendments, be taken up without reference to file for purpose of second reading and adoption of committee amendments.

Assembly Member Leonard withheld unanimous consent.

**Objection Withdrawn**

Assembly Member Leonard withdrew his objection to the above request by Assembly Member Shelley.

**Second Reading of Bills by Unanimous Consent**

Pursuant to Assembly Member Shelley's request, the following bills were taken up without reference to file for purpose of second reading and adoption of committee amendments:

**ASSEMBLY BILL NO. 23**—An act to add Section 625.5 to the Public Utilities Code, relating to natural gas.

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.

**ASSEMBLY BILL NO. 73**—An act to amend Sections 216, 222, and 228 of 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.

**ASSEMBLY BILL NO. 78**—An act to add Section 625.5 to the Public Utilities Code, relating to energy.

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.

**ASSEMBLY BILL NO. 48**—An act to amend Sections 331, 366, and 381 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

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.

**ASSEMBLY CONCURRENT RESOLUTION NO. 5**—Relative to the Public Utilities Commission.

Resolution read; amendments proposed by the Committee on Energy Costs and Availability read and adopted, resolution ordered reprinted and to be re-referred to the Committee on Appropriations.

**RECESS**

By unanimous consent, at 1:12 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 5:20 p.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

Date of Hearing: May 14, 2001

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 3

With the recommendation: Be adopted.

CARDOZA, Chairman

Above resolution ordered on file.

**MESSAGES FROM THE SENATE**

Senate Chamber, May 14, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 31

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

**CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT AND ASSEMBLY RULE 77 SUSPENDED**

Upon request of Assembly Member Shelley. Assembly Member Wright was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 31, without reference to file.

**ASSEMBLY BILL NO. 31 (Wright)**—An act to amend Section 4241 of the Government Code, and to add and repeal Sections 42317 and 42359.6 of the Health and Safety Code, relating to energy, making an appropriation therefor, 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.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—72**

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Runner
Bates	Diaz	Liu	Salinas
Bogh	Dickerson	Longville	Shelley
Briggs	Dutra	Lowenthal	Simitian
Calderon	Firebaugh	Maddox	Steinberg
Campbell, Bill	Florez	Maldonado	Strickland
Campbell, John	Frommer	Matthews	Thomson
Canciamilla	Harman	Migden	Vargas
Cardenas	Havice	Mountjoy	Washington
Cardoza	Hollingsworth	Nakano	Wayne
Cedillo	Horton	Nation	Wesson
Chan	Keeley	Negrete McLeod	Wiggins
Chavez	Kehoe	Oropeza	Wright
Cogdill	Kelley	Pacheco, Robert	Wyland
Cohn	Koretz	Papan	Wyman
Corbett	La Suer	Pescetti	Zettel
Correa	Leach	Reyes	Mr. Speaker

**NOES—None**

Above bill ordered enrolled.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 18**—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 second time, and ordered to third reading.

**ASSEMBLY BILL NO. 62**—An act to add Part 8.5 (commencing with Section 17750) to Division 4 of Title 2 of the Government Code, relating to local government finance, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**SENATE CONCURRENT RESOLUTION NO. 3 TAKEN UP  
BY UNANIMOUS CONSENT**

Assembly Member Hertzberg was granted unanimous consent to take up Senate Concurrent Resolution No. 3, without reference to file.

**SENATE CONCURRENT RESOLUTION NO. 3**—Relative to final adjournment of the 2001–02 First Extraordinary Session of the Legislature.

Resolution read, and adopted by the following vote:

**AYES—50**

Alquist	Dutra	Longville	Simitian
Aroner	Firebaugh	Lowenthal	Steinberg
Calderon	Florez	Matthews	Strom-Martin
Canciamilla	Frommer	Migden	Thomson
Cardenas	Goldberg	Nakano	Vargas
Cardoza	Havice	Nation	Washington
Cedillo	Horton	Negrete McLeod	Wayne
Chan	Jackson	Oropeza	Wesson
Chavez	Keeley	Papan	Wiggins
Cohn	Kehoe	Pavley	Wright
Corbett	Kelley	Reyes	Mr. Speaker
Correa	Koretz	Salinas	
Diaz	Liu	Shelley	

**NOES—17**

Bates	Cox	Leonard	Strickland
Briggs	Daucher	Maddox	Wyman
Campbell, Bill	Harman	Mountjoy	
Campbell, John	Hollingsworth	Pacheco, Robert	
Cogdill	Leach	Runner	

Resolution ordered transmitted to the Senate.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Assembly Bill No. 31, Concurrence:** Maldonado—Aye.

**Senate Concurrent Resolution No. 3:** Maddox—No.

**ADJOURNMENT**

At 5:33 p.m., pursuant to the provisions of Senate Concurrent Resolution No. 3, the 2001–02 First Extraordinary Session of the Legislature adjourned *sine die*.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 14, 2001**

The following measures were amended in the Assembly on this day:

**AB RN**

23 0113564

48 0113858

73 0113691

78 0113576

**ACR RN**

5 0113883

**Daily Total: 5**

**Cumulative Total: 156**



CALIFORNIA LEGISLATURE  
2001-02 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY JOURNAL

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**APPENDIX TO THE ASSEMBLY JOURNAL  
FOR THE 2001-02 FIRST EXTRAORDINARY SESSION**

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Assembly Chamber, Sacramento  
May 15, 2001

The following is an appendix to the Assembly Journal for the 2001-02 First Extraordinary Session containing information received subsequent to adjournment *sine die* of the session.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 15, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 31

And reports the same correctly enrolled, and presented to the Governor on the 15th day of May, 2001 at 11 a.m.

E. DOTSON WILSON, Chief Clerk

**REPORTS OF STANDING COMMITTEES  
Committee on Appropriations**

May 15, 2001

Without action.

Assembly Bill No. 19  
Assembly Bill No. 23  
Assembly Bill No. 27  
Assembly Bill No. 64  
Assembly Concurrent Resolution No. 5

Assembly Bill No. 73  
Assembly Bill No. 78  
Assembly Bill No. 128

MIGDEN, Chairwoman

**Committee on Business and Professions**

May 15, 2001

Without action.

Assembly Bill No. 22

CORREA, Chairman

**Committee on Energy Costs and Availability**

May 15, 2001

Without action.

- Assembly Bill No. 11
- Assembly Bill No. 12
- Assembly Bill No. 17
- Assembly Bill No. 25
- Assembly Bill No. 33
- Assembly Bill No. 34
- Assembly Bill No. 35
- Assembly Bill No. 45
- Assembly Bill No. 47
- Assembly Bill No. 49

- Assembly Bill No. 50
- Assembly Bill No. 52
- Assembly Bill No. 56
- Assembly Bill No. 58
- Assembly Bill No. 67
- Assembly Bill No. 69
- Assembly Bill No. 70
- Assembly Bill No. 71
- Assembly Bill No. 72

WRIGHT, Chairman

May 15, 2001

Without action.

- Assembly Bill No. 74
- Assembly Bill No. 76
- Assembly Bill No. 77
- Assembly Bill No. 80
- Assembly Bill No. 85
- Assembly Bill No. 89
- Assembly Bill No. 98
- Assembly Bill No. 99
- Assembly Bill No. 104
- Assembly Bill No. 105
- Assembly Bill No. 107
- Assembly Concurrent Resolution No. 3
- Assembly Concurrent Resolution No. 6

- Assembly Bill No. 108
- Assembly Bill No. 109
- Assembly Bill No. 111
- Assembly Bill No. 113
- Assembly Bill No. 114
- Assembly Bill No. 116
- Assembly Bill No. 117
- Assembly Bill No. 121
- Assembly Bill No. 123
- Assembly Bill No. 126
- Assembly Bill No. 127

WRIGHT, Chairman

May 15, 2001

Without action.

- Senate Bill No. 33
- Senate Bill No. 39
- Senate Joint Resolution No. 1

WRIGHT, Chairman

Above bills returned to the Senate.

**Committee on Judiciary**

May 15, 2001

Without action.

- Assembly Bill No. 129

STEINBERG, Chairman

**Committee on Natural Resources**

May 15, 2001

Without action.

- Assembly Bill No. 20
- Assembly Bill No. 61
- Assembly Bill No. 65
- Assembly Bill No. 68
- Assembly Bill No. 88
- Assembly Bill No. 92
- Assembly Bill No. 97

- Assembly Bill No. 100
- Assembly Bill No. 101
- Assembly Bill No. 106
- Assembly Bill No. 118
- Assembly Bill No. 119
- Assembly Bill No. 125

WAYNE, Chairman

May 15, 2001

Mr. Speaker: Your Committee on Natural Resources reports:

- Assembly Concurrent Resolution No. 2

Without action.

WAYNE, Chairman



May 15, 2001

Without action.

Assembly Bill No. 4  
 Assembly Bill No. 14  
 Assembly Bill No. 15  
 Assembly Bill No. 51  
 Assembly Bill No. 79  
 Assembly Bill No. 84

Assembly Bill No. 86  
 Assembly Bill No. 96  
 Assembly Bill No. 102  
 Assembly Bill No. 115  
 Assembly Bill No. 124

CORBETT, Chairwoman

**MESSAGES FROM THE GOVERNOR**

The following message from the Governor was received and ordered printed in the Journal:

**Governor’s Message—Assembly Bill No. 3**

Governor’s Office, Sacramento  
 May 17, 2001

*To the Members of the California Legislature:*

I am signing AB 3X which requires the California Public Utilities Commission and utilities to conduct an outreach program to increase participation in the California Rates for Energy (CARE) Program to help minimize the impacts of energy rate increases on low-income and senior households.

In signing this measure, I am directing the Commission to undertake the outreach program with existing staff resources.

Further, it is my understanding that implementation of the bill will not result in an increase in the current surcharge.

Sincerely,

GRAY DAVIS

**MESSAGES FROM THE SENATE**

Senate Chamber, May 15, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 2  
 Assembly Bill No. 9  
 Assembly Bill No. 16  
 Assembly Bill No. 21  
 Assembly Bill No. 24  
 Assembly Bill No. 26  
 Assembly Bill No. 28  
 Assembly Bill No. 30  
 Assembly Bill No. 36  
 Assembly Bill No. 37  
 Assembly Bill No. 38

Assembly Bill No. 40  
 Assembly Bill No. 41  
 Assembly Bill No. 42  
 Assembly Bill No. 46  
 Assembly Bill No. 53  
 Assembly Bill No. 54  
 Assembly Bill No. 57  
 Assembly Bill No. 60  
 Assembly Bill No. 63  
 Assembly Bill No. 75  
 Assembly Bill No. 83

GREG P. SCHMIDT, Secretary of the Senate  
 By John W. Rovane, Assistant Secretary

Senate Chamber, May 15, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Concurrent Resolution No. 4

GREG P. SCHMIDT, Secretary of the Senate  
 By John W. Rovane, Assistant Secretary

**MEASURES WHICH DIED ON THIRD READING**

Assembly Bills Nos. 13, 18, 39, 48, and 62; Assembly Joint Resolution No. 2.

**MEASURES WHICH DIED ON INACTIVE FILE—  
CONCURRENCE PENDING**

Assembly Bill No. 66.

**MEASURES WHICH DIED ON UNFINISHED BUSINESS—  
RECONSIDERATION PENDING**

Assembly Bill No. 8.

**MEASURES WHICH DIED ON INACTIVE FILE**

Assembly Bills Nos. 32 and 44.

**BILLS WHICH DIED AT THE ASSEMBLY DESK**

Assembly Bills Nos. 7, 10, 59, 81, 82, 87, 90, 91, 93, 94, 95, 103, 110, 112, 120, 122, 130, 131, 132, 133, and 134; Assembly Concurrent Resolution Nos. 1, 7, and 8; Senate Bills Nos. 1, and 17; Senate Concurrent Resolution No. 1.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

Volume 6

# Journal of the Assembly

Legislature of the State of California  
2001–2002 Second Extraordinary Session  
May 14, 2001 to May 9, 2002



HON. HERB J. WESSON, JR.  
Speaker

HON. FRED KEELEY  
Speaker pro Tempore

HON. KEVIN SHELLEY  
Majority Leader

HON. MARCO FIREBAUGH  
Majority Floor Leader

HON. CHRISTINE KEHOE  
Assistant Speaker pro Tempore

HON. DAVE COX  
Minority Floor Leader

E. DOTSON WILSON  
Chief Clerk of the Assembly

PAM CAVILEER  
Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, May 14, 2001**  
**FIRST SESSION DAY**  
**FIRST CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, May 14, 2001

At 5:05 p.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Gray Davis, Governor of the State of California, dated May 14, 2001, convening the Legislature of the State of California on this day in extraordinary session.

In conformity with Government Code Section 9150, the following officers for the 2001–02 Regular Session were present and performing their respective duties: E. Dotson Wilson, Chief Clerk, Pam Cavileer, Minute Clerk, and Ronald E. Pane, Chief Sergeant at Arms. Fred Keeley, Speaker pro Tempore of the Assembly for the 2001–02 Regular Session, presiding.

Assistant Clerk Sue Parker, reading.

#### ROLL CALL

The roll was called, and the following answered to their names—78:

Aanestad	Daucher	Leslie	Runner
Alquist	Diaz	Liu	Salinas
Aroner	Dickerson	Longville	Shelley
Bates	Dutra	Lowenthal	Simitian
Bogh	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	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
Cogdill	Kelley	Papan	Wyman
Cohn	Koretz	Pavley	Zettel
Corbett	La Suer	Pescetti	Mr. Speaker
Correa	Leach	Reyes	
Cox	Leonard	Richman	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

*Lord and Savior, Giver of light and wisdom, You have promised an abundance of blessings to those who follow You faithfully. Bless our endeavors this day, Lord, and fill our hearts with Your grace, that we may act with faith and courage in all our dealings. Guide us that we may abound in every good work to Your praise and glory.—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.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*On legislative business: Assembly Member Ashburn.*

(NOTE: For explanation of absence of Assembly Member Ashburn on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**PROCLAMATION OF THE GOVERNOR**

Speaker pro Tempore Keeley directed the Clerk to read the following Proclamation of the Governor convening the Legislature in extraordinary session:

**PROCLAMATION**

by the  
Governor of the State of California

WHEREAS, an extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; and

WHEREAS, on January 3, 2001, I convened the 2001–02 First Extraordinary Session of the Legislature to deal with a broad range of energy issues, including the availability and supply of electrical power and natural gas; and

WHEREAS, it is necessary for the Legislature to adjourn the First Extraordinary Session; and

WHEREAS, it is necessary to reconvene the Legislature in extraordinary session to continue deliberations on critical energy issues;

NOW, THEREFORE, I, GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by Article IV, Section 3(b) of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California, on the 14th day of May, 2001, at a time appointed by each house of the Legislature of said day for the following purpose and to legislate upon the following subjects:

1. To consider and act upon legislation affecting the availability, supply, consumption, and use of energy in California.
2. To consider and act upon legislation (a) affecting the operation, maintenance, and finances of facilities owned or controlled directly or indirectly by persons, corporations or public entities that provide electricity and natural gas to California residents and businesses, and (b) relating to the assets, liabilities, and financial viability of investor-owned utilities.
3. To consider and act upon legislation affecting the interaction between wholesale and retail markets for energy supply, capacity and reliability.



4. To consider and act upon legislation relating to the roles, functions, and duties of state energy agencies.
5. To consider and act upon legislation protecting the health and safety of California residents with respect to facilities that generate and deliver energy service in California.

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of the State of California  
to be affixed this 14th day  
of May 2001.



GRAY DAVIS  
Governor of California

ATTEST:

BILL JONES  
Secretary of State

#### **ELECTION OF SPEAKER**

Assembly Member Shelley moved that the vote electing Assembly Member Robert Myles Hertzberg to the Office of Speaker of the Assembly for the 2001–02 Regular Session (Assembly Journal, page 6) and the oath of office administered (Assembly Journal, page 7) be substituted in the 2001–02 Second Extraordinary Session.

Motion carried.

(NOTE: Assembly Member Russ Bogh was elected to the California State Assembly on April 5, 2001.)

#### **OATH OF OFFICE**

The following Oath of Office was administered to Speaker-elect Robert Myles Hertzberg on Monday, December 4, 2000, by the Honorable Ronald M. George, Chief Justice of California:

#### **OATH**

*for the Office of Speaker of the Assembly*

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

**RESOLUTIONS**

The following resolution was offered:

**House Resolution No. 1**

*Relative to the Standing Rules of the Assembly for the 2001–02 Second Extraordinary Session.*

*Resolved by the Assembly of the State of California, That the Standing Rules of the Assembly for the 2001–02 Regular Session are hereby adopted as the Standing Rules of the Assembly for the 2001–02 Second Extraordinary Session, except that Rule 11 thereof shall read as follows:*

11. Twenty-eight standing committees of the Assembly are hereby created, upon the several subjects, and titled respectively, as follows:

Aging and Long-Term Care  
 Agriculture  
 Appropriations  
 Banking and Finance  
 Budget  
 Business and Professions  
 Education  
 Elections, Reapportionment and Constitutional Amendments  
 Energy Costs and Availability  
 Environmental Safety and Toxic Materials  
 Governmental Organization  
 Health  
 Higher Education  
 Housing and Community Development  
 Human Services  
 Insurance  
 Jobs, Economic Development and the Economy  
 Judiciary  
 Labor and Employment  
 Local Government  
 Natural Resources  
 Public Employees, Retirement and Social Security  
 Public Safety  
 Revenue and Taxation  
 Rules  
 Transportation  
 Utilities and Commerce  
 Water, Parks and Wildlife

**HOUSE RESOLUTION NO. 1 TAKEN UP**

On motion of Assembly Member Shelley, House Resolution No. 1 was taken up.

**HOUSE RESOLUTION NO. 1**—Relative to the Standing Rules of the Assembly for the 2001–02 Second Extraordinary Session.

Resolution read, and adopted.

**SHELLEY MOTION RELATIVE TO ORGANIZATION OF THE ASSEMBLY**

Assembly Member Shelley moved that House Resolution No. 3, adopted in the Regular Session on December 4, 2000 (Assembly Journal, page 54), relative to payment of Members, officers, and attaches of the Assembly; and distribution of Assembly Weekly Histories, be substituted in the 2001–02 Second Extraordinary Session.

Motion carried.

**COMMUNICATIONS**

The following communications were presented by the Speaker and ordered printed in the Journal:

May 14, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed the following Democratic Leadership for the 2001–02 Second Extraordinary Session, consistent with the 2001–02 First Extraordinary Session:

- |                                 |                      |
|---------------------------------|----------------------|
| Speaker pro Tempore             | Hon. Fred Keeley     |
| Assistant Speaker pro Tempore   | Hon. Christine Kehoe |
| Majority Floor Leader           | Hon. Kevin Shelley   |
| Assistant Majority Floor Leader | Hon. Juan Vargas     |
| Majority Whip                   | Hon. Wilma Chan      |
| Democratic Caucus Chair         | Hon. Dion Aroner     |

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

May 14, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Rules Committee

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Rules Committee for the 2001–02 Second Extraordinary Session:

- Assemblymember Dennis Cardoza, Chair
- Assemblymember Bill Leonard, Vice Chair
- Assemblymember Jerome Horton
- Assemblymember Tim Leslie
- Assemblymember Carol Liu
- Assemblymember George Nakano
- Assemblymember Joe Nation
- Assemblymember Charlene Zettel
- Assemblymember Sam Aanestad (Republican alternate)
- Assemblymember Dario Frommer (Democratic alternate)

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

May 14, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Appropriations Committee

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Appropriations Committee for the 2001–02 Second Extraordinary Session:

Assemblymember Carole Migden, Chair  
Assemblymember Patricia Bates, Vice Chair  
Assemblymember Elaine Alquist  
Assemblymember Dion Aroner  
Assemblymember Roy Ashburn  
Assemblymember Gilbert Cedillo  
Assemblymember Ellen Corbett  
Assemblymember Lou Correa  
Assemblymember Lynn Daucher  
Assemblymember Jackie Goldberg  
Assemblymember Abel Maldonado  
Assemblymember Robert Pacheco  
Assemblymember Lou Papan  
Assemblymember Fran Pavley  
Assemblymember George Runner  
Assemblymember Joe Simitian  
Assemblymember Helen Thomson  
Assemblymember Herb Wesson  
Assemblymember Patricia Wiggins  
Assemblymember Roderick Wright  
Assemblymember Charlene Zettel

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

May 14, 2001

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed the following members to the Committee on Energy Costs and Availability in the 2001–02 Second Extraordinary Session:

Assemblymember Roderick Wright, Chair  
Assemblymember Anthony Pescetti, Vice Chair  
Assemblymember Mike Briggs  
Assemblymember Bill Campbell  
Assemblymember John Campbell  
Assemblymember Joseph Canciamilla  
Assemblymember Manny Diaz  
Assemblymember Richard Dickerson  
Assemblymember John Dutra  
Assemblymember Dean Florez  
Assemblymember Hannah-Beth Jackson  
Assemblymember Fred Keeley  
Assemblymember Bill Leonard  
Assemblymember Jenny Oropeza  
Assemblymember Sarah Reyes  
Assemblymember Keith Richman  
Assemblymember Darrell Steinberg  
Assemblymember Juan Vargas  
Assemblymember Herb Wesson  
Assemblymember Charlene Zettel

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

**ELECTION OF OFFICERS OF THE ASSEMBLY**

Speaker Hertzberg was granted unanimous consent that pursuant to the adoption of House Resolution No. 2 in the Regular Session (December 4, 2000, Assembly Journal, page 53) the following officers of the Assembly for the 2001–02 Regular Session be elected in the 2001–02 Second Extraordinary Session, and that the Oath of Office be substituted:

E. Dotson Wilson, Chief Clerk  
Ronald E. Pane, Chief Sergeant at Arms  
Rabbi Mona Alfi, Chaplain  
Rev. Constantine C. Pappademos, Alternate Chaplain

**OATH OF OFFICE**

The following oath of office was administered to Chief Clerk-elect E. Dotson Wilson, Chief Sergeant-at-Arms-elect Ronald E. Pane, Chaplain-elect Rabbi Mona Alfi and Alternate Chaplain-elect Rev. Constantine C. Pappademos on Monday, December 4, 2000 administered by the Honorable Ronald M. George, Chief Justice of California:

**OATH**

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

**RESOLUTIONS**

The following resolution was offered:

**House Resolution No. 2**

*Relative to the Standing Rules of the Assembly for  
the 2001–02 Second Extraordinary Session.*

*Resolved by the Assembly of the State of California, That Assembly Rule 51.3 is hereby added to the Standing Rules of the Assembly for the 2001–02 Second Extraordinary Session, to read:*

51.3. (a) A Member may introduce a bill in a subsequent extraordinary session that is identical to the last amended Assembly version of a bill that he or she authored in a prior extraordinary session.

(b) The Committee on Rules, by a majority vote of the committee, may refer an introduced bill as described in subdivision (a) directly to the policy committee or fiscal committee that had possession of the previously introduced bill at the time the prior extraordinary session adjourned *sine die*. When reported out of committee, the bill shall be placed on the second reading file on the next legislative day, and may not be read a second time until that next legislative day under that order of business. On the following legislative day, the bill shall be placed on the third reading file and be eligible for passage under that order of business.

(c) If an introduced bill as described in subdivision (a) was reported in the prior extraordinary session by a policy committee or fiscal committee to the Assembly second or third reading file, the Committee on Rules, by a majority vote of the committee, may report the bill “Do Pass” to the second reading file. After the bill is read a second time, the Committee on Rules, by a majority vote of the committee, may report the bill to the floor with the recommendation that it be placed on the third reading file.

(d) In the absence of an objection, the Assembly floor vote recorded in a prior extraordinary session on a bill that is introduced as described in subdivision (a), and has not subsequently been amended, may be recorded as the floor vote on the bill in the subsequent extraordinary session.

**HOUSE RESOLUTION NO. 2 TAKEN UP**

On motion of Assembly Member Shelley, House Resolution No. 2 was taken up.

**HOUSE RESOLUTION NO. 2**—Relative to the Standing Rules of the Assembly for the 2001–02 Second Extraordinary Session.

Resolution read, and adopted by the following vote:

**AYES—77**

Aanestad	Daucher	Leslie	Salinas
Alquist	Diaz	Liu	Shelley
Aroner	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	Mountjoy	Washington
Canciamilla	Havice	Nakano	Wayne
Cardenas	Hollingsworth	Nation	Wesson
Cardoza	Horton	Negrete McLeod	Wiggins
Cedillo	Jackson	Oropeza	Wright
Chan	Keeley	Pacheco, Robert	Wyland
Chavez	Kehoe	Papan	Wyman
Cogdill	Kelley	Pavley	Zettel
Cohn	Koretz	Pescetti	Mr. Speaker
Corbett	La Suer	Reyes	
Correa	Leach	Richman	
Cox	Leonard	Runner	

**NOES—None****RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 1—Hertzberg.** Relative to the Joint Rules of the Senate and Assembly for the 2001–02 Second Extraordinary Session.

**ASSEMBLY CONCURRENT RESOLUTION NO. 1 TAKEN UP**

On motion of Assembly Member Shelley, Assembly Concurrent Resolution No. 1 was taken up.



**ASSEMBLY CONCURRENT RESOLUTION NO. 1**—Relative to the Joint Rules of the Senate and Assembly for the 2001–02 Second Extraordinary Session.

Resolution read, and adopted by the following vote:

**AYES—77**

Aanestad	Daucher	Leslie	Salinas
Alquist	Diaz	Liu	Shelley
Aroner	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	Mountjoy	Washington
Canciamilla	Havice	Nakano	Wayne
Cardenas	Hollingsworth	Nation	Wesson
Cardoza	Horton	Negrete McLeod	Wiggins
Cedillo	Jackson	Oropeza	Wright
Chan	Keeley	Pacheco, Robert	Wyland
Chavez	Kehoe	Papan	Wyman
Cogdill	Kelley	Pavley	Zettel
Cohn	Koretz	Pescetti	Mr. Speaker
Corbett	La Suer	Reyes	
Correa	Leach	Richman	
Cox	Leonard	Runner	

**NOES—None**

Resolution ordered transmitted to the Senate.

**COMMUNICATIONS**

The following communication was presented by the Speaker and ordered printed in the Journal:

May 14, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Rules Committee

Dear Dotson: This is to advise you that I will serve as the acting Chair of the Assembly Rules Committee from May 15–22, while the Committee Chair, Assemblyman Dennis Cardoza, is out due to illness.

Sincerely,

**ROBERT M. HERTZBERG**  
 Speaker of the Assembly

**VOTE ADDS**

The following Assembly Member was granted unanimous consent to record his vote on the following item:

**House Resolution No. 2:** Richman—Aye.

**COMMUNICATIONS**

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

May 14, 2001

*The Honorable E. Dotson Wilson  
Chief Clerk, California State Assembly  
State Capitol  
Sacramento, California*

Dear Mr. Wilson: Please take the necessary actions for the official and working records of the Assembly to reflect the following assignments of the Assembly Republican Leadership.

Dave Cox	Assembly Republican Leader
Tony Strickland	Assistant Republican Leader/Caucus Chair
Keith Richman	Assistant Republican Leader
Mike Briggs	Assistant Republican Leader for the Central Valley
Lynn Daucher	Assistant Caucus Chair Whip
Phil Wyman	Whip
Dennis Mountjoy	Whip

Thank you in advance for your attention to this matter. Please advise me should you need additional information. Please do not hesitate to call if I can be of assistance. I can be reached at the office at (916) 319-2005 or at home at (916) 965-5140.

Sincerely,

DAVE COX  
Assemblymember, 5th District

**ADJOURNMENT**

At 5:19 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, May 15, 2001**  
**SECOND SESSION DAY**  
**SECOND CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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 15, 2001

The Assembly met at 7 a.m.

Hon. Bill Campbell, Assembly Member, 71st District, presiding.

Assistant Chief Clerk Lawrence A. Murman at the Desk.

Assistant Clerk Sue Parker reading.

### ROLL CALL

The following were placed upon the morning roll call—76:

Aanestad	Cox	Leach	Reyes
Alquist	Daucher	Leonard	Richman
Aroner	Diaz	Leslie	Runner
Ashburn	Dickerson	Liu	Salinas
Bates	Dutra	Longville	Shelley
Bogh	Firebaugh	Lowenthal	Simitian
Briggs	Florez	Maddox	Steinberg
Calderon	Frommer	Maldonado	Strickland
Campbell, Bill	Goldberg	Matthews	Strom-Martin
Campbell, John	Harman	Migden	Thomson
Canciamilla	Havice	Mountjoy	Vargas
Cardenas	Hollingsworth	Nakano	Wayne
Cedillo	Horton	Nation	Wesson
Chan	Jackson	Negrete McLeod	Wiggins
Chavez	Keeley	Oropeza	Wright
Cogdill	Kehoe	Pacheco, Robert	Wyland
Cohn	Kelley	Papan	Wyman
Corbett	Koretz	Pavley	Zettel
Correa	La Sur	Pescetti	Mr. Speaker

Quorum present.

**At 11:50 a.m., Hon. Phil Wyman, 34th District, presiding**

### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

### 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 Rod Pacheco and Washington.*

*Because of illness: Assembly Member Cardoza.*

(NOTE: For explanations of absences of Assembly Members Rod Pacheco and Washington on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1—Cardoza (Coauthors: Calderon, Cohn, Diaz, Firebaugh, Matthews, Nakano, and Thomson).** An act to add Article 9 (commencing with Section 22200) to Chapter 1 of Part 5 of Division 11 of the Water Code, relating to energy.

**ASSEMBLY BILL NO. 2—Corbett (Principal coauthor: Wiggins) (Coauthors: Alquist, Aroner, Cardenas, Cedillo, Cohn, Firebaugh, Goldberg, Jackson, Keeley, Koretz, Lowenthal, Migden, Oropeza, Pavley, Shelley, Steinberg, Strom-Martin, Thomson, and Vargas).** 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.

**ASSEMBLY BILL NO. 3—Simitian.** An act to add and repeal Section 2774.7 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 4—Cardoza (Coauthors: Cohn, Frommer, Reyes, and Salinas) (Coauthor: Senator Romero).** An act to add Section 2774.5 to the Public Utilities Code, relating to electric power, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 5—Kelley.** An act to add Section 739.9 to the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 6—Kelley.** An act to add Section 13193.9 to the Water Code, relating to water.

**ASSEMBLY BILL NO. 7—Simitian.** An act to add Section 454.5 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 8—Simitian.** An act to add and repeal Section 2774.7 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 9—Migden.** An act to amend Sections 331, 366, and 381 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 2—Koretz, Goldberg, and Keeley (Coauthors: Firebaugh, Jackson, Migden, Pavley, Steinberg, and Strom-Martin).** Relative to energy price caps.

**ADJOURNMENT**

At 4 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, May 16, 2001**

**THIRD SESSION DAY**

**THIRD CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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(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  
Wednesday, May 16, 2001

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—76:

Aanestad	Cox	Leach	Reyes
Alquist	Daucher	Leonard	Richman
Aroner	Diaz	Leslie	Runner
Ashburn	Dickerson	Liu	Salinas
Bates	Dutra	Longville	Shelley
Bogh	Firebaugh	Lowenthal	Simitian
Briggs	Florez	Maddox	Steinberg
Calderon	Frommer	Maldonado	Strickland
Campbell, Bill	Goldberg	Matthews	Strom-Martin
Campbell, John	Harman	Migden	Thomson
Canciamilla	Havice	Mountjoy	Vargas
Cardenas	Hollingsworth	Nakano	Wayne
Cedillo	Horton	Nation	Wesson
Chan	Jackson	Negrete McLeod	Wiggins
Chavez	Keeley	Oropeza	Wright
Cogdill	Kehoe	Pacheco, Robert	Wyland
Cohn	Kelley	Papan	Wyman
Corbett	Koretz	Pavley	Zettel
Correa	La Suer	Pescetti	Mr. Speaker

Quorum present.

**At 1:37 p.m., Hon. Joe Canciamilla, 11th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Rod Pacheco and Washington.*

*Because of illness: Assembly Member Cardoza.*

(NOTE: For letters explaining the absences of Assembly Members Rod Pacheco and Washington on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for May 15, 2001.)



**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 10—Hertzberg.** An act to add Section 25525.3 to the Public Resources Code, relating to electrical generation, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 11—Wright.** An act to add Section 9601.5 to the Public Utilities Code, relating to electricity, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 12—Simitian.** An act to amend Section 31007.5 of the Water Code, relating to water.

**ASSEMBLY BILL NO. 13—Hollingsworth.** An act to add Section 625.5 to the Public Utilities Code, relating to eminent domain.

**ASSEMBLY BILL NO. 14—Canciamilla.** An act to amend Sections 216, 222, and 228 of the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 15—Rod Pacheco.** An act to add Sections 17053.82 and 23682 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 16—Briggs and Matthews (Coauthors: Cedillo and Florez).** An act to add and repeal Section 6357.1 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, May 17, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, May 17, 2001**  
**FOURTH SESSION DAY**  
**FOURTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, May 17, 2001

The Assembly met at 8:47 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 following were placed upon the morning roll call—76:

Aanestad	Diaz	Leslie	Richman
Alquist	Dickerson	Liu	Runner
Aroner	Dutra	Longville	Salinas
Ashburn	Firebaugh	Lowenthal	Shelley
Bates	Florez	Maddox	Simitian
Bogh	Frommer	Maldonado	Steinberg
Briggs	Goldberg	Matthews	Strickland
Campbell, Bill	Harman	Migden	Strom-Martin
Campbell, John	Havice	Mountjoy	Thomson
Canciamilla	Hollingsworth	Nakano	Vargas
Cardenas	Horton	Nation	Washington
Cedillo	Jackson	Negrete McLeod	Wayne
Chavez	Keeley	Oropeza	Wesson
Cogdill	Kehoe	Pacheco, Robert	Wiggins
Cohn	Kelley	Pacheco, Rod	Wright
Corbett	Koretz	Papan	Wyland
Correa	La Suer	Pavley	Wyman
Cox	Leach	Pescetti	Zettel
Daucher	Leonard	Reyes	Mr. Speaker

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Member Calderon.*

*Because of illness: Assembly Members Cardoza and Chan.*

(NOTE: For explanation of absence of Assembly Member Calderon on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

May 17, 2001

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Environmental Safety and  
Toxic Materials Committee

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Environmental Safety and Toxic Materials Committee for the 2001–02 Second Extraordinary Session:

Assemblymember Hannah-Beth Jackson, Chair  
Assemblymember Mike Briggs, Vice Chair  
Assemblymember Rebecca Cohn  
Assemblymember John Longville  
Assemblymember Alan Lowenthal  
Assemblymember Ken Maddox  
Assemblymember Anthony Pescetti  
Assemblymember Virginia Strom-Martin  
Assemblymember Carl Washington

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

May 17, 2001

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Judiciary Committee

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Judiciary Committee for the 2001–02 Second Extraordinary Session:

Assemblymember Darrell Steinberg, Chair  
Assemblymember Robert Pacheco, Vice Chair  
Assemblymember Patricia Bates  
Assemblymember Ellen Corbett  
Assemblymember John Dutra  
Assemblymember Tom Harman  
Assemblymember Hannah-Beth Jackson  
Assemblymember John Longville  
Assemblymember Kevin Shelley  
Assemblymember Howard Wayne

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

May 17, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Revenue and Taxation Committee

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Revenue and Taxation Committee for the 2001–02 Second Extraordinary Session:

Assemblymember Ellen Corbett, Chair  
 Assemblymember Tom Harman, Vice Chair  
 Assemblymember Elaine Alquist  
 Assemblymember Dion Aroner  
 Assemblymember Gilbert Cedillo  
 Assemblymember Paul Koretz  
 Assemblymember Helen Thomson  
 Assemblymember Mark Wyland

Sincerely,

ROBERT M. HERTZBERG  
 Speaker of the Assembly

#### INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 17—Rod Pacheco and Bogh (Coauthors: Cogdill, Daucher, La Suer, and Zettel).** An act to add Sections 21080.12 and 25137 to the Public Resources Code, relating to energy.

**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.

**ASSEMBLY BILL NO. 19—Florez and Ashburn (Principal coauthor: Senator Costa).** An act to amend Section 377 of the Public Utilities Code, relating to electric power.

**ASSEMBLY BILL NO. 20—Rod Pacheco, Bogh, and Pescetti (Coauthors: Briggs, Cox, Dickerson, Kelley, Maddox, Mountjoy, Strickland, and Wyman).** An act to repeal Article 10 (commencing with Section 890) of Chapter 4 of Part 1 of Division 1 of the Public Utilities Code, and to repeal Part 19 (commencing with Section 40001) of Division 2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy. An act to add Section 332 to the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 21—Canciamilla.** An act to add Section 625.5 to the Public Utilities Code, relating to energy.

**ASSEMBLY BILL NO. 22—Canciamilla.** An act to repeal and add Section 39607.6 to of the Health and Safety Code, relating to air pollution.

**ASSEMBLY BILL NO. 23—Pescetti and Bill Campbell (Coauthors: Ashburn, Bates, Cogdill, and Maldonado).** An act to add Section 3108.5 to the Public Resources Code, and to add Sections 785.8 and 785.9 to Section 785.8 to, and to add and repeal Section 785.9 of, the Public Utilities Code, relating to energy.

**ASSEMBLY BILL NO. 24—Richman.** An act to add Chapter 6.6 (commencing with Section 25560) to Division 15 of the Public Resources Code, relating to energy resources, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 25—Horton.** An act to add Section 65863.13 to the Government Code, and to add Sections 17052.88, 17210, and 24371 to the Revenue and Taxation Code, relating to energy conservation.

**ASSEMBLY BILL NO. 26—Calderon.** An act to add Section 380 to the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 27—Lowenthal and Oropeza (Coauthor: Senator Karnette).** An act relating to energy.

**ASSEMBLY BILL NO. 28—Migden, Oropeza, and Diaz (Coauthor: Cohn).** An act to amend Section 335 of, and to add Section 342 to, the Public Utilities Code, relating to public utilities, and making an appropriation therefor.

**ASSEMBLY BILL NO. 29—Koretz.** An act to add Section 12334 to the Government Code, to add Section 25216.6 to the Public Resources Code, to add Section 367.1 to the Public Utilities Code, to amend Sections 17250 and 24349 of, to add Section 6902.3 to, and to add and repeal Sections 6367.5, 17053.84, and 23684 of, the Revenue and Taxation Code, and to amend Section 80110 of the Water Code, relating to electricity.

**ASSEMBLY BILL NO. 30—Dutra (Coauthors: Alquist, Canciamilla, and Thomson) (Coauthors: Senators Costa and Torlakson).** An act to add Section 2773.3 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 31—Cohn.** An act to add Part 8.5 (commencing with Section 17750) to Division 4 of Title 2 of the Government Code, relating to local government finance, and making an appropriation therefor.

**ASSEMBLY BILL NO. 32—Matthews (Coauthors: Cardoza, Dutra, and Pescetti) (Principal coauthor: Senator Poochigian).** An act to add Section 743.7 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately. An act to add Section 7284.5 to the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY BILL NO. 33—Florez (Principal coauthors: Calderon and Leslie).** An act to add Article 4.5 (commencing with Section 41368) to Chapter 3 of Part 24 of the Education Code, relating to education energy costs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately. An act to add Division 1.5 (commencing with Section 3500) to the Public Resources Code, and to add Part 19.5 (commencing with Section 40500) to the Revenue and Taxation Code, relating to public utilities.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

<i>Assembly</i>	<i>Committee</i>
<i>Bill No.</i>	
<b>1</b> -----	Rls.
<b>2</b> -----	Rls.
<b>3</b> -----	E.C. & A.
<b>4</b> -----	Rls.
<b>5</b> -----	E.C. & A.
<b>6</b> -----	E.S. & T.M.
<b>7</b> -----	E.C. & A.
<b>9</b> -----	Rls.
<b>10</b> -----	Rls.
<b>11</b> -----	Rls.
<b>13</b> -----	Jud. and E.C. & A.
<b>14</b> -----	Rls.
<b>15</b> -----	Rev. & Tax. and E.C. & A.
<b>16</b> -----	Rls.

*Assembly Concurrent  
Resolution No.*

*Committee*

**2** ----- E.C. & A.

**REPORTS OF STANDING COMMITTEES  
Committee on Rules**

Date of Hearing: May 17, 2001

Mr. Speaker: Your Committee on Rules reports:

Assembly Bill No. 1  
Assembly Bill No. 4  
Assembly Bill No. 9

Assembly Bill No. 10  
Assembly Bill No. 11

With the recommendation: Do pass, pursuant to Assembly Rule 51.3.

HERTZBERG, Chairman

Above bills ordered to second reading.

Date of Hearing: May 17, 2001

Mr. Speaker: Your Committee on Rules reports:

Assembly Bill No. 2  
Assembly Bill No. 14  
Assembly Bill No. 16

With the recommendation: That the bills be re-referred to the Committee on Appropriations, pursuant to Assembly Rule 51.3.

HERTZBERG, Chairman

Above bills re-referred to the Committee on Appropriations.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Monday, May 21, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, May 21, 2001**  
**FIFTH SESSION DAY**  
**EIGHTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, May 21, 2001

The Assembly met at 11:07 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 following were placed upon the morning roll call—76:

Aanestad	Cox	Leslie	Richman
Alquist	Daucher	Liu	Runner
Ashburn	Diaz	Longville	Salinas
Bates	Dickerson	Lowenthal	Shelley
Bogh	Dutra	Maddox	Simitian
Briggs	Firebaugh	Maldonado	Steinberg
Calderon	Frommer	Matthews	Strickland
Campbell, Bill	Goldberg	Migden	Strom-Martin
Campbell, John	Harman	Mountjoy	Thomson
Canciamilla	Havice	Nakano	Vargas
Cardenas	Hollingsworth	Nation	Washington
Cedillo	Jackson	Negrete McLeod	Wayne
Chan	Keeley	Oropeza	Wesson
Chavez	Kehoe	Pacheco, Robert	Wiggins
Chu*	Kelley	Pacheco, Rod	Wright
Cogdill	Koretz	Papan	Wyland
Cohn	La Suer	Pavley	Wyman
Corbett	Leach	Pescetti	Zettel
Correa	Leonard	Reyes	Mr. Speaker

Quorum present.

(\*NOTE: Assembly Member Chu took and subscribed to the Oath of Office on this day, at 11:25 a.m. in the Regular Session.)

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*Because of illness: Assembly Members Aroner, Cardoza, Florez, and Horton.*

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

May 21, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Housing and  
Community Development Committee

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Housing and Community Development Committee for the 2001–02 Second Extraordinary Session:

Assemblymember Alan Lowenthal, Chair  
Assemblymember Dennis Mountjoy, Vice Chair  
Assemblymember Dave Cogdill  
Assemblymember Rebecca Cohn  
Assemblymember John Dutra  
Assemblymember Christine Kehoe  
Assemblymember George Runner  
Assemblymember Simon Salinas  
Assemblymember Howard Wayne

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

May 21, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Natural Resources Committee

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Natural Resources Committee for the 2001–02 Second Extraordinary Session:

Assemblymember Howard Wayne, Chair  
Assemblymember Dennis Hollingsworth, Vice Chair  
Assemblymember Dick Dickerson  
Assemblymember Tom Harman  
Assemblymember Hannah-Beth Jackson  
Assemblymember Fred Keeley  
Assemblymember Alan Lowenthal  
Assemblymember Gloria Negrete McLeod  
Assemblymember Carole Migden  
Assemblymember Fran Pavley  
Assemblymember Phil Wyman

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

May 21, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Environmental Safety and Toxic Materials Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Judy Chu to replace Assemblymember John Longville on the Environmental Safety and Toxic Materials Committee for the 2001–02 Regular Session and Second Extraordinary Session.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

May 21, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Revenue and Taxation Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Herb Wesson to replace Assemblymember Dion Aroner on the Assembly Revenue and Taxation Committee for today's hearing only.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

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The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

**ADVANCE UNOFFICIAL ELECTION RETURNS  
49TH ASSEMBLY DISTRICT**

**SPECIAL PRIMARY ELECTION  
MAY 15, 2001**

**The unofficial returns reported herein are those from the office of the Honorable Bill Jones,  
Secretary of State.**

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**DISTRIBUTED TO OFFICES OF THE CALIFORNIA ASSEMBLY  
AND SENATE BY THE OFFICE OF THE CHIEF CLERK**

**Special Election Results  
State Assembly, 49th District\*\*  
Special Primary Election, May 15, 2001  
SEMI FINAL OFFICIAL CANVASS**

<p><b>County Name</b> Los Angeles %</p> <p><b>District Total</b> %</p> <p><b>Ballots Cast</b> Los Angeles</p>	<p><b>Registered Voters</b> 142,533</p> <p>514 2.49%</p> <p>142,533</p> <p>21,068</p> <p><b>Total</b> 21,068 14.78%</p>	<p><b>Kim Goldsworthy</b> Lib 514 2.49%</p> <p><b>Daniel R. Arguello</b> Dem 6,958 33.86%</p> <p><b>514</b> <b>2.49%</b></p> <p><b>Precincts Reporting</b> Los Angeles 108 of 108 <b>Total</b> 108</p>	<p><b>Robert Miranda</b> Dem 1,097 5.31%</p> <p><b>6,958</b> <b>33.86%</b></p> <p><b>1,097</b> <b>5.31%</b></p>	<p><b>Judy Chu**</b> Dem 12,101 58.54%</p> <p><b>12,101</b> <b>58.54%</b></p>
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\* Vacancy resulting from the Gloria Romero elected to the 24th Senate District.

\*\* Elected

**CERTIFICATE OF ELECTION**

The following Certificate of Election was presented, read by the Clerk, and ordered printed in the Journal:

**Certificate of Election**

I, BILL JONES, Secretary of State of the State of California, hereby certify:

That according to the semi-final official returns of the Special Primary Election held on the 15th day of May, 2001, and the statement of the result thereof on file in my office,

**JUDY CHU**

was elected by the majority of the voters of the  
49th State Assembly District to serve as the

California State Assembly Member, District 49  
for the term prescribed by law.

IN WITNESS WHEREOF, I hereunto set my hand  
and affix the Great Seal of the State of California,  
at Sacramento, this 16th day  
of May, 2001.



**BILL JONES**  
Secretary of State

**OATH OF OFFICE**

The following Oath of Office was administered by Speaker Robert M. Hertzberg:

**OATH**

for the Office of Member of the Assembly  
49th Assembly District

I, Judy Chu, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

**JUDY CHU**

Subscribed and sworn to before me,  
this 21st day of May  
A.D. 2001

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

### INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 34—Briggs.** An act to add and repeal Section 380 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 35—Vargas.** An act to add and repeal Chapter 7 (commencing with Section 80272) of Division 27 of the Water Code, relating to electric power.

**ASSEMBLY BILL NO. 36—Vargas.** An act to add and repeal Section 739.21 of the Public Utilities Code, relating to rate credits.

**ASSEMBLY BILL NO. 37—Vargas.** An act to add and repeal Section 779.3 of the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 38—Matthews and Cardoza (Coauthors: Canciamilla, Dickerson, and Zettel).** An act to add Section 625.5 to the Public Utilities Code, relating to natural gas, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 39—Florez.** An act to add Section 2773.7 to the Public Utilities Code, relating to electric power.

**ASSEMBLY BILL NO. 40—Florez (Coauthors: Leslie, Pescetti, and Wiggins).** An act to add Section 2774.7 to the Public Utilities Code, relating to electric power.

**ASSEMBLY BILL NO. 41—Leslie.** An act to add and repeal Section 11093.5 of the Government Code, relating to state agencies.

**ASSEMBLY BILL NO. 42—Kelley and Bates (Coauthors: Correa, Daucher, Robert Pacheco, and Zettel).** An act to add Section 743.2 to the Public Utilities amend Section 80110 of, and to add Section 80111 to, the Water Code, relating to electricity.

**ASSEMBLY BILL NO. 43—Harman.** An act to add Chapter 5.4 (commencing with Section 25438) to Division 15 of the Public Resources Code, to add Section 399.45 to the Public Utilities Code, and to amend Sections 17052.12, 17053.49, 23609, and 23649 of, to add Sections 17053.60, 17053.61, 17053.62, 17053.63, 23660, 23662, and 23663 to, and to add and repeal Sections 17053.84 and 23684 of, the Revenue and Taxation Code, relating to energy, and making an appropriation therefor.

**ASSEMBLY BILL NO. 44—Alquist.** An act to amend Section 1240.650 of the Code of Civil Procedure, to amend Sections 56129 and 56133 of the Government Code, and to amend Section 366 of, and to add Sections 851.1 and 1411.1 to, the Public Utilities Code, relating to public utilities. An act to add Chapter 6.7 (commencing with Section 25560) to Division 15 of the Public Resources Code, relating to energy resources.

**ASSEMBLY BILL NO. 45—Cohn and Diaz.** An act to amend Section 25555 of the Public Resources Code, relating to energy resources, and making an appropriation therefor.

**ASSEMBLY BILL NO. 46—Rod Pacheco and Bogh.** An act to add Section 743.2 to the Public Utilities Code, relating to public utilities.

### RESOLUTIONS

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 3—Alquist.** Relative to electricity blackouts.

**ASSEMBLY CONCURRENT RESOLUTION NO. 4—Cohn, Salinas, Alquist, Diaz, and Dutra (Coauthors: Ashburn, Calderon, Bill Campbell, Canciamilla, Cardoza, Cedillo, Corbett, Correa, Cox, Firebaugh, Florez, Frommer, Hertzberg, Horton, Keeley, Kelley, La Suer, Leonard, Lowenthal, Maddox, Matthews, Mountjoy, Negrete McLeod, Oropeza, Robert Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, and Wyman).** Relative to Metcalf Energy Center.



**MESSAGES FROM THE SENATE**

Senate Chamber, May 17, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 1  
Senate Bill No. 17

Senate Bill No. 33  
Senate Bill No. 39

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, May 17, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 1

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, May 17, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 1

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following bills were read the first time:

**SENATE BILL NO. 1**—An act 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.

**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.

**SENATE BILL NO. 33**—An act relating to public utilities.

**SENATE BILL NO. 39**—An act to amend Sections 216 , 362, and 431 of, and to add Section 761.3 to, the Public Utilities Code, relating to public utilities.

The following resolutions were read:

**SENATE CONCURRENT RESOLUTION NO. 1**—Relative to the Joint Rules for the 2001–02 Second Extraordinary Session.

**SENATE JOINT RESOLUTION NO. 1**—Relative to daylight saving time.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

*Assembly*

*Bill No.*

*Committee*

17	-----	Nat. Res. and E.C. & A.
18	-----	Rls.
19	-----	Rls.
20	-----	E.C. & A.
21	-----	Rls.
22	-----	Nat. Res. and E.C. & A.
23	-----	Rls.
24	-----	Rls.
25	-----	H. & C.D. and Rev. & Tax.
26	-----	Rls.
27	-----	Rls.
28	-----	Rls.
29	-----	Rls.

<b>30</b>	-----	Rls.
<b>31</b>	-----	Rls.
<b>32</b>	-----	Rev. & Tax.
<b>33</b>	-----	E.C. & A.

*Senate*

<i>Bill No.</i>		<i>Committee</i>
<b>33</b>	-----	E.C. & A.
<b>39</b>	-----	E.C. & A.

**REPORTS OF STANDING COMMITTEES  
Committee on Rules**

Date of Hearing: May 21, 2001

Mr. Speaker: Your Committee on Rules reports:

Assembly Bill No. 18	Assembly Bill No. 27
Assembly Bill No. 19	Assembly Bill No. 28
Assembly Bill No. 23	Assembly Bill No. 30
Assembly Bill No. 24	Assembly Bill No. 31
Assembly Bill No. 26	

With recommendation: Do pass, pursuant to Assembly Rule 51.3.

HERTZBERG, Chairman

Above bills ordered to second reading.

Date of Hearing: May 21, 2001

Mr. Speaker: Your Committee on Rules reports:

Assembly Bill No. 21
Assembly Bill No. 29

With recommendation: That the bill be re-referred to the Committee on Appropriations, pursuant to Assembly Rule 51.3.

HERTZBERG, Chairman

Above bill re-referred to the Committee on Appropriations.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1**—An act to add Article 9 (commencing with Section 22200) to Chapter 1 of Part 5 of Division 11 of the Water Code, relating to energy.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 4**—An act to add Section 2774.5 to the Public Utilities Code, relating to electric power, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 9**—An act to amend Sections 331, 366, and 381 of 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.

**ASSEMBLY BILL NO. 10**—An act to add Section 25525.3 to the Public Resources Code, relating to electrical generation, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 11**—An act to add Section 9601.5 to the Public Utilities Code, relating to electricity, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 21, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1

Assembly Bill No. 10

Assembly Bill No. 4

Assembly Bill No. 11

Assembly Bill No. 9

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, May 22, 2001**  
**SIXTH SESSION DAY**  
**NINTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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 22, 2001

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—77:

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Runner
Aroner	Diaz	Liu	Salinas
Ashburn	Dickerson	Longville	Shelley
Bates	Dutra	Lowenthal	Simitian
Bogh	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strom-Martin
Calderon	Frommer	Matthews	Thomson
Campbell, Bill	Goldberg	Migden	Vargas
Campbell, John	Harman	Mountjoy	Wayne
Canciamilla	Havice	Nakano	Wesson
Cardenas	Hollingsworth	Nation	Wiggins
Cedillo	Horton	Negrete McLeod	Wright
Chan	Jackson	Oropeza	Wyland
Chavez	Keeley	Pacheco, Robert	Wyman
Chu	Kehoe	Pacheco, Rod	Zettel
Cogdill	Kelley	Papan	Mr. Speaker
Cohn	Koretz	Pavley	
Corbett	La Suer	Pescetti	
Correa	Leach	Reyes	

Quorum present.

**At 12:25 p.m., Hon. Joe Canciamilla, 11th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Strickland and Washington.*

*Because of illness: Assembly Member Cardoza.*

(NOTE: For explanations of absences of Assembly Members Strickland and Washington on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 47—Diaz.** An act to amend Section 1005.5 of, to add Section 1012 to, and to add and repeal Article 6 (commencing with Section 1125) of Chapter 5 of Part 1 of Division 1 of, the Public Utilities Code, relating to gas pipelines, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 48—Wright.** An act to amend Section 25550 of, and to add Sections 25137 and 25551 to, the Public Resources Code, relating to electrical energy, and declaring the urgency thereof, to take effect immediately.

**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.

**ASSEMBLY BILL NO. 50—Bill Campbell.** An act to amend Section 25514 of the Public Resources Code, and to add Sections 96.08, 97.08, and 100.8 to the Revenue and Taxation Code, relating to powerplant facilities.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY JOINT RESOLUTION NO. 1—Vargas.** Relative to the Federal Energy Regulatory Commission.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 18—**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 second time, and ordered to third reading.

**ASSEMBLY BILL NO. 19—**An act to amend Section 377 of the Public Utilities Code, relating to electric power.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 23—**An act to add Section 3108.5 to the Public Resources Code, and to add Section 785.8 to, and to add and repeal Section 785.9 of, the Public Utilities Code, relating to energy.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 24—**An act to add Chapter 6.6 (commencing with Section 25560) to Division 15 of the Public Resources Code, relating to energy resources, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 26—**An act to add Section 380 to the Public Utilities Code, relating to public utilities.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 27—**An act relating to energy.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 28—**An act to amend Section 335 of, and to add Section 342 to, the Public Utilities Code, relating to public utilities.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 30—**An act to add Section 2773.3 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.

**ASSEMBLY BILL NO. 31**—An act to add Part 8.5 (commencing with Section 17750) to Division 4 of Title 2 of the Government Code, relating to local government finance, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 22, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 18

Assembly Bill No. 27

Assembly Bill No. 19

Assembly Bill No. 28

Assembly Bill No. 23

Assembly Bill No. 30

Assembly Bill No. 24

Assembly Bill No. 31

Assembly Bill No. 26

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, May 23, 2001**  
**SEVENTH SESSION DAY**  
**TENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Wednesday, May 23, 2001

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—77:

Aanestad	Daucher	Leslie	Runner
Alquist	Diaz	Liu	Salinas
Aroner	Dickerson	Longville	Shelley
Ashburn	Dutra	Lowenthal	Simitian
Bogh	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Canciamilla	Harman	Mountjoy	Vargas
Cardenas	Havice	Nakano	Wayne
Cardoza	Hollingsworth	Nation	Wesson
Cedillo	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Oropeza	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Chu	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Zettel
Cohn	Koretz	Pavley	Mr. Speaker
Corbett	La Suer	Pescetti	
Correa	Leach	Reyes	
Cox	Leonard	Richman	

Quorum present.

**At 1:33 p.m., Hon. Phil Wyman, 34th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 John Campbell and Washington.*

*Because of illness: Assembly Member Bates.*

(NOTE: For explanation of absence of Assembly Member John Campbell 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 Washington on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for May 22, 2001.)

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 51—Reyes.** An act to add Section 2775.1 to the Public Utilities Code, relating to electrical corporations.

**ASSEMBLY BILL NO. 52—Reyes.** An act to add Section 6356.4 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 53—Daucher and Hollingsworth.** An act to add Sections 743.7 and 743.8 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 54—Daucher.** An act to add and repeal Section 41514.11 of the Health and Safety Code, relating to energy.

**AUTHOR’S AMENDMENTS  
Committee on Revenue and Taxation**

May 23, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 32

With author’s amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chairwoman

**ASSEMBLY BILL NO. 32—**An act to add Section 7284.5 to the Revenue and Taxation Code, relating to taxation.

Bill read second time; author’s amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned upon Call of the Speaker.

---

ROBERT M. HERTZBERG, Speaker

S. RICHARD TIMMINS, Acting Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 23, 2001**

The following measures were amended in the Assembly on this day:

**AB RN**

32 0114282

**Daily Total: 1**

**Cumulative Total: 1**

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, May 24, 2001**  
**EIGHTH SESSION DAY**  
**ELEVENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, May 24, 2001

The Assembly met at 9:29 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—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
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	Wyman
Chu	Koretz	Pavley	Zettel
Cohn	La Suer	Pescetti	Mr. Speaker
Correa	Leach	Reyes	
Cox	Leonard	Richman	

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

During the Enlightenment, the French writer Laure Junot wisely observed that “All fruits do not ripen in one season.”

While it is normal to desire immediate results, when we cultivate the art of patience in ourselves, we often find ourselves rewarded at unexpected times.

We live in a tension between social demands that call on us for immediate results and knowing that the far reaching effects of what we do will be seen long after our work is done. May the Holy One bless us with the opportunity to see our work come to a successful and timely fruition.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Leach 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.

**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 Cogdill and Corbett.*

(NOTE: For explanations of absences of Assembly Members Cogdill and Corbett on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 24, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 32

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 55—Goldberg, Hertzberg, Reyes, and Florez.** An act to add Section 354 to the Public Utilities Code, relating to energy.

**ASSEMBLY BILL NO. 56—Mountjoy and Wyman (Principal coauthor: Senator McClintock) and Aanestad, Ashburn, Bates, Bogh, Briggs, Bill Campbell, John Campbell, Cogdill, Cox, Daucher, Dickerson, Florez, Harman, Hollingsworth, Horton, La Suer, Leonard, Leslie, Matthews, Robert Pacheco, Richman, Runner, Strickland, Wyland, and Zettel (Coauthors: Senators Knight and Monteith).** An act to add and repeal Section 42301.18 of the Health and Safety Code, relating to air emissions.

**ASSEMBLY BILL NO. 57—Alquist and Thomson.** An act to amend Sections 1240.650 and 1245.250 of the Code of Civil Procedure, to amend Sections 56129 and 56133 of the Government Code, and to amend Sections 366 and 11652 of, and to add Section 851.1 to, the Public Utilities Code, Section 11652 of the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 58—Runner.** An act to amend Sections 6011 and 6012 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

*Assembly*

<i>Bill No.</i>	<i>Committee</i>
<b>34</b> -----	E.C. & A.
<b>35</b> -----	Jud. and E.C. & A.
<b>36</b> -----	E.C. & A.
<b>37</b> -----	E.C. & A.
<b>38</b> -----	Rls.
<b>39</b> -----	E.C. & A.
<b>40</b> -----	E.C. & A.
<b>41</b> -----	E.C. & A.
<b>42</b> -----	Rls.
<b>43</b> -----	Rev. & Tax. and E.C. & A.
<b>44</b> -----	Nat. Res. and E.C. & A.
<b>45</b> -----	Rls.
<b>46</b> -----	E.C. & A.

*Assembly Concurrent*

<i>Resolution No.</i>	<i>Committee</i>
<b>3</b> -----	E.C. & A.
<b>4</b> -----	Rls.

*Senate*

<i>Bill No.</i>	<i>Committee</i>
<b>17</b> -----	Rev. & Tax. and E.C. & A.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

Date of Hearing: May 24, 2001

Mr. Speaker: Your Committee on Rules reports:

- Assembly Bill No. 42
- Assembly Bill No. 45

With recommendation: Do pass, pursuant to Assembly Rule 51.3.

HERTZBERG, Chairman

Above bills ordered to second reading.

Date of Hearing: May 24, 2001

Mr. Speaker: Your Committee on Rules reports:

- Assembly Concurrent Resolution No. 4

With recommendation: Be adopted, pursuant to Assembly Rule 51.3.

HERTZBERG, Chairman

Above resolution ordered on file.



Date of Hearing: May 24, 2001

Mr. Speaker: Your Committee on Rules reports:

Assembly Bill No. 38

With recommendation: That the bill be re-referred to the Committee on Appropriations, pursuant to Assembly Rule 51.3.

HERTZBERG, Chairman

Above bill re-referred to the Committee on Appropriations.

**SHELLEY REQUEST TO SUBSTITUTE ROLL CALL VOTES**

Assembly Member Shelley was granted unanimous consent that pursuant to the provisions of House Resolution No. 2 (Assembly Rule 51.3), the roll call vote be substituted on the following bills in the Second Extraordinary Session which are identical to bills introduced in the First Extraordinary Session which passed the Assembly on the third reading file:

Second Extraordinary Session bill	was First Extraordinary Session bill
Assembly Bill No. 10	Assembly Bill No. 60
Assembly Bill No. 11	Assembly Bill No. 54
Assembly Bill No. 19	Assembly Bill No. 63
Assembly Bill No. 24	Assembly Bill No. 9
Assembly Bill No. 26	Assembly Bill No. 75
Assembly Bill No. 28	Assembly Bill No. 8
Assembly Bill No. 30	Assembly Bill No. 57

**SHELLEY REQUEST RELATIVE TO VOTE ADDS**

Assembly Member Shelley was granted unanimous consent that newly-elected Assembly Members Bogh and Chu be permitted to add their votes to those votes substituted in the Second Extraordinary Session which were taken in the First Extraordinary Session prior to their election.

**CONSIDERATION OF DAILY FILE  
THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 10 (Hertzberg)**—An act to add Section 25525.3 to the Public Resources Code, relating to electrical generation, 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—65**

Alquist	Dickerson	Lowenthal	Simitian
Aroner	Dutra	Maddox	Steinberg
Bates	Firebaugh	Maldonado	Strickland
Briggs	Florez	Matthews	Strom-Martin
Calderon	Frommer	Migden	Thomson
Canciamilla	Goldberg	Nakano	Vargas
Cardenas	Harman	Nation	Washington
Cardoza	Havice	Negrete McLeod	Wayne
Cedillo	Horton	Oropeza	Wesson
Chan	Jackson	Pacheco, Robert	Wiggins
Chavez	Keeley	Papan	Wright
Chu	Kehoe	Pavley	Wyland
Cohn	Kelley	Pescetti	Zettel
Corbett	Koretz	Reyes	Mr. Speaker
Correa	Leach	Richman	
Daucher	Liu	Salinas	
Diaz	Longville	Shelley	

**NOES—13**

Aanestad	Campbell, John	Leonard	Wyman
Ashburn	Cogdill	Leslie	
Bogh	Cox	Mountjoy	
Campbell, Bill	Hollingsworth	Pacheco, Rod	

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—65**

Alquist	Dickerson	Lowenthal	Simitian
Aroner	Dutra	Maddox	Steinberg
Bates	Firebaugh	Maldonado	Strickland
Briggs	Florez	Matthews	Strom-Martin
Calderon	Frommer	Migden	Thomson
Canciamilla	Goldberg	Nakano	Vargas
Cardenas	Harman	Nation	Washington
Cardoza	Havice	Negrete McLeod	Wayne
Cedillo	Horton	Oropeza	Wesson
Chan	Jackson	Pacheco, Robert	Wiggins
Chavez	Keeley	Papan	Wright
Chu	Kehoe	Pavley	Wyland
Cohn	Kelley	Pescetti	Zettel
Corbett	Koretz	Reyes	Mr. Speaker
Correa	Leach	Richman	
Daucher	Liu	Salinas	
Diaz	Longville	Shelley	

**NOES—13**

Aanestad	Campbell, John	Leonard	Wyman
Ashburn	Cogdill	Leslie	
Bogh	Cox	Mountjoy	
Campbell, Bill	Hollingsworth	Pacheco, Rod	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 11 (Wright)**—An act to add Section 9601.5 to the Public Utilities Code, relating to electricity, 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—74**

Alquist	Cox	Leonard	Salinas
Aroner	Daucher	Leslie	Shelley
Ashburn	Diaz	Lowenthal	Simitian
Bates	Dickerson	Maddox	Steinberg
Bogh	Dutra	Maldonado	Strickland
Briggs	Firebaugh	Matthews	Strom-Martin
Campbell, Bill	Florez	Migden	Thomson
Campbell, John	Frommer	Mountjoy	Vargas
Canciamilla	Harman	Nakano	Washington
Cardenas	Havice	Nation	Wayne
Cardoza	Hollingsworth	Oropeza	Wesson
Cedillo	Horton	Pacheco, Robert	Wiggins
Chan	Jackson	Pacheco, Rod	Wright
Chavez	Keeley	Papan	Wyland
Chu	Kehoe	Pavley	Wyman
Cogdill	Kelley	Pescetti	Zettl
Cohn	Koretz	Reyes	Mr. Speaker
Corbett	La Suer	Richman	
Correa	Leach	Runner	

**NOES—1**

Aanestad

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—74**

Alquist	Cox	Leonard	Salinas
Aroner	Daucher	Leslie	Shelley
Ashburn	Diaz	Lowenthal	Simitian
Bates	Dickerson	Maddox	Steinberg
Bogh	Dutra	Maldonado	Strickland
Briggs	Firebaugh	Matthews	Strom-Martin
Campbell, Bill	Florez	Migden	Thomson
Campbell, John	Frommer	Mountjoy	Vargas
Canciamilla	Harman	Nakano	Washington
Cardenas	Havice	Nation	Wayne
Cardoza	Hollingsworth	Oropeza	Wesson
Cedillo	Horton	Pacheco, Robert	Wiggins
Chan	Jackson	Pacheco, Rod	Wright
Chavez	Keeley	Papan	Wyland
Chu	Kehoe	Pavley	Wyman
Cogdill	Kelley	Pescetti	Zettl
Cohn	Koretz	Reyes	Mr. Speaker
Corbett	La Suer	Richman	
Correa	Leach	Runner	

**NOES—1**

Aanestad

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 19 (Florez)**—An act to amend Section 377 of the Public Utilities Code, relating to electric power.

Bill read third time, and passed by the following vote:

**AYES—77**

Aanestad	Correa	Leonard	Runner
Alquist	Cox	Leslie	Salinas
Aroner	Daucher	Longville	Shelley
Ashburn	Diaz	Lowenthal	Simitian
Bates	Dickerson	Maddox	Strickland
Bogh	Dutra	Maldonado	Strom-Martin
Briggs	Firebaugh	Matthews	Thomson
Calderon	Florez	Migden	Vargas
Campbell, Bill	Frommer	Mountjoy	Washington
Campbell, John	Goldberg	Nakano	Wayne
Canciamilla	Harman	Nation	Wesson
Cardenas	Havice	Negrete McLeod	Wiggins
Cardoza	Hollingsworth	Oropeza	Wright
Cedillo	Horton	Pacheco, Robert	Wyland
Chan	Jackson	Pacheco, Rod	Wyman
Chavez	Kehoe	Papan	Zettel
Chu	Kelley	Pavley	Mr. Speaker
Cogdill	Koretz	Pescetti	
Cohn	La Suer	Reyes	
Corbett	Leach	Richman	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 24 (Richman)**—An act to add Chapter 6.6 (commencing with Section 25560) to Division 15 of the Public Resources Code, relating to energy resources, 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—77**

Aanestad	Correa	Leach	Salinas
Alquist	Cox	Leonard	Shelley
Aroner	Daucher	Leslie	Simitian
Ashburn	Diaz	Longville	Steinberg
Bates	Dickerson	Lowenthal	Strickland
Bogh	Dutra	Maddox	Strom-Martin
Briggs	Firebaugh	Maldonado	Thomson
Calderon	Florez	Matthews	Vargas
Campbell, Bill	Frommer	Mountjoy	Washington
Campbell, John	Goldberg	Nakano	Wayne
Canciamilla	Harman	Nation	Wesson
Cardenas	Havice	Negrete McLeod	Wiggins
Cardoza	Hollingsworth	Oropeza	Wright
Cedillo	Horton	Pacheco, Robert	Wyland
Chan	Jackson	Pacheco, Rod	Wyman
Chavez	Keeley	Pavley	Zettel
Chu	Kehoe	Pescetti	Mr. Speaker
Cogdill	Kelley	Reyes	
Cohn	Koretz	Richman	
Corbett	La Suer	Runner	

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—77**

Aanestad	Correa	Leach	Salinas
Alquist	Cox	Leonard	Shelley
Aroner	Daucher	Leslie	Simitian
Ashburn	Diaz	Longville	Steinberg
Bates	Dickerson	Lowenthal	Strickland
Bogh	Dutra	Maddox	Strom-Martin
Briggs	Firebaugh	Maldonado	Thomson
Calderon	Florez	Matthews	Vargas
Campbell, Bill	Frommer	Mountjoy	Washington
Campbell, John	Goldberg	Nakano	Wayne
Canciamilla	Harman	Nation	Wesson
Cardenas	Havice	Negrete McLeod	Wiggins
Cardoza	Hollingsworth	Oropeza	Wright
Cedillo	Horton	Pacheco, Robert	Wyland
Chan	Jackson	Pacheco, Rod	Wyman
Chavez	Keeley	Pavley	Zettel
Chu	Kehoe	Pescetti	Mr. Speaker
Cogdill	Kelley	Reyes	
Cohn	Koretz	Richman	
Corbett	La Suer	Runner	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 26 (Calderon)**—An act to add Section 380 to the Public Utilities Code, relating to public utilities.

Bill read third time, and passed by the following vote:

**AYES—78**

Aanestad	Correa	Leach	Richman
Alquist	Cox	Leonard	Salinas
Aroner	Daucher	Leslie	Shelley
Ashburn	Diaz	Liu	Simitian
Bates	Dickerson	Lowenthal	Steinberg
Bogh	Dutra	Maddox	Strickland
Briggs	Firebaugh	Maldonado	Strom-Martin
Calderon	Florez	Matthews	Thomson
Campbell, Bill	Frommer	Migden	Vargas
Campbell, John	Goldberg	Mountjoy	Washington
Canciamilla	Harman	Nakano	Wayne
Cardenas	Havice	Nation	Wesson
Cardoza	Hollingsworth	Negrete McLeod	Wiggins
Cedillo	Horton	Oropeza	Wright
Chan	Jackson	Pacheco, Robert	Wyland
Chavez	Keeley	Pacheco, Rod	Wyman
Chu	Kehoe	Papan	Zettel
Cogdill	Kelley	Pavley	Mr. Speaker
Cohn	Koretz	Pescetti	
Corbett	La Suer	Reyes	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 28 (Migden)**—An act to amend Section 335 of, and to add Section 342 to, the Public Utilities Code, relating to public utilities.

Bill read third time, and passed by the following vote:

**AYES—63**

Alquist	Diaz	Liu	Salinas
Aroner	Dutra	Longville	Shelley
Bates	Firebaugh	Lowenthal	Simitian
Briggs	Florez	Maddox	Steinberg
Calderon	Frommer	Migden	Strickland
Campbell, Bill	Goldberg	Mountjoy	Strom-Martin
Canciamilla	Harman	Nakano	Thomson
Cardenas	Havice	Nation	Vargas
Cardoza	Horton	Negrete McLeod	Washington
Chan	Jackson	Oropeza	Wayne
Chavez	Keeley	Pacheco, Robert	Wesson
Chu	Kehoe	Papan	Wiggins
Cohn	Kelley	Pavley	Wyland
Corbett	Koretz	Pescetti	Wyman
Correa	La Suer	Reyes	Mr. Speaker
Daucher	Leonard	Runner	

**NOES—6**

Aanestad	Cogdill	Hollingsworth
Bogh	Dickerson	Pacheco, Rod

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 30 (Dutra)**—An act to add Section 2773.3 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—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 9:34 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 1:06 p.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 Sections 331, 366, and 381 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Assembly Member Migden moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**ASSEMBLY BILL NO. 23 (Pescetti)**—An act to add Section 3108.5 to the Public Resources Code, and to add Section 785.8 to, and to add and repeal Section 785.9 of, the Public Utilities Code, relating to energy.

Bill read third time, and passed by the following vote:

**AYES—71**

Aanestad	Cox	Longville	Runner
Alquist	Daucher	Lowenthal	Salinas
Aroner	Diaz	Maddox	Shelley
Ashburn	Dickerson	Maldonado	Steinberg
Bates	Dutra	Matthews	Strickland
Bogh	Firebaugh	Migden	Strom-Martin
Briggs	Frommer	Mountjoy	Thomson
Calderon	Goldberg	Nakano	Vargas
Campbell, Bill	Havice	Nation	Washington
Campbell, John	Hollingsworth	Negrete McLeod	Wayne
Canciamilla	Horton	Oropeza	Wesson
Cardenas	Keeley	Pacheco, Robert	Wiggins
Cedillo	Kehoe	Pacheco, Rod	Wright
Chan	Kelley	Papan	Wyland
Chavez	Koretz	Pavley	Wyman
Chu	Leach	Pescetti	Zettel
Cohn	Leslie	Reyes	Mr. Speaker
Correa	Liu	Richman	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 27 (Lowenthal)**—An act relating to energy.

Bill read third time.

**Motion to Amend**

Assembly Member Lowenthal moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.



**ASSEMBLY BILL NO. 31 (Cohn)**—An act to add Part 8.5 (commencing with Section 17750) to Division 4 of Title 2 of the Government Code, relating to local government finance, and making an appropriation therefor.

Bill read third time, and passed by the following vote:

**AYES—67**

Alquist	Cox	Maldonado	Shelley
Ashburn	Daucher	Matthews	Simitian
Bates	Diaz	Migden	Steinberg
Bogh	Dutra	Mountjoy	Strickland
Briggs	Firebaugh	Nakano	Strom-Martin
Calderon	Frommer	Nation	Thomson
Campbell, Bill	Havice	Negrete McLeod	Vargas
Campbell, John	Horton	Oropeza	Washington
Canciamilla	Jackson	Pacheco, Robert	Wayne
Cardenas	Kehoe	Pacheco, Rod	Wesson
Cardoza	Kelley	Papan	Wiggins
Cedillo	Koretz	Pavley	Wright
Chan	Leach	Pescetti	Wyland
Chavez	Liu	Reyes	Wyman
Chu	Longville	Richman	Zettel
Cohn	Lowenthal	Runner	Mr. Speaker
Correa	Maddox	Salinas	

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 4 (Cardoza)**—An act to add Section 2774.5 to the Public Utilities Code, relating to electric power, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Reyes.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—71**

Aanestad	Cox	Liu	Salinas
Alquist	Daucher	Longville	Shelley
Ashburn	Diaz	Lowenthal	Simitian
Bates	Dickerson	Maddox	Steinberg
Bogh	Dutra	Maldonado	Strickland
Briggs	Firebaugh	Matthews	Strom-Martin
Calderon	Frommer	Migden	Thomson
Campbell, Bill	Havice	Nakano	Vargas
Campbell, John	Hollingsworth	Nation	Washington
Canciamilla	Horton	Negrete McLeod	Wayne
Cardenas	Jackson	Oropeza	Wesson
Cardoza	Kelley	Pacheco, Robert	Wiggins
Cedillo	Kehoe	Pacheco, Rod	Wright
Chan	Kelley	Pavley	Wyland
Chavez	Koretz	Pescetti	Wyman
Chu	La Suer	Reyes	Zettel
Cohn	Leach	Richman	Mr. Speaker
Correa	Leslie	Runner	

**NOES—None**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—71**

Aanestad	Cox	Liu	Salinas
Alquist	Daucher	Longville	Shelley
Ashburn	Diaz	Lowenthal	Simitian
Bates	Dickerson	Maddox	Steinberg
Bogh	Dutra	Maldonado	Strickland
Briggs	Firebaugh	Matthews	Strom-Martin
Calderon	Frommer	Migden	Thomson
Campbell, Bill	Havice	Nakano	Vargas
Campbell, John	Hollingsworth	Nation	Washington
Canciamilla	Horton	Negrete McLeod	Wayne
Cardenas	Jackson	Oropeza	Wesson
Cardoza	Keeley	Pacheco, Robert	Wiggins
Cedillo	Kehoe	Pacheco, Rod	Wright
Chan	Kelley	Pavley	Wyland
Chavez	Koretz	Pescetti	Wyman
Chu	La Suer	Reyes	Zettel
Cohn	Leach	Richman	Mr. Speaker
Correa	Leslie	Runner	

**NOES—None**

Bill ordered transmitted to the Senate.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Assembly Bill No. 23:** Bates, Cardenas, Daucher, Leach, Runner, and Zettel—Aye.

**Assembly Bill No. 31:** Bates, Briggs, Cardenas, Daucher, Leach, Mountjoy, Rod Pacheco, Pavley, Runner, Wyland, and Zettel—Aye.

**Assembly Bill No. 4 and Urgency:** Bates, Briggs, Daucher, Leach, Rod Pacheco, Shelley, Wyland, and Zettel—Aye.

**RECESS**

By unanimous consent, at 1:15 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 24, 2001**

The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>	
9	0114506	
27	0114307	
<b>Daily Total:</b>		<b>2</b>
<b>Cumulative Total:</b>		<b>3</b>



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, May 25, 2001**  
**NINTH SESSION DAY**  
**TWELFTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, May 25, 2001

The Assembly met at 9:03 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—77:

Aanestad	Cox	Liu	Salinas
Alquist	Daucher	Longville	Shelley
Aroner	Diaz	Lowenthal	Simitian
Ashburn	Dickerson	Maddox	Steinberg
Bates	Dutra	Maldonado	Strickland
Bogh	Firebaugh	Matthews	Strom-Martin
Briggs	Florez	Migden	Thomson
Calderon	Frommer	Mountjoy	Vargas
Campbell, John	Goldberg	Nakano	Washington
Canciamilla	Havice	Nation	Wayne
Cardenas	Hollingsworth	Negrete McLeod	Wesson
Cardoza	Horton	Oropeza	Wiggins
Cedillo	Jackson	Pacheco, Robert	Wright
Chan	Keeley	Pacheco, Rod	Wyland
Chavez	Kehoe	Papan	Wyman
Chu	Kelley	Pavley	Zettel
Cogdill	La Suer	Pescetti	Mr. Speaker
Cohn	Leach	Reyes	
Corbett	Leonard	Richman	
Correa	Leslie	Runner	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

The political commentator, George Will, once observed that “The business of America is not business. Neither is it war. The business of America is justice and securing the blessings of liberty.”

As we enter into the Memorial Day weekend we are reminded of the personal sacrifices made by so many. We remember the courage and bravery that has ensured for us the twin blessings of justice and liberty.

When we participate in the democratic process, we honor the memories of those who have died so that we can be free.

May it be the will of the Creator that we never fail to recognize the bravery of those who came before us and may we always honor their memory by celebrating the noble legacy of freedom and democracy that they have bequeathed to us. May this be God’s will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Pescetti 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 Chan, 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 Bill Campbell and Harman.*

*On personal business, and waiving per diem: Assembly Member Koretz.*

(NOTE: For explanations of absences of Assembly Members Bill Campbell and Harman on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

May 25, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Special Committee on Power

Dear Dotson: This is to advise you that I have created the Special Committee on Power Outage Preparedness for the 2001–02 Second Extraordinary Session of 2001–02. I have appointed the following members to this committee:

Speaker Robert M. Hertzberg, Chair  
 Assemblymember Mike Briggs  
 Assemblymember Dean Florez  
 Assemblymember Jackie Goldberg  
 Assemblymember Fred Keeley  
 Assemblymember Bill Leonard  
 Assemblymember Anthony Pescetti  
 Assemblymember Sarah Reyes  
 Assemblymember Patricia Wiggins

Sincerely,

**ROBERT M. HERTZBERG**  
 Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 25, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 9  
 Assembly Bill No. 27

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

Assembly Chamber, May 25, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 4

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**CONSIDERATION OF DAILY FILE**  
**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 42**—An act to amend Section 80110 of, and to add Section 80111 to, the Water Code, relating to electricity.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 45**—An act to amend Section 25555 of the Public Resources Code, relating to energy resources, and making an appropriation therefor.

Bill read second time, and ordered to third reading.



**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 25, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 42

Assembly Bill No. 45

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 59—Alquist.** An act to add Sections 380.5, 739.4, and 743.9 to the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 60—Hollingsworth and Daucher.** An act to add Article 1.7 (commencing with Section 41775) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to air pollution, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**SHELLEY REQUEST TO SUBSTITUTE ROLL CALL VOTES**

Assembly Member Shelley was granted unanimous consent that pursuant to the provisions of House Resolution No. 2 (Assembly Rule 51.3), the roll call vote taken on third reading in the First Extraordinary Session on Assembly Concurrent Resolution No. 4 be submitted on Assembly Concurrent Resolution No. 4, which is the identical resolution in the Second Extraordinary Session.

**SHELLEY REQUEST RELATIVE TO VOTE ADDS**

Assembly Member Shelley was granted unanimous consent that newly-elected Assembly Members Bogh and Chu be permitted to add their votes to those votes substituted in the Second Extraordinary Session which were taken in the First Extraordinary Session prior to their election.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY CONCURRENT RESOLUTION NO. 4 (Cohn)**—Relative to Metcalf Energy Center.

Resolution read, and adopted by the following vote:

**AYES—73**

Aanestad	Cox	Leslie	Romero
Alquist	Daucher	Liu	Runner
Aroner	Diaz	Longville	Salinas
Ashburn	Dickerson	Lowenthal	Shelley
Bates	Dutra	Maddox	Steinberg
Bogh	Firebaugh	Maldonado	Strickland
Briggs	Florez	Matthews	Strom-Martin
Calderon	Frommer	Mountjoy	Thomson
Campbell, Bill	Goldberg	Nakano	Vargas
Canciamilla	Harman	Nation	Washington
Cardenas	Havice	Negrete McLeod	Wayne
Cardoza	Horton	Oropeza	Wesson
Cedillo	Johnson	Pacheco, Robert	Wyland
Chan	Keeley	Pacheco, Rod	Wyman
Chu	Kehoe	Papan	Zettel
Cogdill	Koretz	Pavley	Mr. Speaker
Cohn	La Suer	Pescetti	
Corbett	Leach	Reyes	
Correa	Leonard	Richman	

**NOES—None**

Resolution ordered transmitted to the Senate.

**RECESS**

By unanimous consent, at 9:06 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Tuesday, May 29, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, May 29, 2001**  
**TENTH SESSION DAY**  
**SIXTEENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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>
<b>48</b> -----	Rls.
<b>49</b> -----	E.C. & A
<b>50</b> -----	Rls.
<b>51</b> -----	Jud. and E.C. & A.
<b>52</b> -----	Rev. & Tax
<b>53</b> -----	Rls.
<b>54</b> -----	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	Zettel

**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	Zettel

**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.

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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:

<b>AB</b>	<b>RN</b>	
18	0114603	
<b>Daily Total:</b>		<b>1</b>
<b>Cumulative Total:</b>		<b>4</b>



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, May 30, 2001**  
**ELEVENTH SESSION DAY**  
**SEVENTEENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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  
Wednesday, May 30, 2001

The Assembly met at 2:04 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—75:

Aanestad	Daucher	Leonard	Richman
Alquist	Diaz	Leslie	Runner
Aroner	Dickerson	Liu	Salinas
Bates	Dutra	Longville	Shelley
Bogh	Firebaugh	Lowenthal	Simitian
Calderon	Florez	Maddox	Steinberg
Campbell, Bill	Frommer	Maldonado	Strickland
Campbell, John	Goldberg	Matthews	Strom-Martin
Canciamilla	Harman	Migden	Thomson
Cardenas	Havice	Mountjoy	Vargas
Cedillo	Hollingsworth	Nation	Wayne
Chan	Horton	Negrete McLeod	Wesson
Chavez	Jackson	Oropeza	Wiggins
Chu	Keeley	Pacheco, Robert	Wright
Cogdill	Kehoe	Pacheco, Rod	Wyland
Cohn	Kelley	Papan	Wyman
Corbett	Koretz	Pavley	Zettel
Correa	La Suer	Pescetti	Mr. Speaker
Cox	Leach	Reyes	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Member Lynne Leach, of the 15th Assembly District:

*Eternal God,*

We pray for certain qualities of life which will not make us pious, but give us a foundation and adequate launching platform to go forth into the areas confronting us.

Prudence, that we can vote for that which is ultimately right, not momentarily attractive.

Fidelity, that we can trust each other in presenting issues at their depth.

Hope, that inevitable defeats will not lead to despair.

Courage, that we may strive for integrity rather than expediency.

In our Lord's name.—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 Chan, seconded by Assembly Member Dickerson.

**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 Briggs, Nakano, and Washington.*

*On personal business, and waiving per diem: Assembly Member Ashburn.*

*Because of illness: Assembly Member Cardoza.*

(NOTE: For explanations of absences of Assembly Members Nakano and Washington 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 Briggs see the Assembly Journal for the Regular Session for May 29, 2001.)

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**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.

**ASSEMBLY BILL NO. 62—Cox (Coauthors: Aanestad, Ashburn, Bates, Briggs, Bill Campbell, Cogdill, Dickerson, La Suer, Leach, Robert Pacheco, Runner, Strickland, and Wyman) (Coauthors: Senators Johannessen, Morrow, Oller, and Ortiz).** An act to add Section 6353.5 to and repeal Section 6353.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 63—Leonard.** An act to add Chapter 11.1 (commencing with Section 6499.1) to Part 1 of Division 3 of the Water Code, relating to energy.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 5—Leonard and Strickland (Coauthors: Aanestad, Ashburn, Bates, Cogdill, Daucher, La Suer, Leslie, Robert Pacheco, Runner, and Wyman).** Relative to the Public Utilities Commission.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 48—**An act to amend Section 25550 of, and to add Sections 25137 and 25551 to, the Public Resources Code, relating to electrical energy, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 53—**An act to add Sections 743.7 and 743.8 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.

**ASSEMBLY BILL NO. 54—**An act to add and repeal Section 41514.11 of the Health and Safety Code, relating to energy.

Bill read second time, and ordered to third reading.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 30, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 48

Assembly Bill No. 53

Assembly Bill No. 54

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.



**MESSAGES FROM THE SENATE**

Senate Chamber, May 30, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 205

And respectfully requests the Assembly to concur in said amendments

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, May 30, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 64

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following bill was read the first time:

**SENATE BILL NO. 64**—An act to amend Section 1103 of the Food and Agricultural Code, relating to energy, and declaring the urgency thereof, to take effect immediately.

**RECESS**

By unanimous consent, at 2:06 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**ADJOURNMENT**

At 3:27 p.m., the Assembly adjourned until 11 a.m., Thursday, May 31, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, May 31, 2001**  
**TWELFTH SESSION DAY**  
**EIGHTEENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, May 31, 2001

The Assembly met at 11:21 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

Quorum present.

**PRAYER**

Upon invitation of Assistant Speaker pro Tempore Kehoe, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

In his book *The Virtues of Aging*, President Jimmy Carter wrote that the key to great rewards is a willingness to go out on a limb, because, he says, that is where the fruit is.

One must be willing to risk one's pride, one's comfort level, and even the immediate approval of one's peers, in order to grab hold of the uncommon reward.

Ultimately, the reward is not merely in what one attains, but in the grasp itself. The reward is not just in obtaining the fruit of one's labors, but in the willingness of trying something new, constantly reaching toward new horizons.

When we continue to strive to do more, be more, to take a chance on the untried idea, we keep our hearts, our minds, and our spirits young.

May the Holy One of Blessing grant us the daring of youth in our visions and the wisdom of age in our actions. May this be God's will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Jackson 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.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 64—Zettel.** An act to amend Sections 25120 and 25123 of the Public Resources Code, relating to energy resources.

**ASSEMBLY BILL NO. 65—Cardoza and Matthews (Coauthors: Alquist, Canciamilla, Chavez, Cohn, Goldberg, Havice, Keeley, Kehoe, Koretz, Longville, and Negrete McLeod) (Coauthors: Senators Chesbro, Ortiz, Scott, and Soto).** An act to add Sections 2120, 2121, and 2122 to the Public Utilities Code, relating to fuel.

**ASSEMBLY BILL NO. 66—Leslie.** An act to add Sections 348.5 and 2772.5 to the Public Utilities Code, relating to public utilities.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

*Assembly*

<i>Bill No.</i>	<i>Committee</i>
<b>47</b> -----	E.C. & A.
<b>55</b> -----	E.C. & A.
<b>56</b> -----	Nat. Res. and E.C. & A.
<b>59</b> -----	E.C. & A.
<b>60</b> -----	Nat. Res. and E.C. & A.

*Senate Joint*

<i>Resolution No.</i>	<i>Committee</i>
<b>1</b> -----	E.C. & A.

**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Date of Hearing: May 30, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 14

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: May 30, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 21

Assembly Bill No. 38

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above bills ordered to second reading.

**SHELLEY REQUEST TO SUBSTITUTE ROLL CALL VOTES**

Assembly Member Shelley was granted unanimous consent that pursuant to the provisions of House Resolution No. 2 (Assembly Rule 51.3), the roll call vote be substituted on the following bills in the Second Extraordinary Session which are identical to bills introduced in the First Extraordinary Session which passed the Assembly on the third reading file:

*Second Extraordinary Session bill was*

*First Extraordinary Session bill*

Assembly Bill No. 48

Assembly Bill No. 36

Assembly Bill No. 53

Assembly Bill No. 24

Assembly Bill No. 54

Assembly Bill No. 28

**SHELLEY REQUEST RELATIVE TO VOTE ADDS**

Assembly Member Shelley was granted unanimous consent that newly-elected Assembly Members Bogh and Chu be permitted to add their votes to those votes substituted in the Second Extraordinary Session which were taken in the First Extraordinary Session prior to their election.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 48 (Wright)**—An act to amend Section 25550 of, and to add Sections 25137 and 25551 to, the Public Resources Code, relating to electrical 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—78**

Aanestad	Correa	Leonard	Runner
Alquist	Cox	Liu	Salinas
Aroner	Daucher	Longville	Shelley
Ashburn	Diaz	Lowenthal	Simitian
Bates	Dickerson	Maddox	Steinberg
Bogh	Dutra	Maldonado	Strickland
Briggs	Firebaugh	Matthews	Strom-Martin
Calderon	Florez	Migden	Thomson
Campbell, Bill	Frommer	Mountjoy	Vargas
Campbell, John	Goldberg	Nakano	Washington
Canciamilla	Havice	Nation	Wayne
Cardenas	Hollingsworth	Negrete McLeod	Wesson
Cardoza	Horton	Oropeza	Wiggins
Cedillo	Jackson	Pacheco, Robert	Wright
Chan	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**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—78**

Aanestad	Correa	Leonard	Runner
Alquist	Cox	Liu	Salinas
Aroner	Daucher	Longville	Shelley
Ashburn	Diaz	Lowenthal	Simitian
Bates	Dickerson	Maddox	Steinberg
Bogh	Dutra	Maldonado	Strickland
Briggs	Firebaugh	Matthews	Strom-Martin
Calderon	Florez	Migden	Thomson
Campbell, Bill	Frommer	Mountjoy	Vargas
Campbell, John	Goldberg	Nakano	Washington
Canciamilla	Havice	Nation	Wayne
Cardenas	Hollingsworth	Negrete McLeod	Wesson
Cardoza	Horton	Oropeza	Wiggins
Cedillo	Jackson	Pacheco, Robert	Wright
Chan	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**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 53 (Daucher)**—An act to add Sections 743.7 and 743.8 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—73**

Aanestad	Daucher	Leonard	Salinas
Alquist	Diaz	Longville	Shelley
Aroner	Dickerson	Lowenthal	Simitian
Bogh	Dutra	Maddox	Steinberg
Briggs	Firebaugh	Matthews	Strickland
Calderon	Florez	Migden	Strom-Martin
Campbell, Bill	Frommer	Mountjoy	Thomson
Campbell, John	Goldberg	Nakano	Vargas
Canciamilla	Harman	Nation	Washington
Cardenas	Havice	Negrete McLeod	Wayne
Cardoza	Hollingsworth	Oropeza	Wesson
Chan	Horton	Pacheco, Robert	Wiggins
Chavez	Jackson	Pacheco, Rod	Wyland
Chu	Keeley	Papan	Wyman
Cogdill	Kehoe	Pavley	Zettel
Cohn	Kelley	Pescetti	Mr. Speaker
Corbett	Koretz	Reyes	
Correa	La Suer	Richman	
Cox	Leach	Runner	

**NOES—None**

The question being on the passage of the bill.  
Bill passed by the following vote:

**AYES—73**

Aanestad	Daucher	Leonard	Salinas
Alquist	Diaz	Longville	Shelley
Aroner	Dickerson	Lowenthal	Simitian
Bogh	Dutra	Maddox	Steinberg
Briggs	Firebaugh	Matthews	Strickland
Calderon	Florez	Migden	Strom-Martin
Campbell, Bill	Frommer	Mountjoy	Thomson
Campbell, John	Goldberg	Nakano	Vargas
Canciamilla	Harman	Nation	Washington
Cardenas	Havice	Negrete McLeod	Wayne
Cardoza	Hollingsworth	Oropeza	Wesson
Chan	Horton	Pacheco, Robert	Wiggins
Chavez	Jackson	Pacheco, Rod	Wyland
Chu	Keeley	Papan	Wyman
Cogdill	Kehoe	Pavley	Zettel
Cohn	Kelley	Pescetti	Mr. Speaker
Corbett	Koretz	Reyes	
Correa	La Suer	Richman	
Cox	Leach	Runner	

**NOES—None**

Bill ordered transmitted to the Senate.



**ASSEMBLY BILL NO. 54 (Daucher)**—An act to add and repeal Section 41514.11 of the Health and Safety Code, relating to energy.

Bill read third time, and passed by the following vote:

**AYES—78**

Aanestad	Correa	Leach	Reyes
Alquist	Cox	Leonard	Richman
Aroner	Daucher	Leslie	Salinas
Ashburn	Diaz	Liu	Shelley
Bates	Dickerson	Longville	Simitian
Bogh	Dutra	Lowenthal	Steinberg
Briggs	Firebaugh	Maddox	Strom-Martin
Calderon	Florez	Maldonado	Thomson
Campbell, Bill	Frommer	Matthews	Vargas
Campbell, John	Goldberg	Migden	Washington
Canciamilla	Harman	Mountjoy	Wayne
Cardenas	Havice	Nakano	Wesson
Cardoza	Hollingsworth	Nation	Wiggins
Cedillo	Horton	Negrete McLeod	Wright
Chan	Jackson	Oropeza	Wyland
Chavez	Keeley	Pacheco, Robert	Wyman
Chu	Kehoe	Pacheco, Rod	Zettel
Cogdill	Kelley	Papan	Mr. Speaker
Cohn	Koretz	Pavley	
Corbett	La Suer	Pescetti	

**NOES—None**

Bill ordered transmitted to the Senate.

**ADJOURNMENT**

At 11:24 a.m., the Assembly adjourned until 11 a.m., Monday, June 4, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, June 4, 2001**  
**THIRTEENTH SESSION DAY**  
**TWENTY-SECOND CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, June 4, 2001

The Assembly met at 5:13 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—79:

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	Wayne
Cardoza	Hollingsworth	Nation	Wesson
Cedillo	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Oropeza	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Chu	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Zettel
Cohn	Koretz	Pavley	Mr. Speaker
Corbett	La Suer	Pescetti	

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

*God in Heaven, The whole earth is Your creation. During the night and in the morning, the stars and the mountains, the seas and rivers break into song praising You. And the angels in the heavens reply, Amen. May power, praise, honor and glory be to God, the only Giver of grace.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Alquist 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 Cohn, seconded by Assembly Member Hollingsworth.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*On personal business, and waiving per diem: Assembly Member Washington.*

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 4, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 14

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

Assembly Chamber, June 4, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 21

Assembly Bill No. 38

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to the Consent Calendar.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 67—Firebaugh (Principal coauthor: Reyes) (Principal coauthor: Senator Alarcon) (Coauthors: Cedillo, Chavez, Diaz, Horton, Negrete McLeod, and Oropeza) (Coauthor: Senator Escutia).** An act to amend Sections 382 and 2790 of, and to add Sections 382.1 and 2790.1 to, the Public Utilities Code, relating to public utilities.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 14—Committee on Water, Parks and Wildlife (Florez (Chair), Dickerson (Vice Chair), Aanestad, Goldberg, Hollingsworth, Kelley, Leslie, and Wyman) (Coauthors: Senators Costa and Oller).** Relative to the Klamath Project.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

*Assembly*

<i>Bill No.</i>	<i>Committee</i>
<b>61</b> -----	E.C. & A.
<b>62</b> -----	Rls.
<b>63</b> -----	Nat. Res. and E.C. & A.

*Assembly Concurrent*

<i>Resolution No.</i>	<i>Committee</i>
<b>5</b> -----	E.C. & A.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 14**—An act to amend Sections 216, 222, and 228 of the Public Utilities Code, relating to public utilities.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 21**—An act to add Section 625.5 to the Public Utilities Code, relating to energy.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 38**—An act to add Section 625.5 to the Public Utilities Code, relating to natural gas, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to Consent Calendar.

**JOINT RULE 62(a) WAIVED**

Assembly Member Shelley was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 2 for hearing in the Committee on Appropriations, on June 5, 2001.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

Date of Hearing: June 4, 2001

Mr. Speaker: Your Committee on Rules reports:

Assembly Bill No. 62

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 bill re-referred to the Committee on Energy Costs and Availability.

**ADJOURNMENT**

At 5:27 p.m., the Assembly adjourned until 9 a.m., Tuesday, June 5, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, June 5, 2001**  
**FOURTEENTH SESSION DAY**  
**TWENTY-THIRD CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, June 5, 2001

The Assembly met at 6:08 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 following were placed upon the morning roll call—77:

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Runner
Aroner	Diaz	Liu	Salinas
Ashburn	Dickerson	Longville	Shelley
Bates	Dutra	Lowenthal	Simitian
Bogh	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	Harman	Mountjoy	Vargas
Canciamilla	Havice	Nakano	Wayne
Cardenas	Hollingsworth	Nation	Wesson
Cardoza	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Oropeza	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Chu	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Mr. Speaker
Cohn	Koretz	Pavley	
Corbett	La Suer	Pescetti	
Correa	Leach	Reyes	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On personal business, and waiving per diem: Assembly Members Washington and Zettel.*

*Because of illness in his family: Assembly Member Cedillo.*



**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>
<b>64</b> -----	Nat. Res. and E.C. & A.
<b>65</b> -----	Pub. S.
<b>66</b> -----	E.C. & A.

**AUTHOR'S AMENDMENTS  
Committee on Judiciary**

June 5, 2001

Mr. Speaker: The Chair of your Committee on Judiciary reports:  
Assembly Bill No. 35

With author's amendments with the recommendation: Amend, and re-refer to the committee.

STEINBERG, Chairman

**ASSEMBLY BILL NO. 35**—An act to add and repeal Chapter 7 (commencing with Section 80272) of Division 27 of the Water Code, relating to electric power.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ADJOURNMENT**

At 6:25 p.m., the Assembly adjourned until 10 a.m., Wednesday, June 6, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JUNE 5, 2001**

The following measure was amended in the Assembly on this day:

**AB RN**

35 0115292

**Daily Total: 1**

**Cumulative Total: 5**

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, June 6, 2001**  
**FIFTEENTH SESSION DAY**  
**TWENTY-FOURTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Wednesday, June 6, 2001

The Assembly met at 10:10 a.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 following were placed upon the morning roll call—77:

Aanestad	Correa	Leach	Richman
Alquist	Cox	Leonard	Runner
Aroner	Daucher	Leslie	Salinas
Ashburn	Diaz	Liu	Shelley
Bates	Dickerson	Longville	Simitian
Bogh	Dutra	Lowenthal	Steinberg
Briggs	Firebaugh	Maddox	Strickland
Calderon	Florez	Maldonado	Strom-Martin
Campbell, Bill	Frommer	Matthews	Thomson
Campbell, John	Goldberg	Migden	Vargas
Canciamilla	Harman	Mountjoy	Wayne
Cardenas	Havice	Nakano	Wesson
Cardoza	Hollingsworth	Nation	Wiggins
Cedillo	Horton	Negrete McLeod	Wright
Chan	Jackson	Oropeza	Wyland
Chavez	Keeley	Pacheco, Robert	Wyman
Chu	Kehoe	Pacheco, Rod	Mr. Speaker
Cogdill	Kelley	Papan	
Cohn	Koretz	Pavley	
Corbett	La Suer	Pescetti	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On personal business, and waiving per diem: Assembly Members Reyes, Washington, and Zettel.*

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 68—Alquist.** An act relating to infrastructure finance, and making an appropriation therefor.

**AUTHOR’S AMENDMENTS**

**Committee on Energy Costs and Availability**

June 6, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 20

With author’s amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 20**—An act to repeal Article 10 (commencing with Section 890) of Chapter 4 of Part 1 of Division 1 of the Public Utilities Code, and to repeal Part 19 (commencing with Section 40001) of Division 2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy. An act to add Section 332 to the Public Utilities Code, relating to public utilities.

Bill read second time; author’s amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR’S AMENDMENTS**

**Committee on Energy Costs and Availability**

June 6, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Senate Bill No. 39

With author’s amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**SENATE BILL NO. 39**—An act to amend Sections 216, 362, and 431 of, and to add Section 761.3 to, the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ADJOURNMENT**

At 8:22 p.m., the Assembly adjourned until 9:30 a.m., Thursday, June 7, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JUNE 6, 2001**

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The following measures were amended in the Assembly on this day:

**AB RN**

20 0114569

**SB RN**

39 0115399

**Daily Total: 2**

**Cumulative Total: 7**





CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, June 7, 2001**  
**SIXTEENTH SESSION DAY**  
**TWENTY-FIFTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, June 7, 2001

The Assembly met at 9:49 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—79:

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	Mr. Speaker
Corbett	La Suer	Pescetti	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

The twentieth century writer and businessman Bruce Barton observed: "Sometimes when I consider what tremendous consequences come from little things, a chance word, a tap on the shoulders, . . . I am tempted to think . . . there are no little things."

If you listen closely enough, even the smallest noise has an echo. There is no action so insignificant there is not a consequence that comes from it. All that we do has an impact on the world around us.

Responsibility comes from recognizing that in each and every act is a reverberation of the future.

May it be the will of the Creator that our words and deeds be a blessing for all whose lives we touch, even at distances in time and space that we may only perceive.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Koretz 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 Wayne, seconded by Assembly Member Leonard.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*On personal business, and waiving per diem: Assembly Member Zettel.*

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 7, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 20

Assembly Bill No. 35

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**AUTHOR'S AMENDMENTS****Committee on Energy Costs and Availability**

June 7, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:

Assembly Bill No. 34

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 34**—An act to add and repeal Section 380 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**RECESS**

By unanimous consent, at 9:52 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 9:56 a.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 Bills**

**ASSEMBLY BILL NO. 21 (Canciamilla)**—An act to add Section 625.5 to the Public Utilities Code, relating to energy.

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.)*

**ASSEMBLY BILL NO. 38 (Matthews)**—An act to add Section 625.5 to the Public Utilities Code, relating to natural gas, and declaring the urgency thereof, to take effect immediately.

Bill read third time, urgency clause adopted, bill passed, and ordered transmitted to the Senate.

*(For the vote on the above bill and urgency clause, 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, and any urgency clauses to the bills adopted, by the following vote:

**AYES—79**

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	Mr. Speaker
Corbett	La Suer	Pescetti	

**NOES—None****VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Consent Calendar:** Longville, Maddox, Migden, Rod Pacheco, Thomson, Washington, Wesson, Wiggins, and Wyman—Aye.

**ADJOURNMENT**

At 4:03 p.m., the Assembly adjourned until 12 noon, Monday, June 11, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JUNE 7, 2001**

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The following measure was amended in the Assembly on this day:

**AB RN**

34 0115468

**Daily Total: 1**

**Cumulative Total: 8**

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, June 11, 2001**  
**SEVENTEENTH SESSION DAY**  
**TWENTY-NINTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, June 11, 2001

The Assembly met at 12:27 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—79:

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Runner
Aroner	Diaz	Liu	Salinas
Ashburn	Dickerson	Longville	Shelley
Bates	Dutra	Lowenthal	Simitian
Bogh	Firebaugh	Maddox	Steinberg
Briggs	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
Correa	Leach	Reyes	

Quorum present.



**PRAYER**

Upon invitation of Assistant Speaker pro Tempore Kehoe, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

*Almighty God, You are the Creator of all things and we are Your creatures. As the members of this Assembly work to write laws that provide for an orderly and just society, Lord, they look to You for strength and guidance. Inspire them, Heavenly Father, in all they do. As they pray and seek your face, hear them, bless them and bless this land. For You are our God and we are Your people. All of us have been shaped by Your hands and it is Your name we invoke.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker Pro Tempore Kehoe, Assembly Member Matthews 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.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*On legislative business: Assembly Member Calderon.*

(NOTE: For explanation of absence of Assembly Member Calderon on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 11, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 34

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 69—Bogh.** An act to add Sections 8571.5 and 8571.6 to the Government Code, relating to public health emergency conditions.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

*Assembly*

*Bill No.*

*Committee*

**57** ----- E.C. & A.

**67** ----- Rls.

*Assembly Joint*

*Resolution No.*

*Committee*

**1** ----- Rls.

*Senate*  
*Bill No.*

*Committee*

**1** ----- Rev. & Tax.  
**64** ----- E.C. & A. and Nat. Res.

### REPORTS OF STANDING COMMITTEES

#### Committee on Appropriations

Date of Hearing: June 5, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 2

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

#### Committee on Rules

Date of Hearing: June 11, 2001

Mr. Speaker: Your Committee on Rules reports:

Assembly Bill No. 67

With recommendation: Do pass, pursuant to Assembly Rule 51.3

CARDOZA, Chairman

Above bill ordered to second reading.

Date of Hearing: June 11, 2001

Mr. Speaker: Your Committee on Rules reports:

Assembly Joint Resolution No. 1

With recommendation: Be adopted, pursuant to Assembly Rule 51.3.

CARDOZA, Chairman

Above resolution ordered on file.

### MESSAGES FROM THE SENATE

Senate Chamber, June 7, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 32

Senate Bill No. 68

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

### FIRST READING OF SENATE BILLS

The following bills were read the first time:

**SENATE BILL NO. 32**—An act to amend Section 332.1 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 68**—An act to amend Section 2772 of the Public Utilities Code, relating to electricity, and declaring the urgency thereof, to take effect immediately.

### RE-REFERENCE OF BILLS

Assembly Member Chan was granted unanimous consent that Assembly Concurrent Resolution No. 5 be re-referred from the Committee on Energy Costs and Availability to the Committee on Appropriations.

### RECESS

By unanimous consent, at 12:28 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Tuesday, June 12, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, June 12, 2001**  
**EIGHTEENTH SESSION DAY**  
**THIRTIETH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, June 12, 2001

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—75:

Aanestad	Diaz	Leslie	Richman
Alquist	Dickerson	Liu	Runner
Aroner	Dutra	Longville	Salinas
Bates	Firebaugh	Lowenthal	Shelley
Bogh	Florez	Maddox	Simitian
Briggs	Frommer	Maldonado	Steinberg
Campbell, John	Goldberg	Matthews	Strickland
Canciamilla	Harman	Migden	Strom-Martin
Cardenas	Havice	Mountjoy	Thomson
Cardoza	Hollingsworth	Nakano	Vargas
Chan	Horton	Nation	Wayne
Chavez	Jackson	Negrete McLeod	Wesson
Chu	Keeley	Oropeza	Wiggins
Cogdill	Kehoe	Pacheco, Robert	Wright
Cohn	Kelley	Pacheco, Rod	Wyland
Corbett	Koretz	Papan	Wyman
Correa	La Suer	Pavley	Zettel
Cox	Leach	Pescetti	Mr. Speaker
Daucher	Leonard	Reyes	

Quorum present.

**At 11:53 a.m., Hon. Bill Leonard, 63rd District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Ashburn, Calderon, Bill Campbell, and Washington.*

*Because of illness in his family: Assembly Member Cedillo.*

(NOTE: For explanations of absences of Assembly Members Ashburn, Calderon, Bill Campbell, and Washington on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 12, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Joint Resolution No. 1

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 70—Briggs.** An act to add and repeal Sections 41520 and 41521 of the Health and Safety Code, relating to energy.

**ASSEMBLY BILL NO. 71—Wyman.** An act to add Section 21080.25 to the Public Resources Code, relating to environmental quality.

**ASSEMBLY BILL NO. 72—Strickland (Principal coauthor: Mountjoy) (Coauthors: Aanestad, Ashburn, Bates, Bill Campbell, Cogdill, Cox, La Suer, Leach, Leonard, Maddox, Matthews, Robert Pacheco, Rod Pacheco, Pescetti, Richman, Runner, Wyman, and Zettel) (Coauthors: Senators Ackerman, Battin, Haynes, Margett, McClintock, and Monteith).** An act to add Section 6389 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**AUTHOR’S AMENDMENTS**

**Committee on Revenue and Taxation**

June 12, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Senate Bill No. 17

With author’s amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chairwoman

**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; author’s amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 2—**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 second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 67—**An act to amend Sections 382 and 2790 of, and to add Sections 382.1 and 2790.1 to, the Public Utilities Code, relating to public utilities.

Bill read second time, and ordered to third reading.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 12, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 67

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

**ADJOURNMENT**

At 4:30 p.m., the Assembly adjourned upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JUNE 12, 2001**

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The following measures were amended in the Assembly on this day:

**AB RN**

2 0115465

**SB RN**

17 0115415

**Daily Total: 2**

**Cumulative Total: 10**



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, June 13, 2001**  
**NINETEENTH SESSION DAY**  
**THIRTY-FIRST CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Wednesday, June 13, 2001

The Assembly met at 7 a.m.  
Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.  
Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—72:

Aanestad	Diaz	Leonard	Reyes
Alquist	Dickerson	Leslie	Runner
Aroner	Dutra	Liu	Salinas
Bogh	Firebaugh	Longville	Shelley
Briggs	Florez	Lowenthal	Simitian
Calderon	Frommer	Maddox	Steinberg
Campbell, Bill	Goldberg	Maldonado	Strickland
Campbell, John	Harman	Matthews	Strom-Martin
Canciamilla	Havice	Migden	Thomson
Cardenas	Hollingsworth	Mountjoy	Vargas
Cardoza	Horton	Nakano	Wayne
Chu	Jackson	Negrete McLeod	Wesson
Cogdill	Keeley	Oropeza	Wiggins
Cohn	Kehoe	Pacheco, Robert	Wright
Corbett	Kelley	Pacheco, Rod	Wyland
Correa	Koretz	Papan	Wyman
Cox	La Suer	Pavley	Zettel
Daucher	Leach	Pescetti	Mr. Speaker

Quorum present.

**At 1:24 p.m., Hon. Louis J. Papan, 19th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Ashburn, Chavez, Nation, Richman, and Washington.*

*On personal business, and waiving per diem: Assembly Member Bates.*

*Because of illness: Assembly Member Chan.*

*Because of illness in his family: Assembly Member Cedillo.*

(NOTE: For explanations of absences of Assembly Members Chavez, Nation, and Richman on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day; for explanations of absences of Assembly Members Ashburn and Washington on this day on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for June 12, 2001.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 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 returned to second reading file.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

June 13, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 57

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 57**—An act to amend Sections 1240.650 and 1245.250 of the Code of Civil Procedure, to amend Sections 56129 and 56133 of the Government Code, and to amend Sections 366 and 11652 of, and to add Section 851.1 to, the Public Utilities Code, Section 11652 of the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**CONSIDERATION OF DAILY FILE**

**ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

**Assembly Bill No. 2**, ordered to third reading.

**ADJOURNMENT**

At 3:13 p.m., the Assembly adjourned until 8:30 a.m., Thursday, June 14, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JUNE 13, 2001**

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The following measure was amended in the Assembly on this day:

**AB RN**

57 0115728

**Daily Total: 1**

**Cumulative Total: 11**

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, June 14, 2001**  
**TWENTIETH SESSION DAY**  
**THIRTY-SECOND CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, June 14, 2001

The Assembly met at 9:04 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—76:

Aanestad	Daucher	Leonard	Reyes
Alquist	Diaz	Leslie	Richman
Aroner	Dickerson	Liu	Runner
Ashburn	Dutra	Longville	Salinas
Bogh	Firebaugh	Lowenthal	Simitian
Briggs	Florez	Maddox	Steinberg
Calderon	Frommer	Maldonado	Strickland
Campbell, Bill	Goldberg	Matthews	Strom-Martin
Campbell, John	Harman	Migden	Thomson
Canciamilla	Havice	Mountjoy	Vargas
Cardenas	Hollingsworth	Nakano	Washington
Cardoza	Horton	Nation	Wayne
Chavez	Jackson	Negrete McLeod	Wesson
Chu	Keeley	Oropeza	Wiggins
Cogdill	Kehoe	Pacheco, Robert	Wright
Cohn	Kelley	Pacheco, Rod	Wyland
Corbett	Koretz	Papan	Wyman
Correa	La Suer	Pavley	Zettel
Cox	Leach	Pescetti	Mr. Speaker



**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Rabbi Hillel Cohn, of Congregation Emanu El, in San Bernardino:

On this day in 1780 the flag of our nation was born. Like so many of our other national and state observances that ought to rekindle in us a sense of our history as a people and seizing the opportunity for a renewal of our commitments to the fundamental ideals of our nation and state, the import and significance of this day has been virtually ignored. Let us, therefore, at the outset of a new day on which the elected representatives of the people of the Golden State confront new and demanding challenges, turn to our nation's flag for guidance.

We adorn our public buildings with the "red, white and blue." We carry it, the Stars and Stripes, with great pomp in parades. It is the visible tribute of a nation to its veterans as it covers their burial caskets. We pledge allegiance to the flag with great frequency, especially at the beginning of governmental meetings. But does our behavior as individuals and as a community reflect the ideals and qualities which the flag represents? Are we really committed to the attainment of what we pledge, to be a state and nation that assures "liberty and justice for all"?

In these days when we seek a resolution to our many problems, not the least of which is the energy crisis that threatens the stability and security of this great state, let us turn to our flag for guidance as to where our best energies must be directed.

While not ever formally expressed, the members of the Continental Congress did have an understanding of the meaning of the components of the Stars and Stripes.

For them the red was a symbol of hardiness and valor; the white a symbol of purity and innocence; the blue a symbol of vigilance, perseverance and justice.

How desperately we need to recapture these qualities in our individual and collective lives. And so it is in this spirit that we pray:

O God, let us, the people of the Golden State, be brave and valiant in battling for equality, economic security, the reduction of violence.

O God, let our motives always be pure, our lives innocent of wrongdoing and the perversion of justice.

O God, let us be ever vigilant of attempts to deprive people of their natural rights, perseverant of the highest standards of morality and ethics in government and just in our formulation and application of the laws that will govern this state.

To this end may the women and men who serve in this Great Assembly as the representatives of the people direct their full energies and let our salute to the flag of our great nation be a means of rededication to the principles that must ultimately guide us, the advancement of liberty and justice for all.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Members Leonard and Longville 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 Cardenas, seconded by Assembly Member Cox.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*Because of illness: Assembly Members Chan and Shelley.*

*Because of illness in their families: Assembly Members Bates and Cedillo.*

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 14, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 57

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 73—Wyland.** An act to add Section 3332.4 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**AUTHOR'S AMENDMENTS**

**Committee on Revenue and Taxation**

June 14, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 52

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chairwoman

**ASSEMBLY BILL NO. 52**—An act to add Section 6356.4 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

June 14, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:

Assembly Bill No. 34

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 34**—An act to add and repeal Section 380 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Energy Costs and Availability**

Date of Hearing: June 11, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Senate Joint Resolution No. 1

With the recommendation: Be adopted, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

WRIGHT, Chairman

Above resolution ordered to second reading.

**RECESS**

By unanimous consent, at 9:05 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 9:06 a.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Monday, June 18, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JUNE 14, 2001

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The following measures were amended in the Assembly on this day:

**AB RN**

34 0115817

52 0115740

**Daily Total: 2**

**Cumulative Total: 13**

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, June 18, 2001**  
**TWENTY-FIRST SESSION DAY**  
**THIRTY-SIXTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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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  
Monday, June 18, 2001

The Assembly met at 11:23 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—78:

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Runner
Aroner	Diaz	Liu	Salinas
Ashburn	Dickerson	Longville	Shelley
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	Mountjoy	Washington
Canciamilla	Havice	Nakano	Wayne
Cardenas	Hollingsworth	Nation	Wesson
Cardoza	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Oropeza	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Chu	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Zettel
Cohn	Koretz	Pavley	Mr. Speaker
Corbett	La Suer	Pescetti	
Correa	Leach	Reyes	

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

When writing about the importance of finding meaning from one's work, Chaim Stern, a contemporary rabbi and author wrote a spiritual meditation on the topic. He teaches: "My work matters to me, or should. It will not save the world; it may not even save me. But to the extent that I do mine and others do theirs, the world will be that much the better, and to that extent, it will save us all. And since I cannot do the work of others, let me do mine."

When we choose to do work that is meaningful to us, we are given the opportunity to heal the world, beginning, but not ending, with ourselves. When each of us does his, or her, share of working on their corner of the world, we begin to see that the world is indeed a better place than we found it.

May it be the will of the Creator that each day we find meaning and pleasure in the work that we have chosen, and may we be so blessed as to see the impact of our work on the lives of those around us.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Daucher 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 Wayne, seconded by Assembly Member Richman.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*Because of travel delays: Assembly Member Simitian.*

*Because of illness in his family: Assembly Member Cedillo.*

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

June 18, 2001

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have created the Subcommittee on Energy Oversight of the Committee on Energy Costs and Availability for the Second Extraordinary Session of 2001–02. I have appointed the following members to the subcommittee:

Assemblymember Darrell Steinberg, Chair  
Assemblymember John Campbell  
Assemblymember Jenny Oropeza  
Assemblymember Anthony Pescetti  
Assemblymember Juan Vargas

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

June 18, 2001

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Jobs, Economic Development and  
the Economy Committee

Dear Dotson: This is to advise you that I have created and appointed the following members to the Assembly Jobs, Economic Development and the Economy Committee for the 2001–02 Second Extraordinary Session:

Assemblymember Sarah Reyes, Chair  
Assemblymember Dave Cogdill, Vice Chair  
Assemblymember Roy Ashburn  
Assemblymember Russ Bogh  
Assemblymember Wilma Chan  
Assemblymember Rebecca Cohn  
Assemblymember Lou Correa  
Assemblymember Manny Diaz  
Assemblymember Dean Florez  
Assemblymember Carol Liu  
Assemblymember Jenny Oropeza  
Assemblymember Phil Wyman

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly



June 15, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Natural Resources Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Dion Aroner to the Assembly Natural Resources Committee, replacing Assemblymember Carole Migden, for the hearing on Monday, June 18 only.

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 18, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 34

Assembly Bill No. 52

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

June 18, 2001

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 51

With author's amendments with the recommendation: Amend, and re-refer to the committee.

STEINBERG, Chairman

**ASSEMBLY BILL NO. 51**—An act to add Section 2775.1 to the Public Utilities Code, relating to electrical corporations.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Judiciary**

Date of Hearing: June 12, 2001

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 35

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Energy Costs and Availability.

STEINBERG, Chairman

Above bill ordered to second reading.

**INTRODUCTION AND FIRST READING OF**  
**ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 74**—**Bogh.** An act to amend Sections 40106, 40201, 41781.2, 41783, and 41783.1 of, and to add Section 40107 to, the Public Resources Code, relating to solid waste.

**ASSEMBLY BILL NO. 75**—**Daucher and Corbett.** An act to amend Section 53570 of the Government Code relating to public levies.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

*Assembly*

*Bill No.*

*Committee*

**68** ----- E.C. & A. and J., E.D. & E.

**71** ----- Nat. Res. and E.C. & A.

*Senate*

*Bill No.*

*Committee*

**32** ----- E.C. & A.

**68** ----- E.C. & A.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF SENATE BILLS**

**SENATE JOINT RESOLUTION NO. 1**—Relative to daylight saving time.

Resolution read; amendments proposed by the Committee on Energy Costs and Availability read and adopted, resolution ordered reprinted and to be placed upon the Consent Calendar.

**THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY JOINT RESOLUTION NO. 1 (Vargas)**—Relative to the Federal Energy Regulatory Commission.

Resolution read.

**Point of Order**

Assembly Member Wayne arose to the following point of order:

Assembly Member Strickland’s debate is not germane to Assembly Joint Resolution No. 1.

**Ruling by Speaker pro Tempore Keeley**

The Speaker pro Tempore ruled the point of order well-taken.

**Members Made Coauthors of Assembly Joint Resolution No. 1**

Assembly Member Vargas was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Joint Resolution No. 1.

**Roll Call**

The following Assembly Members indicated a desire to become coauthors:

Alquist, Aroner, Calderon, Cardenas, Cardoza, Chan, Chavez, Chu, Cohn, Corbett, Correa, Diaz, Dutra, Firebaugh, Frommer, Goldberg, Havice, Hertzberg, Jackson, Keeley, Kehoe, Koretz, Liu, Longville, Lowenthal, Matthews, Migden, Nakano, Negrete McLeod, Oropeza, Pavley, Reyes, Salinas, Shelley, Steinberg, Strom-Martin, Thomson, Washington, Wayne, Wesson, and Wiggins.

**Request for Unanimous Consent**

Assembly Member Vargas was granted unanimous consent to take up Assembly Joint Resolution No. 1, as amended, without reference to print or file, and that the same be considered engrossed.

**Consideration of Assembly Joint Resolution No. 1, as Amended**

**ASSEMBLY JOINT RESOLUTION NO. 1**—Relative to the Federal Energy Regulatory Commission.

Resolution read, as amended, and adopted by the following vote:

**AYES—49**

Alquist	Dutra	Lowenthal	Steinberg
Aroner	Firebaugh	Maldonado	Strom-Martin
Calderon	Florez	Matthews	Thomson
Canciamilla	Frommer	Migden	Vargas
Cardenas	Goldberg	Nakano	Washington
Cardoza	Havice	Nation	Wayne
Chan	Horton	Negrete McLeod	Wesson
Chavez	Jackson	Oropeza	Wiggins
Chu	Keeley	Pavley	Zettel
Cohn	Kehoe	Pescetti	Mr. Speaker
Corbett	Koretz	Reyes	
Correa	Liu	Salinas	
Diaz	Longville	Shelley	

**NOES—12**

Aanestad	Campbell, Bill	Hollingsworth	Leonard
Ashburn	Campbell, John	Kelley	Mountjoy
Briggs	Cogdill	La Suer	Runner

Resolution ordered transmitted to the Senate immediately.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following item:

**Assembly Joint Resolution No. 1:** Florez, Maldonado, Pescetti, Wiggins, and Zettel—Aye; Briggs—No.

**RECESS**

By unanimous consent, at 11:37 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Tuesday, June 19, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JUNE 18, 2001**

The following measures were amended in the Assembly on this day:

**AB RN**

51 0115739

**SJR RN**

1 0115687

**Daily Total: 2**

**Cumulative Total: 15**

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, June 19, 2001**  
**TWENTY-SECOND SESSION DAY**  
**THIRTY-SEVENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, June 19, 2001

The Assembly met at 7 a.m.  
Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.  
Chief Clerk E. Dotson Wilson at the Desk.  
Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—79:

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Runner
Aroner	Diaz	Liu	Salinas
Ashburn	Dickerson	Longville	Shelley
Bates	Dutra	Lowenthal	Simitian
Bogh	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	Harman	Mountjoy	Vargas
Canciamilla	Havice	Nakano	Washington
Cardenas	Hollingsworth	Nation	Wayne
Cardoza	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
Correa	Leach	Reyes	

Quorum present.

**At 11:40 a.m., Hon. Jay La Suer, 77th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*Because of illness in his family: Assembly Member Cedillo.*

#### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 19, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 51

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 76—Briggs and Cogdill (Coauthors: Cox, Dickerson, Robert Pacheco, and Strom-Martin).** An act to add and repeal Sections 17052.56 and 23656 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

June 19, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 47

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 47—**An act to amend Section 1005.5 of, to add Section 1012 to, and to add and repeal Article 6 (commencing with Section 1125) of Chapter 5 of Part 1 of Division 1 of, the Public Utilities Code, relating to gas pipelines, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**

**Committee on Appropriations**

June 19, 2001

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Concurrent Resolution No. 5

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY CONCURRENT RESOLUTION NO. 5—**Relative to the Public Utilities Commission.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**

**Committee on Energy Costs and Availability**

Date of Hearing: June 18, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 61

With the recommendation: Do pass.

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.

WRIGHT, Chairman

Above bill ordered to second reading.

Date of Hearing: June 18, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 57

With amendments with the recommendation: Amend, and do pass, as amended.

WRIGHT, Chairman

Above bill ordered to second reading.

Date of Hearing: June 18, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Senate Bill No. 64

With the recommendation: Do pass, and be re-referred to the Committee on Natural Resources with recommendation: To Consent Calendar.

WRIGHT, Chairman

Above bill re-referred to the Committee on Natural Resources.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 35**—An act to add and repeal Chapter 7 (commencing with Section 80272) of Division 27 of the Water Code, relating to electric power.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be re-referred to the Committee on Energy Costs and Availability.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, June 20, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JUNE 19, 2001**

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The following measures were amended in the Assembly on this day:

**AB RN**

35 0115772

47 0115730

**ACR RN**

5 0115191

**Daily Total: 3**

**Cumulative Total: 18**



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, June 20, 2001**  
**TWENTY-THIRD SESSION DAY**  
**THIRTY-EIGHTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Wednesday, June 20, 2001

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—77:

Aanestad	Daucher	Leslie	Salinas
Alquist	Diaz	Liu	Shelley
Aroner	Dickerson	Lowenthal	Simitian
Ashburn	Dutra	Maddox	Steinberg
Bates	Firebaugh	Maldonado	Strickland
Bogh	Florez	Matthews	Strom-Martin
Briggs	Frommer	Migden	Thomson
Calderon	Goldberg	Mountjoy	Vargas
Campbell, John	Harman	Nakano	Washington
Canciamilla	Havice	Nation	Wayne
Cardenas	Hollingsworth	Negrete McLeod	Wesson
Cardoza	Horton	Oropeza	Wiggins
Cedillo	Jackson	Pacheco, Robert	Wright
Chan	Keeley	Pacheco, Rod	Wyland
Chavez	Kehoe	Papan	Wyman
Chu	Kelley	Pavley	Zettel
Cogdill	Koretz	Pescetti	Mr. Speaker
Cohn	La Suer	Reyes	
Corbett	Leach	Richman	
Cox	Leonard	Runner	

Quorum present.

**At 1:54 p.m., Hon. Patricia Wiggins, 7th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Bill Campbell, Correa, and Longville.*

(NOTE: For explanations of absences of Assembly Members Bill Campbell, Correa, and Longville on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 20, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 5  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, June 20, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 35  
Assembly Bill No. 47  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, June 20, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 61  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to the Consent Calendar.

**AUTHOR'S AMENDMENTS**  
**Committee on Revenue and Taxation**

June 20, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Senate Bill No. 1  
With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chairwoman

**SENATE BILL NO. 1**—An act 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; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**CONSIDERATION OF DAILY FILE**  
**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 61**—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.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 57**—An act to amend Section 11652 of 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 returned to the second reading file.

**ADJOURNMENT**

At 3:45 p.m., the Assembly adjourned upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JUNE 20, 2001**

The following measures were amended in the Assembly on this day:

**AB RN**

57 0115939

**SB RN**

1 0116083

**Daily Total: 2**

**Cumulative Total: 20**





CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, June 21, 2001**  
**TWENTY-FOURTH SESSION DAY**  
**THIRTY-NINTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, June 21, 2001

The Assembly met at 8:49 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—77:

Aanestad	Cox	Leslie	Runner
Alquist	Daucher	Liu	Salinas
Aroner	Diaz	Longville	Shelley
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	Jackson	Oropeza	Wright
Cedillo	Keeley	Pacheco, Robert	Wyland
Chan	Kehoe	Pacheco, Rod	Wyman
Chavez	Kelley	Papan	Zettel
Chu	Koretz	Pavley	Mr. Speaker
Cogdill	La Suer	Pescetti	
Corbett	Leach	Reyes	
Correa	Leonard	Richman	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

*O God in Heaven, Grant us to worship You in spirit and in truth. We submit our whole being to You, Lord, that our conscience may be quickened by Your holiness, our mind nourished by Your truth, and our imagination purified by Your beauty. Help us to open our heart to Your love and to surrender our will to Your purpose.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Runner 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 Chan, seconded by Assembly Member Leonard.

**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 Cohn and Simitian.*

*Because of a family emergency: Assembly Member Horton.*

(NOTE: For explanations of absences of Assembly Members Cohn and Simitian on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 21, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 57

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

**CONSIDERATION OF DAILY FILE  
ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to Assembly Rules, the following Assembly bill was this day on the second reading file:

**Assembly Bill No. 57**, ordered to third reading.

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Senate Resolution**

**SENATE JOINT RESOLUTION NO. 1 (Karnette)**—Relative to daylight saving time.

Resolution read, and adopted by the following vote:

**AYES—72**

Aanestad	Correa	Leonard	Reyes
Aroner	Cox	Leslie	Richman
Ashburn	Daucher	Liu	Runner
Bates	Diaz	Longville	Salinas
Bogh	Dickerson	Lowenthal	Shelley
Briggs	Dutra	Maddox	Steinberg
Calderon	Firebaugh	Maldonado	Strickland
Campbell, Bill	Florez	Matthews	Strom-Martin
Campbell, John	Frommer	Mountjoy	Thomson
Canciamilla	Goldberg	Nakano	Vargas
Cardenas	Harman	Nation	Washington
Cardoza	Jackson	Negrete McLeod	Wayne
Cedillo	Keeley	Oropeza	Wesson
Chan	Kehoe	Pacheco, Robert	Wiggins
Chavez	Kelley	Pacheco, Rod	Wright
Chu	Koretz	Papan	Wyland
Cogdill	La Suer	Pavley	Zettel
Corbett	Leach	Pescetti	Mr. Speaker

**NOES—1**

Wyman

**Vote Changes**

By unanimous consent, the following vote change was permitted on the Consent Calendar: Assembly Member Wyman, from “Aye” to “No”.

Resolution ordered transmitted to the Senate.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Consent Calendar:** Briggs, Cedillo, Florez, Longville, Wiggins, and Wyland—Aye.

**RECESS**

By unanimous consent, at 8:53 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Monday, June 25, 2001 or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, June 25, 2001**  
**TWENTY-FIFTH SESSION DAY**  
**FORTY-THIRD CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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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  
Monday, June 25, 2001

The Assembly met at 11:51 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—78:

Aanestad	Correa	Leonard	Runner
Alquist	Cox	Leslie	Salinas
Aroner	Daucher	Liu	Shelley
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	Mountjoy	Washington
Canciamilla	Havice	Nation	Wayne
Cardenas	Hollingsworth	Negrete McLeod	Wesson
Cardoza	Horton	Oropeza	Wiggins
Cedillo	Jackson	Pacheco, Robert	Wright
Chan	Keeley	Pacheco, Rod	Wyland
Chavez	Kehoe	Papan	Wyman
Chu	Kelley	Pavley	Zettel
Cogdill	Koretz	Pescetti	Mr. Speaker
Cohn	La Suer	Reyes	
Corbett	Leach	Richman	

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 are for us, joy and rest. You are delight and glory. Your grace shines like the sun on all of us. You shine in our midst and each of us in turn, shines brightly to the degree of our faith in You, our hope and our love, our purification and illumination by Your Spirit.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Salinas 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 Chan, seconded by Assembly Member Kelley.

**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 Member Diaz.*

*Because of travel delays: Assembly Member Nakano.*

(NOTE: For explanation of absence of Assembly Member Diaz on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 77—Dutra.** An act to add Section 180155 to the Public Utilities Code, relating to transportation.

**ASSEMBLY BILL NO. 78—Reyes (Coauthors: Cedillo, Correa, Firebaugh, Frommer, Koretz, Salinas, and Thomson).** An act to add Chapter 7 (commencing with Section 80280) to Division 27 of the Water Code, relating to electricity.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

*Assembly*

*Bill No.*

*Committee*

<b>12</b> -----	B. & P. and E.C. & A.
<b>69</b> -----	Health and G.O.
<b>70</b> -----	Nat. Res. and E.C. & A.
<b>72</b> -----	Rev. & Tax. and E.C. & A.
<b>73</b> -----	E.C. & A.
<b>74</b> -----	Nat. Res. and E.C. & A.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

June 25, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 47

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 47**—An act to amend Section 1005.5 of, to add Section 1012 to, and to add and repeal Section 1110 of, the Public Utilities Code, relating to gas pipelines, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

### REPORTS OF STANDING COMMITTEES

#### Committee on Public Safety

Date of Hearing: June 19, 2001

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 65

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

WASHINGTON, Chairman

Above bill ordered to second reading.

### 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. 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.

Bill read third time, and passed by the following vote:

#### AYES—78

Aanestad	Correa	Leonard	Runner
Alquist	Cox	Leslie	Salinas
Aroner	Daucher	Liu	Shelley
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	Mountjoy	Washington
Canciamilla	Havice	Nation	Wayne
Cardenas	Hollingsworth	Negrete McLeod	Wesson
Cardoza	Horton	Oropeza	Wiggins
Cedillo	Jackson	Pacheco, Robert	Wright
Chan	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

Bill ordered transmitted to the Senate.

### SPECIAL COMMITTEE MEETINGS

Assembly Member Wright was granted unanimous consent that the Committee on Energy Costs and Availability be permitted to meet today, at 1 p.m., instead of 1:30 p.m. and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bills Nos. 34, 39, 46, and 49 for hearing.

### RECESS

By unanimous consent, at 11:53 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.



**MESSAGES FROM THE SENATE**

Senate Chamber, June 25, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Joint Resolution No. 1

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, June 28, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JUNE 25, 2001**

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The following measures were amended in the Assembly on this day:

**AB RN**

47 0116077

**Daily Total: 1**

**Cumulative Total: 21**

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, June 26, 2001**  
**TWENTY-SIXTH SESSION DAY**  
**FORTY-FOURTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, June 26, 2001

The Assembly met at 7 a.m.  
Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.  
Chief Clerk E. Dotson Wilson at the Desk.  
Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—79:

Aanestad	Correa	Leach	Richman
Alquist	Cox	Leonard	Runner
Aroner	Daucher	Leslie	Salinas
Ashburn	Diaz	Liu	Shelley
Bates	Dickerson	Longville	Simitian
Bogh	Dutra	Lowenthal	Steinberg
Briggs	Firebaugh	Maddox	Strickland
Calderon	Florez	Maldonado	Strom-Martin
Campbell, Bill	Frommer	Matthews	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	La Suer	Reyes	

Quorum present.

**At 1:14 p.m., Hon. Juan Vargas, 79th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*On legislative business: Assembly Member Migden.*

(NOTE: For explanation of absence of Assembly Member Migden on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 26, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 47

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**AUTHOR'S AMENDMENTS  
Committee on Natural Resources**

June 26, 2001

Mr. Speaker: The Chair of your Committee on Natural Resources reports:  
Assembly Bill No. 60

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WAYNE, Chairman

**ASSEMBLY BILL NO. 60**—An act to add Article 1.7 (commencing with Section 41775) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to air pollution, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 65**—An act to add Sections 2120, 2121, and 2122 to the Public Utilities Code, relating to fuel.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Wednesday, June 27, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JUNE 26, 2001**

The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>	
60	0116509	
65	0116185	
<b>Daily Total:</b>		<b>2</b>
<b>Cumulative Total:</b>		<b>23</b>

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, June 27, 2001**  
**TWENTY-SEVENTH SESSION DAY**  
**FORTY-FIFTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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  
Wednesday, June 27, 2001

The Assembly met at 11:35 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

Quorum present.



**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

*O Lord, You are the endless power that renews life beyond death; You are the greatness that saves. You care for the living with love. You support the falling, and heal the sick. You are the king who helps and saves and shields. Lord, we bless and praise Your Holy Name, for You are the hope of us all.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Leslie 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 Wayne, seconded by Assembly Member John Campbell.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 27, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 60

Assembly Bill No. 65

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**REPORTS OF STANDING COMMITTEES**

**Committee on Energy Costs and Availability**

Date of Hearing: June 18, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 5

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 45**, on request of Assembly Member Cohn.

**RECESS**

By unanimous consent, at 11:36 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**ADJOURNMENT**

At 4:51 p.m., the Assembly adjourned until 8:30 a.m., Thursday, June 28, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, June 28, 2001**  
**TWENTY-EIGHTH SESSION DAY**  
**FORTY-SIXTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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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, June 28, 2001

The Assembly met at 8:53 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—79:

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	Strickland
Calderon	Florez	Maldonado	Strom-Martin
Campbell, Bill	Frommer	Matthews	Thomson
Campbell, John	Goldberg	Migden	Vargas
Canciamilla	Harman	Mountjoy	Washington
Cardenas	Havice	Nakano	Wayne
Cardoza	Hollingsworth	Nation	Wesson
Cedillo	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Oropeza	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Chu	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Zettel
Cohn	Koretz	Pavley	Mr. Speaker
Corbett	La Suer	Pescetti	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

*Lord, If we are weak in faith, strengthen us. If we are cold in love, warm our heart so that our love will extend to our neighbor. In You, almighty God, we have sealed our trust. We are poor, but You are rich. We are sinners, but You are the fulness of righteousness. Lord, You are the giver of every good and perfect gift, and we offer this prayer to You.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Ashburn 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 Aroner, seconded by Assembly Member Cox.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*To attend a funeral: Assembly Member Steinberg.*

**AUTHOR'S AMENDMENTS****Committee on Energy Costs and Availability**

June 28, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 46

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 46**—An act to add Section 743.2 to the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**CONSIDERATION OF DAILY FILE****SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 5**—An act to add Section 739.9 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.

**RECESS**

By unanimous consent, at 8:54 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 1:47 p.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 57 (Wiggins)**—An act to amend Section 11652 of the Public Utilities Code, relating to public utilities.

Bill read third time, and passed by the following vote:

**AYES—70**

Aanestad	Corbett	La Suer	Runner
Alquist	Correa	Leach	Salinas
Aroner	Cox	Longville	Shelley
Ashburn	Daucher	Maddox	Simitian
Bates	Diaz	Maldonado	Strickland
Bogh	Dickerson	Matthews	Strom-Martin
Briggs	Dutra	Migden	Thomson
Campbell, Bill	Firebaugh	Mountjoy	Vargas
Campbell, John	Florez	Nakano	Washington
Canciamilla	Frommer	Nation	Wayne
Cardenas	Goldberg	Negrete McLeod	Wesson
Cardoza	Harman	Oropeza	Wiggins
Cedillo	Havice	Pacheco, Robert	Wright
Chan	Horton	Papan	Wyland
Chavez	Jackson	Pavley	Zettel
Chu	Keeley	Pescetti	Mr. Speaker
Cogdill	Kehoe	Reyes	
Cohn	Koretz	Richman	

**NOES—None**

Bill ordered transmitted to the Senate.

**VOTE ADDS**

The following Assembly Member was granted unanimous consent to record his vote on the following item:

**Assembly Bill No. 57:** Maldonado—Aye.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JUNE 28, 2001**

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The following measures were amended in the Assembly on this day:

**AB RN**

5 0116041

46 0116804

**Daily Total: 2**

**Cumulative Total: 25**





CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, June 29, 2001**  
**TWENTY-NINTH SESSION DAY**  
**FORTY-SEVENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, June 29, 2001

The Assembly met at 5:57 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—77:

Aanestad	Cox	Leonard	Runner
Alquist	Daucher	Leslie	Salinas
Aroner	Diaz	Liu	Shelley
Ashburn	Dickerson	Longville	Simitian
Bates	Dutra	Lowenthal	Steinberg
Bogh	Firebaugh	Maddox	Strickland
Briggs	Florez	Maldonado	Strom-Martin
Calderon	Frommer	Matthews	Thomson
Campbell, John	Goldberg	Migden	Vargas
Canciamilla	Harman	Mountjoy	Washington
Cardenas	Havice	Nakano	Wayne
Cardoza	Hollingsworth	Nation	Wesson
Cedillo	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Oropeza	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Chu	Kehoe	Pacheco, Rod	Zettel
Cogdill	Kelley	Pavley	Mr. Speaker
Cohn	Koretz	Pescetti	
Corbett	La Suer	Reyes	
Correa	Leach	Richman	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Member Ken Maddox of the 68th Assembly District:

*Eternal Are Your Mercies, O Lord, Your grace sustains us throughout every difficulty and supplies our needy hearts with encouragement. Give us wisdom for the work that is before us. Calm our attitudes; bless us with strength to do the work of this new day.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Chu 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 Chan, seconded by Assembly Member Cox.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*The following Assembly Members were excused for the day, and their per diem was waived: Bill Campbell, Papan, and Wyman.*

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

June 29, 2001

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Governmental Organization Committee

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Governmental Organization Committee for the 2001–02 Second Extraordinary Session:

Assemblymember Herb Wesson, Chair  
Assemblymember Tony Strickland, Vice Chair  
Assemblymember Mike Briggs  
Assemblymember Tom Calderon  
Assemblymember Joe Canciamilla  
Assemblymember Tony Cardenas  
Assemblymember Dennis Cardoza  
Assemblymember Ed Chavez  
Assemblymember Dick Dickerson  
Assemblymember Marco Firebaugh  
Assemblymember Tom Harman  
Assemblymember Jerome Horton  
Assemblymember John Longville  
Assemblymember Abel Maldonado  
Assemblymember Joe Nation  
Assemblymember Sarah Reyes

Assemblymember Patricia Wiggins  
 Assemblymember Roderick Wright  
 Assemblymember Mark Wyland  
 Assemblymember Charlene Zettel

Sincerely,

ROBERT M. HERTZBERG  
 Speaker of the Assembly

June 29, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Health Committee

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Health Committee in the 2001–02 Second Extraordinary Session:

Assemblymember Helen Thomson, Chair  
 Assemblymember Sam Aanestad, Vice Chair  
 Assemblymember Patricia Bates  
 Assemblymember Wilma Chan  
 Assemblymember Ed Chavez  
 Assemblymember Judy Chu  
 Assemblymember Dario Frommer  
 Assemblymember Paul Koretz  
 Assemblymember Gloria Negrete McLeod  
 Assemblymember Robert Pacheco  
 Assemblymember Keith Richman  
 Assemblymember George Runner  
 Assemblymember Simon Salinas  
 Assemblymember Darrell Steinberg  
 Assemblymember Howard Wayne  
 Assemblymember Herb Wesson  
 Assemblymember Charlene Zettel

Sincerely,

ROBERT M. HERTZBERG  
 Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 29, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 5  
 Assembly Bill No. 46

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**CONSIDERATION OF DAILY FILE  
THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 14 (Canciamilla)**—An act to amend Sections 216, 222, and 228 of the Public Utilities Code, relating to public utilities.

Bill read third time, and passed by the following vote:

**AYES—76**

Aanestad	Cox	Leach	Reyes
Alquist	Daucher	Leonard	Richman
Aroner	Diaz	Leslie	Runner
Ashburn	Dickerson	Liu	Salinas
Bates	Dutra	Longville	Shelley
Bogh	Firebaugh	Lowenthal	Simitian
Calderon	Florez	Maddox	Steinberg
Campbell, John	Frommer	Maldonado	Strickland
Canciamilla	Goldberg	Matthews	Strom-Martin
Cardenas	Harman	Migden	Thomson
Cardoza	Havice	Mountjoy	Vargas
Cedillo	Hollingsworth	Nakano	Washington
Chan	Horton	Nation	Wayne
Chavez	Jackson	Negrete McLeod	Wesson
Chu	Keeley	Oropeza	Wiggins
Cogdill	Kehoe	Pacheco, Robert	Wright
Cohn	Kelley	Pacheco, Rod	Wyland
Corbett	Koretz	Pavley	Zettel
Correa	La Suer	Pescetti	Mr. Speaker

**NOES—None**

Bill ordered transmitted to the Senate.

**VOTE ADDS**

The following Assembly Member was granted unanimous consent to record his vote on the following item:

**Assembly Bill No. 14:** Wyland—Aye.

**RECESS**

By unanimous consent, at 6:03 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**ADJOURNMENT**

At 7:48 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, July 2, 2001**  
**THIRTIETH SESSION DAY**  
**FIFTIETH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Monday, July 2, 2001

The Assembly met at 1:48 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 following were placed upon the morning roll call—78:

Aanestad	Cox	Leonard	Runner
Alquist	Daucher	Leslie	Salinas
Aroner	Diaz	Liu	Shelley
Bates	Dickerson	Longville	Simitian
Bogh	Dutra	Lowenthal	Steinberg
Briggs	Firebaugh	Maddox	Strickland
Calderon	Florez	Maldonado	Strom-Martin
Campbell, Bill	Frommer	Matthews	Thomson
Campbell, John	Goldberg	Migden	Vargas
Canciamilla	Harman	Mountjoy	Washington
Cardenas	Havice	Nakano	Wayne
Cardoza	Hollingsworth	Nation	Wesson
Cedillo	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Oropeza	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Chu	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Pavley	Zettel
Cohn	Koretz	Pescetti	Mr. Speaker
Corbett	La Suer	Reyes	
Correa	Leach	Richman	

Quorum present.



**REGULAR BUSINESS DISPENSED WITH**

By unanimous consent, the regular order of business was dispensed with for this legislative day.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On personal business, and waiving per diem: Assembly Member Papan.*

*Because of illness in his family: Assembly Member Ashburn.*

**AUTHOR'S AMENDMENTS**

**Committee on Business and Professions**

July 2, 2001

Mr. Speaker: The Chair of your Committee on Business and Professions reports:  
Assembly Bill No. 12

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORREA, Chairman

**ASSEMBLY BILL NO. 12**—An act to amend Section 31007.5 of the Water Code, relating to water.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**

**Committee on Revenue and Taxation**

July 2, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Senate Bill No. 1

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chairwoman

**SENATE BILL NO. 1**—An act 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; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Revenue and Taxation**

July 2, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 52

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chairwoman

**ASSEMBLY BILL NO. 52**—An act to add Section 6356.4 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**COMMITTEE MEETING CANCELED**

Assembly Member Wright announced that the meeting of the Committee on Energy Costs and Availability has been canceled.

**ADJOURNMENT**

At 3:27 p.m., the Assembly adjourned until 8:30 a.m., Thursday, July 5, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JULY 2, 2001**

The following measures were amended in the Assembly on this day:

**AB RN**

12 0115153

52 0116704

**SB RN**

1 0117152

**Daily Total: 3****Cumulative Total: 28**



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, July 3, 2001**  
**THIRTY-FIRST SESSION DAY**  
**FIFTY-FIRST CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, July 3, 2001

The Assembly met at 2:15 p.m.  
Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.  
Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—70:

Aanestad	Cox	Leach	Shelley
Alquist	Daucher	Leonard	Simitian
Aroner	Diaz	Liu	Steinberg
Bates	Dickerson	Longville	Strickland
Bogh	Dutra	Lowenthal	Strom-Martin
Briggs	Firebaugh	Maddox	Thomson
Campbell, Bill	Frommer	Matthews	Vargas
Canciamilla	Goldberg	Migden	Washington
Cardenas	Harman	Mountjoy	Wayne
Cardoza	Havice	Nakano	Wesson
Cedillo	Hollingsworth	Negrete McLeod	Wiggins
Chan	Horton	Oropeza	Wright
Chavez	Jackson	Pacheco, Robert	Wyland
Chu	Keeley	Pescetti	Wyman
Cogdill	Kehoe	Reyes	Zettel
Cohn	Kelley	Richman	Mr. Speaker
Corbett	Koretz	Runner	
Correa	La Suer	Salinas	

Quorum present.

**At 2:49 p.m., Hon. Mark Wyland, 74th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On personal business, and waiving per diem: Assembly Member Papan.*

*Because of illness in his family: Assembly Member Ashburn.*

*The following Assembly Members were excused for the day, and their per diem was waived: Calderon, John Campbell, Florez, Leslie, Maldonado, Nation, Rod Pacheco, and Pavley.*

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

July 3, 2001

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Business and Professions Committee

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Business and Professions Committee for the 2001–02 Second Extraordinary Session:

Assemblymember Lou Correa, Chair  
Assemblymember John Campbell, Vice Chair  
Assemblymember Russ Bogh  
Assemblymember Gilbert Cedillo  
Assemblymember Ed Chavez  
Assemblymember Ellen Corbett  
Assemblymember Dave Kelley  
Assemblymember Paul Koretz  
Assemblymember Lynne Leach  
Assemblymember Barbara Matthews  
Assemblymember Joe Nation  
Assemblymember Herb Wesson

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, July 3, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 12  
Assembly Bill No. 52

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 79—La Suer (Principal coauthor: Bogh) (Coauthors: Ashburn, Bates, Briggs, Bill Campbell, John Campbell, Cogdill, Cox, Daucher, Dickerson, Hollingsworth, Kelley, Leach, Leonard, Leslie, Maddox, Mountjoy, Robert Pacheco, Rod Pacheco, Pescetti, Richman, Runner, Strickland, Wyland, Wyman, and Zettel).** An act to amend Sections 65922, 65928, 65930, and 65943.5 of the Government Code, to amend Section 42301.14 of the Health and Safety Code, and to amend Sections 21080, 25506, 25541.5, 25550, and 25552 of, and to add Sections 25135.5, 25214.5, 25513.5, and 25519.5 to, the Public Resources Code, relating to energy resources, and declaring the urgency thereof, to take effect immediately.

**ADJOURNMENT**

At 5:30 p.m., the Assembly adjourned until 11 a.m., Thursday, July 5, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, July 5, 2001**  
**THIRTY-SECOND SESSION DAY**  
**FIFTY-THIRD CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, July 5, 2001

The Assembly met at 11:06 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 following were placed upon the morning roll call—75:

Aanestad	Correa	La Suer	Pescetti
Alquist	Cox	Leach	Reyes
Aroner	Daucher	Leonard	Richman
Bates	Diaz	Leslie	Runner
Bogh	Dickerson	Liu	Salinas
Briggs	Dutra	Longville	Simitian
Calderon	Firebaugh	Lowenthal	Steinberg
Campbell, Bill	Florez	Maddox	Strickland
Campbell, John	Frommer	Maldonado	Strom-Martin
Canciamilla	Goldberg	Matthews	Thomson
Cardenas	Harman	Migden	Vargas
Cardoza	Havice	Mountjoy	Washington
Cedillo	Hollingsworth	Nakano	Wayne
Chan	Horton	Nation	Wiggins
Chavez	Jackson	Negrete McLeod	Wyland
Chu	Keeley	Oropeza	Wyman
Cogdill	Kehoe	Pacheco, Robert	Zettel
Cohn	Kelley	Pacheco, Rod	Mr. Speaker
Corbett	Koretz	Pavley	

Quorum present.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On personal business, and waiving per diem: Assembly Members Papan and Wright.*

*Because of illness: Assembly Members Shelley and Wesson.*

*Because of illness in his family: Assembly Member Ashburn.*

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

July 5, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Transportation Committee

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Transportation Committee for the 2001–02 Second Extraordinary Session:

- Assemblymember John Dutra, Chair
- Assemblymember Rod Pacheco, Vice Chair
- Assemblymember Patricia Bates
- Assemblymember Marco Firebaugh
- Assemblymember Dean Florez
- Assemblymember Sally Havice
- Assemblymember Dennis Hollingsworth
- Assemblymember Christine Kehoe
- Assemblymember Jay La Suer
- Assemblymember Lynne Leach
- Assemblymember Tim Leslie
- Assemblymember Carol Liu
- Assemblymember John Longville
- Assemblymember Dennis Mountjoy
- Assemblymember George Nakano
- Assemblymember Jenny Oropeza
- Assemblymember Joe Simitian
- Assemblymember Virginia Strom-Martin
- Assemblymember Juan Vargas

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 80—Wyland.** An act to add Section 857 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

<i>Assembly</i>	<i>Committee</i>
<i>Bill No.</i>	
<b>76</b> -----	Rev. & Tax.
<b>77</b> -----	Trans. and E.C. & A.
<b>78</b> -----	E.C. & A.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Monday, July 9, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, July 10, 2001**  
**THIRTY-THIRD SESSION DAY**  
**FIFTY-EIGHTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, July 10, 2001

The Assembly met at 7 a.m.  
Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.  
Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—78:

Aanestad	Cox	Leonard	Runner
Alquist	Daucher	Leslie	Salinas
Aroner	Diaz	Liu	Shelley
Ashburn	Dickerson	Longville	Simitian
Bates	Dutra	Lowenthal	Steinberg
Bogh	Firebaugh	Maddox	Strickland
Briggs	Florez	Maldonado	Strom-Martin
Calderon	Frommer	Matthews	Thomson
Campbell, John	Goldberg	Migden	Vargas
Canciamilla	Harman	Mountjoy	Washington
Cardenas	Havice	Nakano	Wayne
Cardoza	Hollingsworth	Nation	Wesson
Cedillo	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Oropeza	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Chu	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Pavley	Zettel
Cohn	Koretz	Pescetti	Mr. Speaker
Corbett	La Suer	Reyes	
Correa	Leach	Richman	

Quorum present.

**At 1:44 p.m., Hon. Jenny Oropeza, 55th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On personal business, and waiving per diem: Assembly Members Bill Campbell and Papan.*

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

July 10, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I have appointed Assemblymember Rebecca Cohn to replace Assemblymember Ed Chavez on the Assembly Health Committee, for today's hearing only.

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 81**—Cogdill (Coauthors: Dickerson, Oropeza, Pescetti, and Wyland) (Coauthor: Senator Morrow). An act to add Sections 17211 and 24342 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**REPORTS OF STANDING COMMITTEES  
Committee on Judiciary**

Date of Hearing: July 3, 2001

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 51

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Energy Costs and Availability.

STEINBERG, Chairman

Above bill ordered to second reading.

**Committee on Natural Resources**

Date of Hearing: July 9, 2001

Mr. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 64

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

WAYNE, Chairman

Above bill re-referred to the Committee on Appropriations.

**Committee on Energy Costs and Availability**

Date of Hearing: July 9, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Senate Bill No. 68

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: July 9, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 46

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: July 9, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 34

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

#### **Committee on Revenue and Taxation**

Date of Hearing: July 9, 2001

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 52

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

CORBETT, Chairwoman

Above bill re-referred to the Committee on Appropriations.

#### **ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, July 11, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, July 11, 2001**  
**THIRTY-FOURTH SESSION DAY**  
**FIFTY-NINTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Wednesday, July 11, 2001

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—78:

Aanestad	Cox	Leonard	Runner
Alquist	Daucher	Leslie	Salinas
Aroner	Diaz	Liu	Shelley
Ashburn	Dickerson	Longville	Simitian
Bates	Dutra	Lowenthal	Steinberg
Bogh	Firebaugh	Maddox	Strickland
Briggs	Florez	Maldonado	Strom-Martin
Calderon	Frommer	Matthews	Thomson
Campbell, John	Goldberg	Migden	Vargas
Canciamilla	Harman	Mountjoy	Washington
Cardenas	Havice	Nakano	Wayne
Cardoza	Hollingsworth	Nation	Wesson
Cedillo	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Oropeza	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Chu	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Pavley	Zettel
Cohn	Koretz	Pescetti	Mr. Speaker
Corbett	La Suer	Reyes	
Correa	Leach	Richman	

Quorum present.

**At 2:31 p.m., Hon. Jenny Oropeza, 55th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On personal business, and waiving per diem: Assembly Members Bill Campbell and Papan.*

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 51**—An act to add Section 390.5 to the Public Utilities Code, relating to electrical generation.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be re-referred to the Committee on Energy Costs and Availability.

**ASSEMBLY BILL NO. 34**—An act to add and repeal Section 380 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

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.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, July 11, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JULY 11, 2001**

The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>	
34	0116801	
51	0117745	
<b>Daily Total:</b>		<b>2</b>
<b>Cumulative Total:</b>		<b>30</b>

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, July 12, 2001**  
**THIRTY-FIFTH SESSION DAY**  
**SIXTIETH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, July 12, 2001

The Assembly met at 8:55 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 following were placed upon the morning roll call—79:

Aanestad	Correa	Leach	Richman
Alquist	Cox	Leonard	Runner
Aroner	Daucher	Leslie	Salinas
Ashburn	Diaz	Liu	Shelley
Bates	Dickerson	Longville	Simitian
Bogh	Dutra	Lowenthal	Steinberg
Briggs	Firebaugh	Maddox	Strickland
Calderon	Florez	Maldonado	Strom-Martin
Campbell, Bill	Frommer	Matthews	Thomson
Campbell, John	Goldberg	Migden	Vargas
Canciamilla	Harman	Mountjoy	Washington
Cardenas	Havice	Nakano	Wayne
Cardoza	Hollingsworth	Nation	Wesson
Cedillo	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Oropeza	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Chu	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Pavley	Zettel
Cohn	Koretz	Pescetti	Mr. Speaker
Corbett	La Suer	Reyes	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*On personal business, and waiving per diem: Assembly Member Papan.*

#### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 12, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 34

Assembly Bill No. 51

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**REPORTS OF STANDING COMMITTEES  
Committee on Health**

Date of Hearing: July 10, 2001

Mr. Speaker: Your Committee on Health reports:  
Assembly Bill No. 69

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Governmental Organization.

THOMSON, Chairwoman

Above bill ordered to second reading.

**Committee on Natural Resources**

Date of Hearing: July 9, 2001

Mr. Speaker: Your Committee on Natural Resources reports:  
Assembly Bill No. 60

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Energy Costs and Availability.

WAYNE, Chairman

Above bill ordered to second reading.

**MESSAGES FROM THE SENATE**

Senate Chamber, July 12, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 19

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 82—Keeley, Hertzberg, Dutra, and Goldberg.** An act to add Section 7047 to the Business and Professions Code, to amend Section 815.1 of, and to add Sections 1075, 1221, and 1228.1 to, the Civil Code, to add Section 21080.28 to, and to add Chapter 5.6 (commencing with Section 25465) to Division 15 of, the Public Resources Code, to amend Sections 367, 368, 369, 377, 840, 841, 842, 843, 846, 846.2, 1731, and 9601 of, to amend, repeal, and add Section 365 of, to add Sections 367.2, 372.5, 451.1, 848, 857, and 2104.6 to, and to add Article 5.6 (commencing with Section 850) is added to Chapter 4 of Part 1 of Division 1 of, the Public Utilities Code, to amend Section 6016.5 of, and to add Section 6052 to, the Revenue and Taxation Code, and to amend Sections 80002 and 80110 of, and to add Division 28 (commencing with Section 81000) to, the Water Code, relating to energy, and making an appropriation therefor.

**ADJOURNMENT**

At 11:56 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk





CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Saturday, July 14, 2001**  
**THIRTY-SIXTH SESSION DAY**  
**SIXTY-SECOND CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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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  
Saturday, July 14, 2001

The Assembly met at 6:33 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—79:

Aanestad	Correa	Leach	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	La Suer	Reyes	

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Member Bill Campbell, of the 71st Assembly District:

*Eternal God,* Let us enter this new day assured of Your steadfast love and dedicated to loyal service to the people of this state.

May we strive to have our words related to our deeds. Let our thinking be sharp, our lives seeking the goal of integrity and our actions decisive and courageous.

May we think deeply upon minute problems, but ever have our horizons expand.

In our Lord's name.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Dutra 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.

**LEAVES OF ABSENCE FOR THE DAY**

*The following Assembly Member was excused for the day, and his per diem was waived: Leonard.*

**AUTHOR'S AMENDMENTS****Committee on Energy Costs and Availability**

July 14, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 59

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 59**—An act to add Sections 380.5, 739.4, and 743.9 to the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Energy Costs and Availability**

July 14, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
 Assembly Bill No. 82

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**ASSEMBLY BILL NO. 82**—An act to add Section 7047 to the Business and Professions Code, to amend Section 815.1 of, and to add Sections 1075, 1221, and 1228.1 to, the Civil Code, to add Section 21080.28 to, and to add Chapter 5.6 (commencing with Section 25465) to Division 15 of, the Public Resources Code, to amend Sections 367, 368, 369, 377, 840, 841, 842, 843, 846, 846.2, 1731, and 9601 of, to amend, repeal, and add Section 365 of, to add Sections 367.2, 372.5, 451.1, 848, 857, and 2104.6 to, and to add Article 5.6 (commencing with Section 850) is added to Chapter 4 of Part 1 of Division 1 of, the Public Utilities Code, to amend Section 6016.5 of, and to add Section 6052 to, the Revenue and Taxation Code, and to amend Sections 80002 and 80110 of, and to add Division 28 (commencing with Section 81000) to, the Water Code, relating to energy, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Appropriations**

Date of Hearing: July 11, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 5

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE**  
**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 69**—An act to add Sections 8571.5 and 8571.6 to the Government Code, relating to public health emergency conditions.

Bill read second time; amendments proposed by the Committee on Health read and adopted, bill ordered reprinted and to be re-referred to the Committee on Governmental Organization.

**ASSEMBLY BILL NO. 60**—An act to add Article 1.7 (commencing with Section 41775) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to air pollution, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Natural Resources read and adopted, bill ordered reprinted and to be re-referred to the Committee on Energy Costs and Availability.

**UNFINISHED BUSINESS  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 19 (Florez)**—An act to amend Section 377 of the Public Utilities Code, relating to electric power, 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—73**

Aanestad	Corbett	Leslie	Shelley
Alquist	Correa	Longville	Simitian
Aroner	Cox	Lowenthal	Steinberg
Ashburn	Daucher	Maddox	Strickland
Bates	Diaz	Maldonado	Strom-Martin
Bogh	Dickerson	Matthews	Thomson
Briggs	Dutra	Migden	Vargas
Calderon	Firebaugh	Mountjoy	Washington
Campbell, Bill	Florez	Nakano	Wayne
Campbell, John	Harman	Nation	Wesson
Canciamilla	Haviee	Negrete McLeod	Wiggins
Cardenas	Hollingsworth	Oropeza	Wright
Cardoza	Horton	Pacheco, Robert	Wyland
Cedillo	Jackson	Papan	Wyman
Chan	Keeley	Pavley	Zettel
Chavez	Kehoe	Pescetti	Mr. Speaker
Chu	Kelley	Richman	
Cogdill	Koretz	Runner	
Cohn	Leach	Salinas	

**NOES—None**

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

Aanestad	Corbett	Leslie	Shelley
Alquist	Correa	Longville	Simitian
Aroner	Cox	Lowenthal	Steinberg
Ashburn	Daucher	Maddox	Strickland
Bates	Diaz	Maldonado	Strom-Martin
Bogh	Dickerson	Matthews	Thomson
Briggs	Dutra	Migden	Vargas
Calderon	Firebaugh	Mountjoy	Washington
Campbell, Bill	Florez	Nakano	Wayne
Campbell, John	Harman	Nation	Wesson
Canciamilla	Haviee	Negrete McLeod	Wiggins
Cardenas	Hollingsworth	Oropeza	Wright
Cardoza	Horton	Pacheco, Robert	Wyland
Cedillo	Jackson	Papan	Wyman
Chan	Keeley	Pavley	Zettel
Chavez	Kehoe	Pescetti	Mr. Speaker
Chu	Kelley	Richman	
Cogdill	Koretz	Runner	
Cohn	Leach	Salinas	

**NOES—None**

**Vote Changes**

By unanimous consent, the following vote change was permitted on the urgency clause and concurrence in Senate amendments to Assembly Bill No. 19: Assembly Member Liu, from “Aye” to “Not Voting”.

**Above bill ordered enrolled:**

*(NOTE: on September 6, 2001, the action was rescinded whereby the Assembly adopted the urgency clause and concurred in Senate amendments to Assembly Bill No. 19 and whereby the bill was ordered enrolled. See page 326.)*

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following item:

**Assembly Bill No. 19, Urgency and Concurrence:** Aanestad, Bogh, Cedillo, Cohn, Jackson, Maldonado, Mountjoy, Nakano, Nation, and Simitian—Aye.

**RECESS**

By unanimous consent, at 6:37 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**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>
<b>79</b> -----	Nat. Res. and E.C. & A.
<b>80</b> -----	E.C. & A.
<b>81</b> -----	Rev. & Tax.
<b>82</b> -----	E.C. & A.

**ADJOURNMENT**

At 8:55 p.m., the Assembly adjourned until 11 a.m., Monday, July 16, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JULY 14, 2001

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The following measures were amended in the Assembly on this day:

AB	RN	
59	0118271	
60	0117908	
69	0118000	
82	0118421	
<b>Daily Total:</b>		<b>4</b>
<b>Cumulative Total:</b>		<b>34</b>





CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, July 16, 2001**  
**THIRTY-SEVENTH SESSION DAY**  
**SIXTY-FOURTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Monday, July 16, 2001

The Assembly met at 11:31 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

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

William Blake observed that “The tree which moves some to tears of joy is in the eyes of others only a green thing which stands in the way. As a man is, so he sees.”

“As a man is, so he sees”—If you want to truly know what is inside a person, you must look at how he or she perceives the world. It is in the manner that the world is taken inward, that a person projects themselves outward. And when you understand how he or she sees the world, you have the primary tool for engaging in a human dialogue grounded by knowledge, and, hopefully, with empathy.

May the Holy One of blessing grant us the capacity to see the world through the eyes of others as well as our own. May this be God’s will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Nation 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 Nation.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, July 16, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 60

Assembly Bill No. 69

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, July 16, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 59

Assembly Bill No. 82

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**MESSAGES FROM THE SENATE**

Senate Chamber, July 16, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 2

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following bill was read the first time:

**SENATE BILL NO. 2**—An act to amend Sections 382, and 2790 of, to add Sections 382.1 and 386 to, and to amend Section 739.1 of, the Public Utilities Code, relating to public utilities.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 5**—An act to add Section 739.9 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

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.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Wright announced that the Committee on Energy Costs and Availability would meet tomorrow upon adjournment of the Utilities and Commerce Committee in Room 4202.

**RECESS**

By unanimous consent, at 11:32 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**ADJOURNMENT**

At 6:55 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JULY 16, 2001**

The following measures were amended in the Assembly on this day:

**AB RN**

5 0118122

**Daily Total: 1**

**Cumulative Total: 35**



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, July 17, 2001**  
**THIRTY-EIGHTH SESSION DAY**  
**SIXTY-FIFTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, July 17, 2001

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—78:

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Runner
Aroner	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	Mountjoy	Washington
Canciamilla	Havice	Nakano	Wayne
Cardenas	Hollingsworth	Nation	Wesson
Cardoza	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Oropeza	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Chu	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Zettel
Cohn	Koretz	Pavley	Mr. Speaker
Corbett	La Suer	Pescetti	
Correa	Leach	Reyes	

Quorum present.

**At 1:27 p.m., Hon. Rod Pacheco, 64th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*Because of illness in their families: Assembly Members Cedillo and Shelley.*



**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 83—Wright.** An act to amend Sections 367, 368, 369, 377, 840, 841, 842, 843, 846, 846.2, 1731, and 9601 of, and to add Sections 367.2, 451.1, and 848 to, the Public Utilities Code and to amend Sections 80002 and 80110 of the Water Code, relating to energy.

**ASSEMBLY BILL NO. 84—Strom-Martin.** An act to amend Sections 32932, 32942, 32952, 32955, and 32960 of, and to repeal Section 32909 of, the Financial Code, relating to energy efficiency, and declaring the urgency thereof, to take effect immediately.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, July 17, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 5

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 1 p.m., Wednesday, July 18, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, July 18, 2001**  
**THIRTY-NINTH SESSION DAY**  
**SIXTY-SIXTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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  
Wednesday, July 18, 2001

The Assembly met at 8:34 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—79:

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Runner
Aroner	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
Correa	Leach	Reyes	

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

*O Lord, Lead us from beholding all the good things of the world, to the thought of You, the Creator of those things. And grant that delighting in the beautiful things of Your creation, we may delight in You, the first author of beauty and the Sovereign Lord of all Your works.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Bates 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 Aroner.

**LEAVES OF ABSENCE FOR THE DAY**

*The following Assembly Member was excused for the day, and his per diem was waived: Ashburn.*

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

July 18, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Carl Washington to replace Assemblymember Gil Cedillo on the Assembly Appropriations Committee for the morning hearing of the committee today only.

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Date of Hearing: July 18, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 68

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**SPECIAL COMMITTEE MEETINGS**

It was announced earlier this day that without objection, the Committee on Energy Costs and Availability would reconvene its hearing at 4:30 p.m. and at 7:30 p.m.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Energy Costs and Availability**

Date of Hearing: July 18, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 82

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: July 18, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 50

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill re-referred to the Committee on Appropriations.

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Shelley was granted unanimous consent that the Committee on Appropriations be permitted to hold a special meeting at this time, in the Tom Bane Rules Committee Room and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 82 for hearing.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Appropriations**

Date of Hearing: July 18, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 82

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**RECESS**

By unanimous consent, at 8:34 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**ADJOURNMENT**

At 9:45 p.m., the Assembly adjourned until 9:30 a.m., Thursday, July 19, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, July 19, 2001**  
**FORTIETH SESSION DAY**  
**SIXTY-SEVENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, July 19, 2001

The Assembly met at 10:50 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

Quorum present.



**PRAYER**

Upon invitation of Assistant Speaker pro Tempore Kehoe, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

Joseph Addison believed that “The grand essentials to happiness in this life are something to do, something to love, and something to hope for.”

His teaching reminds us that these three separate ideas are actually interacting. Energy spent without direction is meaningless. Love without commitment is transitory. And without hope both our efforts and passions seem hollow.

However when we care about what we do, when there is love that grounds us, and when we look forward to tomorrow, then happiness is within our grasp.

May we be so blessed as to always find happiness in our work, our loves and our dreams. May this be God’s will.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Salinas 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 Chan, seconded by Assembly Member Cox.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 85—Bill Campbell.** An act to amend Section 25514 of the Public Resources Code, and to add Sections 96.08, 97.08, and 100.8 to the Revenue and Taxation Code, relating to powerplant facilities.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

<i>Assembly</i>		<i>Committee</i>
<i>Bill No.</i>		<i>E.C. &amp; A.</i>
<b>85</b>	-----	

**AUTHOR’S AMENDMENTS  
Committee on Revenue and Taxation**

July 19, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 76

With author’s amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chairwoman

**ASSEMBLY BILL NO. 76—**An act to add and repeal Sections 17052.56 and 23656 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author’s amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Business and Professions**

July 19, 2001

Mr. Speaker: The Chair of your Committee on Business and Professions reports:  
Assembly Bill No. 12

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORREA, Chairman

**ASSEMBLY BILL NO. 12**—An act to amend Section 12240 of the Business and Professions Code, and to amend Sections 110 and 530 of, and to add Section 110.5 to, the Water Code, relating to water.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Date of Hearing: July 11, 2001

Mr. Speaker: Your Committee on Appropriations reports:  
Assembly Bill No. 65

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE****SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 82**—An act to add Section 7047 to the Business and Professions Code, to amend Section 815.1 of, and to add Sections 1075, 1221, and 1228.1 to, the Civil Code, to add Section 21080.28 to, and to add Chapter 5.6 (commencing with Section 25465) to Division 15 of, the Public Resources Code, to amend Sections 367, 368, 369, 377, 840, 841, 842, 843, 846, 846.2, 1731, and 9601 of, to amend, repeal, and add Section 365 of, to add Sections 367.2, 372.5, 451.1, 848, 857, and 2104.6 to, and to add Article 5.6 (commencing with Section 850) to Chapter 4 of Part 1 of Division 1 of, the Public Utilities Code, to amend Section 6016.5 of, and to add Section 6052 to, the Revenue and Taxation Code, and to amend Sections 80002 and 80110 of, and to add Division 28 (commencing with Section 81000) to, the Water Code, relating to energy, and making an appropriation therefor.

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.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 68**—An act to amend Section 2772 of the Public Utilities Code, relating to electricity, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**MESSAGES FROM THE SENATE**

Senate Chamber, July 19, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 27

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, July 19, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 4

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

**MESSAGES FROM THE SENATE**

Senate Chamber, July 19, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 23  
Senate Bill No. 85

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following bills were read the first time:

**SENATE BILL NO. 23**—An act to add Section 1245.231 to, to add and repeal Sections 1240.651 and 1245.251 of, and to amend, repeal, and add Sections 1240.650 and 1245.250 of, the Code of Civil Procedure, to add Section 56131.1 to, to add and repeal Section 56131.2 of, to amend, repeal, and add Section 56875 of, and to add Chapter 7 (commencing with Section 55725) to Part 2 of Division 2 of Title 5 of, the Government Code, to add Section 25441.3 to the Public Resources Code, and to amend Section 11561 of, and to amend, repeal, and add Section 11652 of, the Public Utilities Code, relating to public power districts.

**SENATE BILL NO. 85**—An act to add Section 368.5 to the Public Utilities Code, relating to public utilities.

**ADJOURNMENT**

At 11:02 p.m., the Assembly adjourned until 11 a.m., Friday, July 20, 2001 or upon Call of Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JULY 19, 2001**

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>
12	0118504
76	0118646
82	0118736

<b>Daily Total:</b>	<b>3</b>
<b>Cumulative Total:</b>	<b>38</b>

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, July 20, 2001**  
**FORTY-FIRST SESSION DAY**  
**SIXTY-EIGHTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, July 20, 2001

The Assembly met at 11:35 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—79:

Aanestad	Correa	Leach	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	La Suer	Reyes	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Member Jay La Suer, of the 77th Assembly District:

*Heavenly Father,*

In our daily living give us  
 A sense of the world's beauty,  
 A sense of truth and justice,  
 A sense of dignity and destiny,  
 A sense of honor and service,  
 And with all, a sense of humor.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Ashburn 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 Maldonado.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*On legislative business, and waiving per diem: Assembly Member Leonard.*

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, July 20, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 82

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, July 20, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 12

Assembly Bill No. 76

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**REPORTS OF STANDING COMMITTEES****Committee on Energy Costs and Availability**

Date of Hearing: July 17, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 59

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

Date of Hearing: July 17, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 78

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE  
ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

**Assembly Bill No. 82**, ordered to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 65**—An act to add Sections 2120, 2121, and 2122 to the Public Utilities Code, relating to fuel.

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.

**RECESS**

By unanimous consent, at 11:36 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 12:57 p.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. 5 (Kelley)**—An act to add Section 739.9 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—78**

Aanestad	Correa	Leach	Runner
Alquist	Cox	Liu	Salinas
Aroner	Daucher	Longville	Shelley
Ashburn	Diaz	Lowenthal	Simitian
Bates	Dickerson	Maddox	Steinberg
Bogh	Dutra	Maldonado	Strickland
Briggs	Firebaugh	Matthews	Strom-Martin
Calderon	Florez	Migden	Thomson
Campbell, Bill	Frommer	Mountjoy	Vargas
Campbell, John	Goldberg	Nakano	Washington
Canciamilla	Harman	Nation	Wayne
Cardenas	Havice	Negrete McLeod	Wesson
Cardoza	Hollingsworth	Oropeza	Wiggins
Cedillo	Horton	Pacheco, Robert	Wright
Chan	Jackson	Pacheco, Rod	Wyland
Chavez	Keeley	Papan	Wyman
Chu	Kehoe	Pavley	Zettel
Cogdill	Kelley	Pescetti	Mr. Speaker
Cohn	Koretz	Reyes	
Corbett	La Suer	Richman	

**NOES—None**

The question being on the passage of the bill.



Bill passed by the following vote:

**AYES—78**

Aanestad	Correa	Leach	Runner
Alquist	Cox	Liu	Salinas
Aroner	Daucher	Longville	Shelley
Ashburn	Diaz	Lowenthal	Simitian
Bates	Dickerson	Maddox	Steinberg
Bogh	Dutra	Maldonado	Strickland
Briggs	Firebaugh	Matthews	Strom-Martin
Calderon	Florez	Migden	Thomson
Campbell, Bill	Frommer	Mountjoy	Vargas
Campbell, John	Goldberg	Nakano	Washington
Canciamilla	Harman	Nation	Wayne
Cardenas	Havice	Negrete McLeod	Wesson
Cardoza	Hollingsworth	Oropeza	Wiggins
Cedillo	Horton	Pacheco, Robert	Wright
Chan	Jackson	Pacheco, Rod	Wyland
Chavez	Keeley	Papan	Wyman
Chu	Kehoe	Pavley	Zettel
Cogdill	Kelley	Pescetti	Mr. Speaker
Cohn	Koretz	Reyes	
Corbett	La Suer	Richman	

**NOES—None**

Bill ordered transmitted to the Senate.

**THIRD READING OF SENATE BILLS**

**SENATE BILL NO. 68 (Battin)**—An act to amend Section 2772 of the Public Utilities Code, relating to electricity, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Rod Pacheco.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—76**

Aanestad	Correa	Leach	Reyes
Alquist	Cox	Leslie	Richman
Ashburn	Daucher	Liu	Runner
Bates	Dickerson	Longville	Salinas
Bogh	Dutra	Lowenthal	Shelley
Briggs	Firebaugh	Maddox	Simitian
Calderon	Florez	Maldonado	Steinberg
Campbell, Bill	Frommer	Matthews	Strickland
Campbell, John	Goldberg	Migden	Strom-Martin
Canciamilla	Harman	Mountjoy	Thomson
Cardenas	Havice	Nakano	Vargas
Cardoza	Hollingsworth	Nation	Washington
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—76**

Aanestad	Correa	Leach	Reyes
Alquist	Cox	Leslie	Richman
Ashburn	Daucher	Liu	Runner
Bates	Dickerson	Longville	Salinas
Bogh	Dutra	Lowenthal	Shelley
Briggs	Firebaugh	Maddox	Simitian
Calderon	Florez	Maldonado	Steinberg
Campbell, Bill	Frommer	Matthews	Strickland
Campbell, John	Goldberg	Migden	Strom-Martin
Canciamilla	Harman	Mountjoy	Thomson
Cardenas	Havice	Nakano	Vargas
Cardoza	Hollingsworth	Nation	Washington
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 immediately.

**RECESS**

By unanimous consent, at 1:09 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 1:46 p.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

**MESSAGES FROM THE SENATE**

Senate Chamber, July 20, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 78

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following bill was read the first time:

**SENATE BILL NO. 78**—An act to amend Sections 341.5, 359, and 379 of, to amend and repeal Section 367 of, to add Sections 365.1, 454.10, and 454.11 to, and to add Article 16 (commencing with Section 399.20) and Article 17 (commencing with Section 399.30) to Chapter 2.3 of Part 1 of Division 1 of, to repeal Section 361 of, to repeal Article 4 (commencing with Section 355) of Chapter 2.3 of Part 1 of Division 1 of, and to repeal and add Section 330 of, the Public Utilities Code, relating to public utilities.

**CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT AND ASSEMBLY RULE 77 SUSPENDED**

Upon request of Assembly Member Shelley, Assembly Member Lowenthal was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 27, without reference to file.

**ASSEMBLY BILL NO. 27 (Lowenthal)**—An act 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.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—75**

Aanestad	Correa	La Suer	Reyes
Alquist	Cox	Leach	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	Papan	Zettel
Cohn	Kelley	Pavley	Mr. Speaker
Corbett	Koretz	Pescetti	

**NOES—2**

Cogdill	Wyman
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**Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 27: Assembly Member Runner, from “No” to “Aye”.

Above bill ordered enrolled.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Assembly Bill No. 5 and Urgency:** Briggs, Firebaugh, Mountjoy, Simitian, and Wyland—Aye.

**Senate Bill No. 68 and Urgency:** Alquist, Briggs, Firebaugh, Nation, Simitian, and Wyland—Aye.

**Assembly Bill No. 27, Concurrence:** Briggs, Firebaugh, and Nation—Aye.

**RECESS**

By unanimous consent, at 1:47 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**ADJOURNMENT**

At 9:16 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

---

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JULY 20, 2001**

The following measure was amended in the Assembly on this day:

**AB RN**

65 0118039

**Daily Total: 1**

**Cumulative Total: 39**



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, July 23, 2001**  
**FORTY-SECOND SESSION DAY**  
**SEVENTY-FIRST CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Monday, July 23, 2001

The Assembly met at 8:27 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—76:

Aanestad	Corbett	Koretz	Richman
Alquist	Correa	Leach	Runner
Aroner	Cox	Liu	Salinas
Ashburn	Daucher	Longville	Shelley
Bates	Diaz	Lowenthal	Simitian
Bogh	Dickerson	Maldonado	Steinberg
Briggs	Dutra	Matthews	Strickland
Calderon	Firebaugh	Migden	Strom-Martin
Campbell, Bill	Florez	Mountjoy	Thomson
Campbell, John	Frommer	Nakano	Vargas
Canciamilla	Goldberg	Nation	Washington
Cardenas	Harman	Negrete McLeod	Wayne
Cardoza	Havice	Oropeza	Wesson
Cedillo	Hollingsworth	Pacheco, Robert	Wiggins
Chan	Horton	Pacheco, Rod	Wright
Chavez	Jackson	Papan	Wyland
Chu	Keeley	Pavley	Wyman
Cogdill	Kehoe	Pescetti	Zettel
Cohn	Kelley	Reyes	Mr. Speaker



**PRAYER**

Upon invitation of Assistant Speaker pro Tempore Kehoe, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

*Gracious God, You call us to delight in Your praises; for You made us for Yourself, and our heart is restless, until it reposes in You. Teach us to do Your will, Lord, and fill our hearts with peace and Your grace.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Lowenthal 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.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On personal business, and waiving per diem: Assembly Members Leonard and Leslie.*

*Because of illness: Assembly Members La Suer and Maddox.*

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, July 23, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Bill No. 65

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 86—Florez.** An act to amend Section 60022 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

*Senate  
Bill No.*

*Committee*

**78** ----- E.C. & A. and Rls.

**MESSAGES FROM THE SENATE**

Senate Chamber, July 20, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 18

Senate Bill No. 84

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, July 21, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 41

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

### FIRST READING OF SENATE BILLS

The following bills were read the first time:

**SENATE BILL NO. 18**—An act to amend Sections 80010, 80100, 80110, 80122, 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.

**SENATE BILL NO. 84**—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.

**SENATE BILL NO. 41**—An act to amend Section 739 of, and to add Section 739.2 to, the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

### ASSEMBLY BILL NO. 19 WITHDRAWN FROM ENROLLMENT

Assembly Member Florez was granted unanimous consent that Assembly Bill No. 19 be withdrawn from enrollment, and that the bill be held at the Desk.

### CONSIDERATION OF DAILY FILE ASSEMBLY BILLS RETURNED TO SECOND READING FILE PURSUANT TO THE RULES

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

**Assembly Bill No. 65**, ordered to third reading.

### SECOND READING OF ASSEMBLY BILLS

**ASSEMBLY BILL NO. 59**—An act to add Sections 380.5 and 739.12 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.

**ASSEMBLY BILL NO. 78**—An act to add Chapter 7 (commencing with Section 80280) to Division 27 of the Water Code, relating to electricity.

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.

### ADJOURNMENT

At 9:38 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JULY 23, 2001**

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The following measures were amended in the Assembly on this day:

**AB RN**

59 0118763

78 0118751

**Daily Total: 2**

**Cumulative Total: 41**



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, August 20, 2001**  
**FORTY-THIRD SESSION DAY**  
**NINETY-NINTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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  
Monday, August 20, 2001

The Assembly met at 12:49 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—76:

Aanestad	Corbett	La Suer	Richman
Alquist	Correa	Leach	Runner
Aroner	Cox	Leslie	Salinas
Ashburn	Daucher	Liu	Shelley
Bates	Diaz	Longville	Simitian
Bogh	Dickerson	Lowenthal	Steinberg
Briggs	Dutra	Maddox	Strickland
Calderon	Florez	Maldonado	Strom-Martin
Campbell, Bill	Frommer	Matthews	Thomson
Campbell, John	Goldberg	Migden	Vargas
Canciamilla	Harman	Mountjoy	Washington
Cardenas	Havice	Nakano	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	Reyes	Mr. Speaker

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

Phillips Brooks, a noted 19th century leader of the Episcopal Church, taught: "It is not for us to pray for tasks equal to our powers, but for powers equal to our tasks . . . ."

It is not enough to simply do what is within our reach. What God asks of us is to grow to meet the challenging tasks that beckon us.

Often times, we live in the illusion that there is a finite amount of power to be exercised in the different realms of our lives; with our friends, our family, and in our work.

However, when we draw from the internal strengths that we have been given, we are doubly blessed; first by being able to help those around us, and secondly, we are rewarded by growing beyond what we believed we could.

May the Holy One of Blessing grant us the ability to use our powers to create a more perfect world within us and around us. May this be God's will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Canciamilla 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.

**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 Firebaugh and Leonard.*

*On personal business, and waiving per diem: Assembly Member Nation.*

*On personal business, per diem waived for the 2001–2002 Session (See Assembly Journal, page 162): Assembly Member Pescetti.*

(NOTE: For explanations of absences of Assembly Members Firebaugh and Leonard on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

August 16, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Water, Parks and Wildlife Committee

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Water, Parks and Wildlife Committee for the 2001–02 Second Extraordinary Session:

Assemblymember Dean Florez, Chair  
Assemblymember Dick Dickerson, Vice Chair  
Assemblymember Sam Aanestad  
Assemblymember Dion Aroner  
Assemblymember Tom Calderon  
Assemblymember Dario Frommer  
Assemblymember Jackie Goldberg  
Assemblymember Dennis Hollingsworth  
Assemblymember Christine Kehoe  
Assemblymember Dave Kelley  
Assemblymember Tim Leslie  
Assemblymember Fran Pavley  
Assemblymember Helen Thomson  
Assemblymember Howard Wayne  
Assemblymember Phil Wyman

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, July 24, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 59  
Assembly Bill No. 78

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, July 31, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 27

And reports the same correctly enrolled, and presented to the Governor on the 31st day of July, 2001, at 1:30 p.m.

E. DOTSON WILSON, Chief Clerk



**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>		
<b>2</b>	-----	E.C. & A.
<b>18</b>	-----	E.C. & A.
<b>23</b>	-----	E.C. & A. and L. Gov.
<b>41</b>	-----	E.C. & A.
<b>85</b>	-----	E.C. & A.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

August 20, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Senate Bill No. 39

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**SENATE BILL NO. 39**—An act to amend Sections 216, 228.5, 362, and 431 of, and to add Section 761.3 to, the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**

**Committee on Revenue and Taxation**

August 20, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports: Senate Bill No. 17

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chairwoman

**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; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**

**Committee on Revenue and Taxation**

August 20, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports: Senate Bill No. 1

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chairwoman

**SENATE BILL NO. 1**—An act 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; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Revenue and Taxation**

August 20, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 76

Assembly Bill No. 81

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chairwoman

**ASSEMBLY BILL NO. 76**—An act to add and repeal Sections 17052.56 and 23656 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 81**—An act to add Sections 17211 and 24342 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

August 20, 2001

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 59

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 59**—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 second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Energy Costs and Availability**

Date of Hearing: July 17, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 60

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

**MESSAGES FROM THE GOVERNOR**

The following message from the Governor was received and ordered printed in the Journal:

**EXECUTIVE ORDER D-44-01**

by the

Governor of the State of California

WHEREAS, on January 17, 2001, I proclaimed a State of Emergency to exist within the State of California due to the energy shortage in the State of California; and

WHEREAS, there is a high probability that the energy shortage will continue to cause rolling blackouts throughout California, threatening the health and safety of California residents, critical services in the State, and vital segments of California's economy; and

WHEREAS, all reasonable efforts must be made to ensure that generating facilities located in California become operational and are operating to ensure an adequate availability of generation during periods of peak demand; and

WHEREAS, the Kern Power Plant in Kern County, owned by the Pacific Gas and Electric Company (PG&E), has not been in operation since 1985; and

WHEREAS, if restored to operation, the Kern Power Plant would provide 180 megawatts of urgently needed power; and

WHEREAS, PG&E has filed a Chapter 11 bankruptcy petition in the United States Bankruptcy Court, and states that it lacks both the funds and the necessary personnel to restore the Kern Power Plant to operation; and

WHEREAS, on August 24, 2000, PG&E entered into an agreement with North American Power Group for the North American Power Group to acquire the Kern Power Plant and return it to operation; and

WHEREAS, the North American Power Group has already invested significant resources in preparing to retool the Kern Power Plant, including completing detailed engineering studies and mobilizing the necessary workforce; and

WHEREAS, the prohibition against the sale of generation assets in Public Utilities Code Section 377, as enacted by AB 6X (Dutra), Chapter 2 of the Statutes of 2001, was not intended to apply to non-operational facilities; and

WHEREAS, the California Public Utilities Commission (PUC) nevertheless concluded that Public Utilities Code Section 377 prohibits PG&E from transferring its Kern Power Plant to the North American Power Group for reactivation and renewed operation; and

WHEREAS, the Office of Ratepayer Advocates, an independent agency charged with protecting the interests of California ratepayers, has concluded the North American Power Group is in a superior position to quickly, effectively and safely retool the Kern Power Plant; and

WHEREAS, failure to transfer the Kern Power Plant to the North American Power Group for operation will prevent, hinder, and delay mitigation of the effects of the energy shortage emergency; and

WHEREAS, the energy shortage emergency requires extraordinary measures beyond the authority of the PUC; and

WHEREAS, the Legislative Counsel has opined that Public Utilities Code Section 377 may be suspended pursuant to the California Emergency Services Act if necessary to mitigate the effects of the energy shortage emergency;

NOW, THEREFORE, I, GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and the statutes of the State of California, including the California Emergency Services Act, Government Code Section 8550 et seq., do hereby issue this order to become effective immediately:

IT IS ORDERED that Public Utilities Code Section 377 is hereby suspended to the extent that it would prohibit completion of the pending transfer of PG&E's Kern Power Plant to the North American Power Group.

IT IS FURTHER ORDERED that Public Utilities Code Section 377 is so suspended upon the condition that the Kern Power Plant be transferred subject to the requirement that the North America Power Group enter into one or more contracts to sell power generated by the facility and ancillary services to the California Department of Water Resources or any other creditworthy California entity for distribution to California rate-payers on a cost-of-service basis for a term of not less than five years.

IT IS FURTHER ORDERED that the parties to this transfer shall obtain any and all necessary court approvals that may apply, including but not limited to, approval by the Bankruptcy Court presiding over the PG&E proceeding.

IT IS FURTHER ORDERED that any order or decision of the PUC prohibiting or restricting PG&E from transferring its Kern Power Plant under the above conditions is hereby suspended to the extent necessary to effectuate this transfer. The PUC shall retain all other jurisdiction over the transfer.

The activities herein are authorized pursuant to the California Emergency Services Act, Government Code Section 8550 et seq., as necessary to mitigate the effects of the energy shortage emergency.

I FURTHER DIRECT that, as soon as hereafter possible, this order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this order.

IN WITNESS WHEREOF, I hereunto  
set my hand and caused the Great Seal  
of California to be affixed this  
30th day of July 2001.

GRAY DAVIS  
Governor of California

ATTEST:

BILL JONES  
Secretary of State



**RE-REFERENCE OF BILLS**

Assembly Member Shelley was granted unanimous consent that Assembly Bill No. 12 be re-referred from the Committee on Business and Professions to the Committee on Water, Parks and Wildlife and to Energy Costs and Availability.

**RECESS**

By unanimous consent, at 12:51 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 3:18 p.m., the Assembly reconvened.  
Hon. Christine Kehoe, Assistant Speaker pro Tempore of the Assembly, presiding.

**CONSIDERATION OF DAILY FILE**

**UNFINISHED BUSINESS**

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 4 (Cardoza)**—An act to add Section 2774.5 to the Public Utilities Code, relating to electric power, 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.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—74**

Aanestad	Corbett	Leach	Salinas
Alquist	Correa	Liu	Shelley
Aroner	Cox	Longville	Simitian
Ashburn	Daucher	Lowenthal	Steinberg
Bates	Diaz	Maddox	Strickland
Bogh	Dickerson	Maldonado	Strom-Martin
Briggs	Dutra	Matthews	Thomson
Calderon	Florez	Migden	Vargas
Campbell, Bill	Goldberg	Mountjoy	Washington
Campbell, John	Harman	Nakano	Wayne
Canciamilla	Havice	Negrete McLeod	Wesson
Cardenas	Hollingsworth	Oropeza	Wiggins
Cardoza	Horton	Pacheco, Robert	Wright
Cedillo	Jackson	Pacheco, Rod	Wyland
Chan	Keeley	Papan	Wyman
Chavez	Kehoe	Pavley	Zettel
Chu	Kelley	Reyes	Mr. Speaker
Cogdill	Koretz	Richman	
Cohn	La Suer	Runner	

**NOES—None**

Above bill ordered enrolled.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following item:

**Assembly Bill No. 4, Concurrence:** Mountjoy and Richman—Aye.

**RECESS**

By unanimous consent, at 3:18 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**ADJOURNMENT**

At 3:23 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON AUGUST 20, 2001

—————

The following measures were amended in the Assembly on this day:

**AB    RN**

59    0119514

76    0119212

81    0119452

**SB    RN**

1    0119521

17    0118859

39    0119026

**Daily Total:                    6**

**Cumulative Total:            47**





CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, August 21, 2001**  
**FORTY-FOURTH SESSION DAY**  
**ONE HUNDREDTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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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, August 21, 2001

The Assembly met at 7 a.m.

Hon. Howard Wayne, Assembly Member, 78th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

### ROLL CALL

The following were placed upon the morning roll call—79:

Aanestad	Correa	Leach	Reyes
Alquist	Cox	Leonard	Richman
Aroner	Daucher	Leslie	Salinas
Ashburn	Diaz	Liu	Shelley
Bates	Dickerson	Longville	Simitian
Bogh	Dutra	Lowenthal	Steinberg
Briggs	Firebaugh	Maddox	Strickland
Calderon	Florez	Maldonado	Strom-Martin
Campbell, Bill	Frommer	Matthews	Thomson
Campbell, John	Goldberg	Migden	Vargas
Canciamilla	Harman	Mountjoy	Washington
Cardenas	Havice	Nakano	Wayne
Cardoza	Hollingsworth	Nation	Wesson
Cedillo	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Oropeza	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Chu	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Zettel
Cohn	Koretz	Pavley	Mr. Speaker
Corbett	La Suer	Pescetti	

Quorum present.

**At 1:47 p.m., Hon. Dean Florez, 30th District, presiding**

### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*Because of illness: Assembly Member Runner.*

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

August 21, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Transportation Committee

Dear Dotson: Please be advised that I have appointed Assemblymember Judy Chu to replace Assemblymember Dean Florez on the Assembly Transportation Committee for the 2001–02 Second Extraordinary Session.

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, August 21, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

- Assembly Bill No. 59
- Assembly Bill No. 76
- Assembly Bill No. 81

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bill was referred to committee:

<i>Senate</i>		<i>Committee</i>
<i>Bill No.</i>		<i>E.C. &amp; A.</i>
<b>84</b>	-----	<b>E.C. &amp; A.</b>

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 60**—An act to add and repeal Article 1.7 (commencing with Section 41775) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to air pollution, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, August 22, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON AUGUST 21, 2001**

The following measures were amended in the Assembly on this day:

**AB RN**

60 0119289

**Daily Total: 1**

**Cumulative Total: 48**

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, August 22, 2001**

**FORTY-FIFTH SESSION DAY**

**ONE HUNDRED FIRST CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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  
Wednesday, August 22, 2001

The Assembly met at 7 a.m.

Hon. Tony Strickland, Assembly Member, 37th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—77:

Aanestad	Cox	Leslie	Salinas
Alquist	Daucher	Liu	Shelley
Aroner	Diaz	Longville	Simitian
Ashburn	Dickerson	Lowenthal	Steinberg
Bates	Dutra	Maldonado	Strickland
Bogh	Firebaugh	Matthews	Strom-Martín
Briggs	Florez	Migden	Thomson
Calderon	Frommer	Mountjoy	Vargas
Campbell, Bill	Goldberg	Nakano	Washington
Campbell, John	Harman	Nation	Wayne
Canciamilla	Havice	Negrete McLeod	Wesson
Cardenas	Horton	Oropeza	Wiggins
Cardoza	Jackson	Pacheco, Robert	Wright
Cedillo	Keeley	Pacheco, Rod	Wyland
Chan	Kehoe	Papan	Wyman
Chu	Kelley	Pavley	Zettel
Cogdill	Koretz	Pescetti	Mr. Speaker
Cohn	La Suer	Reyes	
Corbett	Leach	Richman	
Correa	Leonard	Runner	

Quorum present.

**At 1:55 p.m., Hon. Juan Vargas, 79th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Hollingsworth and Maddox.*

*The following Assembly Member was excused for the day, and his per diem was waived: Chavez.*

(NOTE: For explanations of absences of Assembly Members Hollingsworth and Maddox on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, August 22, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 60

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

August 22, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Senate Bill No. 2

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**SENATE BILL NO. 2**—An act to amend Sections 382 and 2790 of, to add Sections 382.1 and 386 to, and to amend Section 739.1 of, the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ADJOURNMENT**

At 5:08 p.m., the Assembly adjourned until 8:30 a.m., Thursday, August 23, 2001 or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON AUGUST 22, 2001**

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The following measures were amended in the Assembly on this day:

**SB RN**

2 0119378

**Daily Total: 1**

**Cumulative Total: 49**



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, August 23, 2001**  
**FORTY-SIXTH SESSION DAY**  
**ONE HUNDRED SECOND CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, August 23, 2001

The Assembly met at 9:26 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

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

David E. Roberts said “Sin, at its roots, is ingratitude. It is a sort of seizure of life, as though by right, instead of the receiving of a gift.”

When we fail to remember that life *is* a gift, and every day, even the difficult ones, are a blessing, it is as though we are stealing from God.

When we go through life without doing what my grandmother used to refer to as “counting ones blessings” on a regular basis, we rob ourselves not only of our ability to receive all that life has to give us, but of giving all we have to offer to life as well.

May it be the will of the Creator that we live in such a way as to never take even a single day for granted.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Bates 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 Strickland.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

*Assembly*

*Bill No.*

*Committee*

**86** ----- Trans. and E.C. & A.

**AUTHOR’S AMENDMENTS  
Committee on Appropriations**

August 23, 2001

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 60

With author’s amendments with the recommendation: Amend, and re-refer to the committee.

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 60**—An act to add Article 1.7 (commencing with Section 41775) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to air pollution, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author’s amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Governmental Organization**

Date of Hearing: August 23, 2001

Mr. Speaker: Your Committee on Governmental Organization reports:  
 Assembly Bill No. 69

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

WESSON, Chairman

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE**  
**THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 67 (Firebaugh)**—An act to amend Sections 382 and 2790 of, and to add Sections 382.1 and 2790.1 to, the Public Utilities Code, relating to public utilities.

Bill read third time, and passed by the following vote:

**AYES—48**

Alquist	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	Wiggins
Cohn	Keeley	Pavley	Wright
Corbett	Kehoe	Reyes	Mr. Speaker

**NOES—28**

Aanestad	Cox	Leonard	Pescetti
Ashburn	Daucher	Leslie	Richman
Bates	Dickerson	Maddox	Runner
Bogh	Harman	Maldonado	Strickland
Briggs	Hollingsworth	Mountjoy	Wyland
Campbell, Bill	La Suer	Pacheco, Robert	Wyman
Campbell, John	Leach	Pacheco, Rod	Zettel

Bill ordered transmitted to the Senate.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Wright announced that the Committee on Energy Costs and Availability would meet today at 2 p.m.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following item:

**Assembly Bill No. 67:** Cedillo, Frommer, Havice, Migden, and Washington—Aye; Briggs, Maddox, Maldonado, and Rod Pacheco—No.

**RECESS**

By unanimous consent, at 9:40 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Monday, August 27, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## **AMENDMENTS CONSIDERED BY THE ASSEMBLY ON AUGUST 23, 2001**

The following measures were amended in the Assembly on this day:

**AB RN**

60 0119583

**Daily Total: 1**

**Cumulative Total: 50**

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, August 27, 2001**

**FORTY-SEVENTH SESSION DAY  
ONE HUNDRED SIXTH CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**



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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.

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## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Monday, August 27, 2001

The Assembly met at 12:08 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—79:

Aanestad	Correa	Leach	Reyes
Alquist	Cox	Leonard	Richman
Aroner	Daucher	Leslie	Runner
Ashburn	Diaz	Liu	Salinas
Bates	Dickerson	Longville	Simitian
Bogh	Dutra	Lowenthal	Steinberg
Briggs	Firebaugh	Maddox	Strickland
Calderon	Florez	Maldonado	Strom-Martin
Campbell, Bill	Frommer	Matthews	Thomson
Campbell, John	Goldberg	Migden	Vargas
Canciamilla	Harman	Mountjoy	Washington
Cardenas	Havice	Nakano	Wayne
Cardoza	Hollingsworth	Nation	Wesson
Cedillo	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Oropeza	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Chu	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Zettel
Cohn	Koretz	Pavley	Mr. Speaker
Corbett	La Suer	Pescetti	

Quorum present.



**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

*Eternal God, In Your perfect kingdom no sword is drawn but the sword of righteousness, and no strength known but the strength of love; we pray You, spread out Your Spirit, that all people and ranks may be gathered under one banner, of the Prince of Peace, as children of one God the Father of all, to Whom be dominion and glory now and for ever.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Aanestad 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 Cox, seconded by Assembly Member Vargas.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*Because of illness: Assembly Member Shelley.*

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, August 24, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 4

And reports the same correctly enrolled, and presented to the Governor on the 24th day of August, 2001, at 4 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 27, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 60

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

*Assembly*

*Bill No.*

*Committee*

**84** ----- E.C. & A.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

August 27, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Assembly Bill No. 49

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**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; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

August 27, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Senate Bill No. 78

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**SENATE BILL NO. 78**—An act to amend Sections 341.5, 359, and 379 of, to amend and repeal Section 367 of, to add Sections 365.1, 454.10, and 454.11 to, and to add Article 16 (commencing with Section 399.20) and Article 17 (commencing with Section 399.30) to Chapter 2.3 of Part 1 of Division 1 of, to repeal Section 361 of, to repeal Article 4 (commencing with Section 355) of Chapter 2.3 of Part 1 of Division 1 of, and to repeal and add Section 330 of, the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**

**Committee on Revenue and Taxation**

August 27, 2001

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Senate Bill No. 1

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chairwoman

**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; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

August 27, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Senate Bill No. 23

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**SENATE BILL NO. 23**—An act to add Section 1245.231 to, to add and repeal Sections 1240.651 and 1245.251 of, and to amend, repeal, and add Sections 1240.650 and 1245.250 of, the Code of Civil Procedure, to add Section 56131.1 to, to add and repeal Section 56131.2 of, to amend, repeal, and add Section 56875 of, and to add Chapter 7 (commencing with Section 55725) to Part 2 of Division 2 of Title 5 of, the Government Code, to add Section 25441.3 to the Public Resources Code, and to amend Section 11561 of, and to amend, repeal, and add Section 11652 of, the Public Utilities Code, relating to public power districts.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

## REPORTS OF STANDING COMMITTEES

### Committee on Appropriations

Date of Hearing: August 22, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 59

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.

## CONSIDERATION OF DAILY FILE

### SECOND READING OF ASSEMBLY BILLS

**ASSEMBLY BILL NO. 69**—An act to add and repeal Sections 8571.5 and 8571.6 to the Government Code, relating to public health emergency conditions.

Bill read second time; amendments proposed by the Committee on Governmental Organization read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

## COMMITTEE MEETING ANNOUNCEMENTS

Speaker pro Tempore Keeley announced that the Committee on Energy Costs and Availability would meet today, upon adjournment of the Transportation Committee hearing, in Room 437.

(Later this day, it was announced that the Committee on Energy Costs and Availability would reconvene at 6:30 p.m.)

## RECESS

By unanimous consent, at 12:11 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

## REPORTS OF STANDING COMMITTEES

### Committee on Revenue and Taxation

Date of Hearing: August 27, 2001

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Senate Bill No. 17

With the recommendation: Do pass, and be re-referred to the Committee on Energy Costs and Availability.

CORBETT, Chairwoman

Above bill re-referred to the Committee on Energy Costs and Availability.

Date of Hearing: August 27, 2001

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 81

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

CORBETT, Chairwoman

Above bill re-referred to the Committee on Appropriations.

**Committee on Transportation**

Date of Hearing: August 27, 2001

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 86

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

DUTRA, Chairman

Above bill re-referred to the Committee on Appropriations.

**ADJOURNMENT**

At 5:41 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON AUGUST 27, 2001**

The following measures were amended in the Assembly on this day:

**AB RN**  
49 0118417  
69 0118614

**SB RN**  
1 0120459  
23 0120488  
78 \*

**Daily Total: 5**  
**Cumulative Total: 55**

(NOTE: \*Refers to amendments received in non-Legislative Counsel form.)



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, August 28, 2001**  
**FORTY-EIGHTH SESSION DAY**  
**ONE HUNDRED SEVENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, August 28, 2001

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District, presiding.

Assistant Chief Clerk Lawrence A. Murman at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—78:

Aanestad	Correa	Leonard	Richman
Alquist	Cox	Leslie	Runner
Aroner	Daucher	Liu	Salinas
Ashburn	Diaz	Longville	Simitian
Bates	Dickerson	Lowenthal	Steinberg
Bogh	Dutra	Maddox	Strickland
Briggs	Firebaugh	Maldonado	Strom-Martin
Calderon	Florez	Matthews	Thomson
Campbell, Bill	Frommer	Migden	Vargas
Campbell, John	Goldberg	Mountjoy	Washington
Canciamilla	Harman	Nakano	Wayne
Cardenas	Havice	Nation	Wesson
Cardoza	Hollingsworth	Negrete McLeod	Wiggins
Cedillo	Horton	Oropeza	Wright
Chan	Jackson	Pacheco, Robert	Wyland
Chavez	Keeley	Pacheco, Rod	Wyman
Chu	Kehoe	Papan	Zettel
Cogdill	Kelley	Pavley	Mr. Speaker
Cohn	Koretz	Pescetti	
Corbett	Leach	Reyes	

Quorum present.

**At 12:29 p.m., Hon. Rod Pacheco, 64th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*On legislative business: Assembly Member La Suer.*

*Because of illness: Assembly Member Shelley.*

(NOTE: For explanation of absence of Assembly Member La Suer on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)



**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, August 28, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 49

Assembly Bill No. 69

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

August 28, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:

Senate Bill No. 85

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**SENATE BILL NO. 85**—An act to add Section 368.5 to the Public Utilities Code, relating to public utilities.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 59**—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 second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 8:30 a.m., Friday, August 31, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

S. RICHARD TIMMINS, Assistant Minute Clerk

## **AMENDMENTS CONSIDERED BY THE ASSEMBLY ON AUGUST 28, 2001**

The following measures were amended in the Assembly on this day:

**AB RN**

59 0120282

**SB RN**

85 0120524

**Daily Total: 2**

**Cumulative Total: 57**

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, August 29, 2001**  
**FORTY-NINTH SESSION DAY**  
**ONE HUNDRED EIGHTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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  
Wednesday, August 29, 2001

The Assembly met at 7 a.m.

Hon. Russ Bogh, Assembly Member, 65th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

### ROLL CALL

The following were placed upon the morning roll call—76:

Aanestad	Corbett	Koretz	Pescetti
Alquist	Correa	Leach	Reyes
Aroner	Cox	Leonard	Richman
Ashburn	Daucher	Leslie	Runner
Bates	Diaz	Liu	Salinas
Bogh	Dickerson	Longville	Simitian
Briggs	Dutra	Lowenthal	Steinberg
Calderon	Firebaugh	Maddox	Strom-Martin
Campbell, Bill	Florez	Maldonado	Thomson
Campbell, John	Frommer	Matthews	Vargas
Canciamilla	Goldberg	Migden	Washington
Cardenas	Harman	Mountjoy	Wayne
Cardoza	Haveice	Nakano	Wesson
Cedillo	Hollingsworth	Negrete McLeod	Wiggins
Chan	Horton	Oropeza	Wright
Chavez	Jackson	Pacheco, Robert	Wyland
Chu	Keeley	Pacheco, Rod	Wyman
Cogdill	Kehoe	Papan	Zettel
Cohn	Kelley	Pavley	Mr. Speaker

Quorum present.

**At 1:52 p.m., Hon. Mark Wyland, 74th District, presiding**

### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

### 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 La Suer, Nation, and Strickland.*

*Because of illness: Assembly Member Shelley.*

(NOTE: For explanations of absences of Assembly Members Nation and Strickland 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 La Suer on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for August 28, 2001.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, August 29, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 59

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

**MESSAGES FROM THE SENATE**

Senate Chamber, August 28, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 75

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, August 28, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 2

GREG P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following bill was read the first time:

**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.

The following resolution was read:

**SENATE JOINT RESOLUTION NO. 2**—Relative to electricity pricing.

**CONSIDERATION OF DAILY FILE**

**ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

**Assembly Bill No. 59** ordered to the Consent Calendar.

**REPORTS OF STANDING COMMITTEES**

**Committee on Energy Costs and Availability**

Date of Hearing: August 27, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 47

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

WRIGHT, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: August 27, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Senate Bill No. 78

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

**ADJOURNMENT**

At 8:50 p.m., the Assembly adjourned until 9 a.m., Thursday, August 30, 2001 or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

S. RICHARD TIMMINS, Assistant Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, August 30, 2001**

**FIFTIETH SESSION DAY**

**ONE HUNDRED NINTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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, August 30, 2001

The Assembly met at 9:23 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—78:

Aanestad	Cox	Leonard	Runner
Alquist	Daucher	Leslie	Salinas
Aroner	Diaz	Liu	Shelley
Ashburn	Dickerson	Longville	Simitian
Bates	Dutra	Lowenthal	Steinberg
Bogh	Firebaugh	Maddox	Strickland
Briggs	Florez	Maldonado	Strom-Martin
Calderon	Frommer	Matthews	Thomson
Campbell, John	Goldberg	Migden	Vargas
Canciamilla	Harman	Mountjoy	Washington
Cardenas	Havice	Nakano	Wayne
Cardoza	Hollingsworth	Nation	Wesson
Cedillo	Horton	Negrete McLeod	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	La Suer	Reyes	
Correa	Leach	Richman	



**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

*Lord, If Your all-seeing eye sees that our hearts are hard and our resolution to do better is weak, will You Yourself send us true contrition and strengthen our sagging wills. Give strength to our hearts, O Lord, imbue us with hope and have mercy on us.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Mountjoy 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 Chan, seconded by Assembly Member Cox.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On personal business, and waiving per diem: Assembly Member Bill Campbell.*

*Because of a death in her family: Assembly Member Oropeza.*

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 78**—An act to add Chapter 5.6 (commencing with Section 25465) to Division 15 of the Public Resources Code), to amend Sections 341.5, 359, 365, 367, 368, 369, 377, 379, 1731, and 9601 of, to add Sections 365.1, 367.2, 454.10, and 454.11 to, and to add Article 16 (commencing with Section 399.20) and Article 17 (commencing with Section 399.30) to Chapter 2.3 of Part I of Division 1 of, to repeal Section 361 of, to repeal Article 4 (commencing with Section 355) of Chapter 2.3 of Part 1 of Division 1 of, and to repeal and add Section 330 of, the Public Utilities Code, and to amend Sections 80002 and 80110 of the Water 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.

**Reference of Bills to Committee**

Pursuant to the Assembly Rules, the following bill was referred to committee:

<i>Senate</i>		<i>Committee</i>
<i>Bill No.</i>		
<b>75</b>	-----	Rev. & Tax.

**MESSAGES FROM THE SENATE**

Senate Chamber, August 30, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

- Senate Bill No. 82
- Senate Bill No. 86

GREGORY P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following bills were read the first time:

**SENATE BILL NO. 82**—An act to add Section 14684 to the Government Code, relating to solar energy.

**SENATE BILL NO. 86**—An act to amend Section 25534 of the Public Resources Code, relating to energy resources.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Corbett announced that the Committee on Revenue and Taxation would meet today, upon adjournment of Floor session.

Assembly Member Wright announced that the Committee on Energy Costs and Availability would meet today at 1:30 p.m.

**ADJOURNMENT**

At 10:55 p.m., the Assembly adjourned until 8:30 a.m., Friday, August 31, 2001 or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON AUGUST 30, 2001**

The following measures were amended in the Assembly on this day:

**SB RN**

78 0121094

**Daily Total: 1**

**Cumulative Total: 58**



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, August 31, 2001**  
**FIFTY-FIRST SESSION DAY**  
**ONE HUNDRED TENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, August 31, 2001

The Assembly met at 8:48 a.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 following were placed upon the morning roll call—79:

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Runner
Aroner	Diaz	Liu	Salinas
Ashburn	Dickerson	Longville	Shelley
Bates	Dutra	Lowenthal	Simitian
Bogh	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	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
Correa	Leach	Reyes	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*On personal business, and waiving per diem: Assembly Member Bill Campbell.*

#### 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. 1

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.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 11 a.m., Tuesday, September 4, 2001 or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk





CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, September 4, 2001**  
**FIFTY-SECOND SESSION DAY**  
**ONE HUNDRED FOURTEENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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

Quorum present.

**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.

**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.

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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**



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, September 5, 2001**

**FIFTY-THIRD SESSION DAY**

**ONE HUNDRED FIFTEENTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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  
Wednesday, September 5, 2001

The Assembly met at 2:51 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—79:

Aanestad	Correa	Leach	Richman
Alquist	Cox	Leonard	Runner
Aroner	Daucher	Leslie	Salinas
Ashburn	Diaz	Liu	Shelley
Bates	Dickerson	Longville	Simitian
Bogh	Dutra	Lowenthal	Steinberg
Briggs	Firebaugh	Maddox	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	La Suer	Reyes	

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

*O God in Heaven, You are blessed in Your being. You are the God of indescribable glory, and life-giving majesty. We pray to You this morning, Lord, and ask that You bless this Assembly, its members and staff and their families, and guide them to every good work that is pleasing to You. For You, Our God, are Holy, and dwell in Your Holy Sanctuary, and we offer glory, to you always.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Pescetti 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.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*On personal business, and waiving per diem: Assembly Member Maldonado.*

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 5, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 65

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

**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>		
<b>82</b> -----		B. & P.
<b>86</b> -----		E.C. & A.
<i>Senate Joint</i>		<i>Committee</i>
<i>Resolution No.</i>		
<b>2</b> -----		E.C. & A.

**AUTHOR'S AMENDMENTS****Committee on Energy Costs and Availability**

September 5, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Senate Bill No. 23

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**SENATE BILL NO. 23**—An act to add Section 1245.231 to, to add and repeal Sections 1240.651 and 1245.251 of, and to amend, repeal, and add Sections 1240.650 and 1245.250 of, the Code of Civil Procedure, to add Section 56131.1 to, to add and repeal Section 56131.2 of, to amend, repeal, and add Section 56875 of, and to add Chapter 7 (commencing with Section 55725) to Part 2 of Division 2 of Title 5 of, the Government Code, to add Section 25441.3 to the Public Resources Code, and to amend Section 11561 of, and to amend, repeal, and add Section 11652 of, the Public Utilities Code, relating to public power districts.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES****Committee on Energy Costs and Availability**

Date of Hearing: September 4, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
Assembly Bill No. 84

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

WRIGHT, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: September 4, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
Senate Bill No. 18  
Senate Bill No. 84  
Senate Bill No. 85

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bills re-referred to the Committee on Appropriations.

**CONSIDERATION OF DAILY FILE****SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 86**—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 second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 75**—An act to amend Section 17072 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; 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.

**SENATE BILL NO. 78**—An act to add Chapter 5.6 (commencing with Section 25465) to Division 15 of the Public Resources Code), to amend Sections 341.5, 359, 367, 368, 369, 377, 379, 1731, and 9601 of, to add Sections 365.1, 365.2, 365.3, 367.2, 454.10, and 454.11 to, and to add Article 15.5 (commencing with Section 399.10) and Article 16 (commencing with Section 399.20) to Chapter 2.3 of Part 1 of Division 1 of, to repeal Section 361 of, to repeal Article 4 (commencing with Section 355) of Chapter 2.3 of Part 1 of Division 1 of, and to repeal and add Section 330 of, the Public Utilities Code, and to amend Sections 80002, 80010, and 80110 of the Water 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 returned to the second reading file.

**ADJOURNMENT**

At 3:05 p.m., the Assembly adjourned until 12 noon, Thursday, September 6, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON SEPTEMBER 5, 2001**

The following measures were amended in the Assembly on this day:

**SB RN**

23 0121133

75 0121176

78 0121617

86 0121404

**Daily Total: 4****Cumulative Total: 65**

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, September 6, 2001**  
**FIFTY-FOURTH SESSION DAY**  
**ONE HUNDRED SIXTEENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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 6, 2001

The Assembly met at 7:56 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 call 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:

Oliver Wendell Holmes observed that: “. . . the great thing in this world is not so much where we stand, as in what direction we are moving.”

We are often impassioned by our present positions, but don't always think about where those ideas are leading us.

Oliver Wendell Holmes reminds us that it is not enough to simply believe in something, or to take a stand, but rather it is important to do something with those beliefs, and to transform our ideals into action.

May the Holy One of Blessing grant us the ability to continue to move forward in our lives and in our convictions.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Kelley 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 Campbell.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 87—Pescetti.** An act to add Section 454.5 to the Public Utilities Code, relating to public utilities.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 6, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 86

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, September 6, 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.

**AUTHOR'S AMENDMENTS****Committee on Energy Costs and Availability**

September 6, 2001

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports:  
Senate Bill No. 86

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**SENATE BILL NO. 86**—An act to amend Section 25534 of the Public Resources Code, relating to energy resources.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**MESSAGES FROM THE GOVERNOR**

The following message from the Governor was received and ordered printed in the Journal:

**Governor's Message—Assembly Bill No. 4**

September 5, 2001

*To the Members of the California Legislature:*

I am signing Assembly Bill 4XX, which will make permanent a portion of the reporting requirements for anticipated electrical blackouts that I had included in Executive Order D-38-01, issued on June 5, 2001. However, this bill includes only a portion of the reporting requirements called for in the Executive Order, which requires notification to the State Office of Emergency Services, as well as to law enforcement.

I am therefore signing this bill with the understanding that the author will introduce cleanup legislation to make the notification requirements for blackouts consistent with the Executive Order.

Sincerely,

GRAY DAVIS

**CONSIDERATION OF DAILY FILE****ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

**Assembly Bill No. 86**, ordered to third reading.

**SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

**Senate Bill No. 78**, ordered to third reading.

**ACTION RESCINDED ON ASSEMBLY BILL NO. 19**

Upon request of Assembly Member Shelley, Assembly Member Florez was granted unanimous consent to rescind the action whereby the Assembly, on July 14, 2001 (Assembly Journal, page 217), adopted the urgency clause and concurred in Senate amendments to Assembly Bill No. 19, and whereby the bill was ordered enrolled.

**BILL RETURNED TO SENATE**

Upon request of Assembly Member Shelley, Assembly Member Florez was granted unanimous consent that Assembly Bill No. 19 be returned to the Senate for further action.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Wright announced that the Committee on Energy Costs and Availability would meet at 4:10 p.m., in Room 437.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS**

**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.

**Assembly Rule 69(b) Suspended**

Upon request of Assembly Member Shelley, Assembly Member Corbett was granted unanimous consent that Assembly Rule 69(b) be suspended to permit consideration of proposed amendments to Assembly Bill No. 2.

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.

**RECESS**

By unanimous consent, at 8:31 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**RECONVENED**

At 8:40 p.m., the Assembly reconvened.

Hon. Christine Kehoe, Assistant Speaker pro Tempore of the Assembly, presiding.

**CONSIDERATION OF SENATE BILL NO. 78 BY UNANIMOUS CONSENT**

Upon request of Assembly Member Shelley, Assembly Member Keeley was granted unanimous consent to take up Senate Bill No. 78 without reference to file.

**SENATE BILL NO. 78 (Polanco)**—An act to add Chapter 5.6 (commencing with Section 25465) to Division 15 of the Public Resources Code, to amend Sections 341.5, 359, 367, 368, 369, 377, 379, 1731, and 9601 of, to add Sections 365.1, 365.2, 356.3, 367.2, 454.10, and 454.11 to, and to add Article 15.5 (commencing with Section 399.10), Article 16 (commencing with Section 399.20), and Article 17 (commencing with Section 399.30) of Division 1 of, to repeal Section 361 of, to repeal Article 4 (commencing with Section 355) of Chapter 2.3 of Part 1 of Division 1 of, and to repeal and add Section 330 of, the Public Utilities Code, and to amend Sections 80002, 80010, and 80110 of the Water Code, relating to public utilities.

**ASSEMBLY RULE 69(b) SUSPENDED**

Upon request of Assembly Member Shelley, Assembly Member Briggs was granted unanimous consent that Assembly Rule 69(b) be suspended to permit consideration of proposed amendments to Senate Bill No. 78.

Bill read third time.

**Motion to Amend by Assembly Member Briggs—Set 1**

Assembly Member Briggs moved the adoption of amendments.  
Amendments read.

**Motion to Table Briggs Amendments  
to Senate Bill No. 78—Set 1**

Assembly Member Vargas moved that the amendments offered by Assembly Member Briggs to Senate Bill No. 78—Set 1 be laid upon the table.

Assembly Member Calderon seconded the motion.

Motion carried by the following vote:

**AYES—36**

Alquist	Frommer	Lowenthal	Strom-Martin
Aroner	Goldberg	Migden	Thomson
Calderon	Havice	Nation	Vargas
Chan	Horton	Oropeza	Washington
Chavez	Jackson	Pavley	Wayne
Chu	Keeley	Salinas	Wesson
Corbett	Kehoe	Shelley	Wiggins
Diaz	Koretz	Simitian	Wright
Firebaugh	Longville	Steinberg	Mr. Speaker

**NOES—33**

Aanestad	Cox	Leonard	Reyes
Ashburn	Daucher	Leslie	Richman
Bates	Dickerson	Maddox	Runner
Bogh	Florez	Maldonado	Strickland
Briggs	Harman	Mountjoy	Wyland
Campbell, Bill	Hollingsworth	Pacheco, Robert	Zettel
Campbell, John	Kelley	Pacheco, Rod	
Canciamilla	La Suer	Papan	
Cogdill	Leach	Pescetti	

**Motion to Amend by Assembly Member Briggs—Set 2**

Assembly Member Briggs moved the adoption of amendments.  
Amendments read.

**Motion to Table Briggs Amendments  
to Senate Bill No. 78—Set 2**

Assembly Member Vargas moved that the amendments offered by Assembly Member Briggs to Senate Bill No. 78—Set 2 be laid upon the table.

Assembly Member Dutra seconded the motion.

Motion carried by the following vote:

**AYES—38**

Alquist	Firebaugh	Migden	Thomson
Aroner	Frommer	Nation	Vargas
Calderon	Goldberg	Negrete McLeod	Washington
Cardenas	Havice	Oropeza	Wayne
Chan	Jackson	Pavley	Wesson
Chavez	Keeley	Salinas	Wiggins
Chu	Kehoe	Shelley	Wright
Corbett	Koretz	Simitian	Mr. Speaker
Diaz	Longville	Steinberg	
Dutra	Lowenthal	Strom-Martin	

**NOES—30**

Ashburn	Cox	Leonard	Reyes
Bates	Daucher	Leslie	Richman
Bogh	Dickerson	Maddox	Runner
Briggs	Florez	Maldonado	Strickland
Campbell, Bill	Harman	Mountjoy	Wyland
Campbell, John	Hollingsworth	Pacheco, Robert	Zettel
Canciamilla	Kelley	Pacheco, Rod	
Cogdill	Leach	Pescetti	

**Further Consideration of Senate Bill No. 78**

Bill read third time, and presented by Assembly Member Keeley.

**Additional Time For Debate Granted**

Without objection, Assembly Member Keeley was granted additional time for debate.

Without objection, Assembly Member Cox was granted additional time for debate.

**CAUCUS ANNOUNCEMENTS**

At 10:20 p.m., Assembly Member Strickland was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 10:20 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**RECONVENED**

At 10:32 p.m., the Assembly reconvened.  
Hon. Christine Kehoe, Assistant Speaker pro Tempore of the Assembly, presiding.

**Further Consideration of Senate Bill No. 78**

The question being on the passage of the bill.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Strickland moved a call of the Assembly.

Motion carried. Time, 10:42 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent members.

**CAUCUS ANNOUNCEMENTS**

At 10:43 p.m., Assembly Member Strickland was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 10:43 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**RECONVENED**

At 11:03 p.m., the Assembly reconvened.  
Hon. Robert M. Hertzberg, Speaker pro Tempore of the Assembly, presiding.

**VOTE SYSTEM MALFUNCTION ANNOUNCEMENT BY SPEAKER**

Speaker Hertzberg announced that a malfunction had occurred with the Assembly's electronic vote system, whereupon he directed the clerk to dispense with the Call of the Assembly on Senate Bill No. 78 and read the recorded roll call vote orally, in alphabetical order.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
SENATE BILL NO. 78**

At 11:03 p.m., on motion of Assembly Member Strickland, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 78 passed by the following vote:

**AYES—42**

Alquist	Correa	Koretz	Steinberg
Aroner	Diaz	Longville	Strom-Martin
Calderon	Dutra	Lowenthal	Vargas
Cardenas	Firebaugh	Migden	Washington
Cardoza	Frommer	Nation	Wayne
Cedillo	Goldberg	Negrete McLeod	Wesson
Chan	Havice	Oropeza	Wiggins
Chavez	Horton	Papan	Wright
Chu	Keeley	Salinas	Mr. Speaker
Cohn	Kehoe	Shelley	
Corbett	Kelley	Simitian	

**NOES—32**

Aanestad	Cogdill	Leach	Pescetti
Ashburn	Cox	Leonard	Reyes
Bates	Daucher	Leslie	Richman
Bogh	Dickerson	Maddox	Runner
Briggs	Florez	Maldonado	Strickland
Campbell, Bill	Harman	Mountjoy	Wyland
Campbell, John	Hollingsworth	Pacheco, Robert	Wyman
Canciamilla	La Suer	Pacheco, Rod	Zettel

Bill ordered transmitted to the Senate immediately.

**Objection to Vote Adds and Changes**

Assembly Member Leonard withheld unanimous consent on any request for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 78.

**At 11:12 p.m., Speaker pro Tempore Keeley, 27th District, presiding**

**ASSEMBLY RULES 104 AND 106 SUSPENDED**

Assembly Member Shelley moved to suspend Assembly Rules 104 and 106 as they relate to Senate Bill No. 78 for the purpose of permitting vote adds and changes.

Motion carried by unanimous consent.

**Objection to Vote Adds and Changes**

Assembly Member Leonard withheld unanimous consent on any further requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 78.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Wright announced that the Committee on Energy Costs and Availability would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

**REQUEST FOR UNANIMOUS CONSENT**

Assembly Member Shelley was granted unanimous consent that all bills reported from committees Thursday, September 6, or Friday, September 7 by 5 p.m., with a "Do Pass as Amended" recommendation be taken up without reference to file for the purpose of second reading and adoption of the committee amendments and that the bills as amended be ordered out to print and back to the Third Reading file for Monday, September 10, 2001. All amendments reported from committees must be in Legislative Counsel form and received at the Assembly Desk no later than 5 p.m. on Friday, September 7.

**Assembly Rule 69(b)(1) Suspended**

Assembly Member Shelley was granted unanimous consent that Assembly Rule 69(b)(1) be suspended to allow amendments to be submitted on Monday, September 10th to any bills reported "Do Pass as Amended" by committees by Friday, September 7, 2001, in accordance with this suspension.

**Desk Held Open**

Assembly Member Shelley was granted unanimous consent that the Assembly Desk be held open until 5 p.m., Friday, September 7, 2001 to receive and process all reports from committees.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Senate Bill No. 78, Motion to Table Briggs Amendments—Set 1:** Leslie—No.

**Senate Bill No. 78, Motion to Table Briggs Amendments—Set 2:** Leslie—No.

**Senate Bill No. 78:** Cardenas—Aye.

**RECESS**

By unanimous consent, at 11:12 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Energy Costs and Availability**

Date of Hearing: September 4, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
 Assembly Bill No. 49

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

**Committee on Appropriations**

Date of Hearing: September 6, 2001

Mr. Speaker: Your Committee on Appropriations reports:  
 Assembly Bill No. 69

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: September 6, 2001

Mr. Speaker: Your Committee on Appropriations reports:  
 Assembly Bill No. 47  
 Assembly Bill No. 84

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: September 6, 2001

Mr. Speaker: Your Committee on Appropriations reports:  
 Senate Bill No. 18

With amendments with the recommendation: Amend, and do pass as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**Committee on Energy Costs and Availability**

Date of Hearing: September 4, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
 Senate Bill No. 39

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

**Committee on Appropriations**

Date of Hearing: September 6, 2001

Mr. Speaker: Your Committee on Appropriations reports:  
 Senate Bill No. 64

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.



Date of Hearing: September 6, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 85

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed upon the Consent Calendar.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**Committee on Energy Costs and Availability**

Date of Hearing: September 6, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Senate Bill No. 17

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill re-referred to the Committee on Appropriations.

**Committee on Appropriations**

Date of Hearing: September 6, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: September 6, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 84

With amendments with the recommendation: Amend, and do pass, as amended.

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 without reference to file for purpose of second reading and adoption of committee amendments, and the bills re-referred to the Committee on Appropriations or ordered to the third reading file or First Day Consent Calendar for Monday, September 10, 2001:

**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; 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.

**ASSEMBLY BILL NO. 69**—An act to add and repeal Sections 8571.5 and 8571.6 to the Government Code, relating to public health emergency conditions, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be placed upon the third reading file.

**ASSEMBLY BILL NO. 47**—An act to amend Section 1005.5 of, to add Section 1012 to, and to add and repeal Section 1110 of, the Public Utilities Code, relating to gas pipelines, and declaring the urgency thereof, to take effect immediately

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 84**—An act to amend Sections 32932, 32942, 32952, 32955, and 32960 of, and to repeal Section 32909 of, the Financial Code, relating to energy efficiency, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 18**—An act to amend Sections 80010, 80100, 80110, 80122, 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 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. 39**—An act to amend Sections 216, 228.5, 362, and 431 of, and to add and repeal Section 761.3 of, 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. 64**—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 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. 85**—An act to add Section 368.5 to the Public Utilities Code, relating to public utilities.

Bill read second time, and ordered to Consent Calendar.

**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 Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 84**—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 second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ONE HUNDRED SEVENTEENTH CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**

Assembly Chamber, September 7, 2001

**ADJOURNMENT**

At 5 p.m., the Assembly adjourned until 11 a.m., Monday, September 10, 2001, or upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON SEPTEMBER 6, 2001

—————

The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>
2	0121801
49	0121696

<b>SB</b>	<b>RN</b>
1	0121738
18	0121884
39	0121637
64	0121456
84	0122048
86	0121239

<b>Daily Total:</b>	<b>6</b>
<b>Cumulative Total:</b>	<b>71</b>

Amendments were considered by the Assembly, but not adopted, to the following measure:

<b>SB</b>	
78	(Briggs amendments—Set 1, RN 0121737, laid upon the table)
	(Briggs amendments—Set 2, RN 0121814, laid upon the table)

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, September 10, 2001**  
**FIFTY-FIFTH SESSION DAY**  
**ONE HUNDRED TWENTIETH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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 the Consent Calendar.

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.

**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	Sahinas	
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
Coghil	La Suer	Pacheco, Robert	Zettel

(NOTE: Later this day a motion to rescind the above vote was made, and carried.)

**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.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, September 12, 2001**

**FIFTY-SIXTH SESSION DAY**

**ONE HUNDRED TWENTY-SECOND CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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  
Wednesday, September 12, 2001

The Assembly met at 10:17 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—79:

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Runner
Aroner	Diaz	Liu	Salinas
Ashburn	Dickerson	Longville	Shelley
Bates	Dutra	Lowenthal	Simitian
Bogh	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	Harman	Mountjoy	Vargas
Canciamilla	Havice	Nakano	Washington
Cardenas	Hollingsworth	Nation	Wayne
Cardoza	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
Correa	Leach	Reyes	



**PRAYER**

Upon invitation of Speaker Hertzberg, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

While prayer is important for us, it is not enough to pray. It is also incumbent upon us to make our prayers a reality. We pray for peace and we pray for healing. Let us take the time today to look into our own hearts to see how we can make peace and healing a reality, and to ask ourselves, "How can I reach out to those in need?"

Our God, the Guide of humanity, let Your spirit rule this nation and its citizens, that their deeds may be prompted by a love of justice and right, and bear fruit in goodness and peace.

You have given us the freedom to choose between good and evil, life and death. May we choose life and good, that our children may inherit from us the blessings of dignity and freedom, prosperity and peace. May this be God's will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker Hertzberg, Speaker pro Tempore Keeley 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 Mountjoy.

**LEAVES OF ABSENCE FOR THE DAY**

*The following Assembly Member was excused for the day, and his per diem was waived: Cedillo.*

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 12, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 49

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**RECESS**

By unanimous consent, at 10:17 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 11:20 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. 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.

**Motion to Amend**

Assembly Member Corbett moved the adoption of amendments.  
Amendments read.

**Roll Call Demanded**

Assembly Members Pescetti, Bill Campbell, and Cogdill, demanded a roll call. The roll was called, and the Corbett amendments adopted by the following vote:

**AYES—38**

Alquist	Florez	Lowenthal	Strom-Martin
Aroner	Frommer	Migden	Thomson
Calderon	Goldberg	Negrete McLeod	Vargas
Cardenas	Havice	Oropeza	Washington
Chan	Horton	Pavley	Wayne
Chavez	Jackson	Reyes	Wesson
Chu	Keeley	Salinas	Wiggins
Corbett	Kehoe	Shelley	Mr. Speaker
Correa	Koretz	Simitian	
Diaz	Longville	Steinberg	

**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	

Bill ordered reprinted, and to be returned to the third reading file.

**RECESS**

By unanimous consent, at 11:23 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

**ONE HUNDRED TWENTY-THIRD CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**

Assembly Chamber, September 13, 2001

At 12:06 a.m.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

*Assembly*

*Bill No.*

*Committee*

**87** ----- E.C. & A.

**REPORTS OF STANDING COMMITTEES**

**Committee on Energy Costs and Availability**

Date of Hearing: September 6, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Senate Bill No. 2

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill ordered to second reading.

**Committee on Appropriations**

Date of Hearing: September 12, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 39

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: September 12, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 75

With the recommendation: Do pass.

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.

**Committee on Energy Costs and Availability**

Date of Hearing: September 12, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Senate Bill No. 82

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: September 12, 2001

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Bill No. 87

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

WRIGHT, Chairman

Above bill re-referred to the Committee on Appropriations.

### MESSAGES FROM THE SENATE

Senate Chamber, September 12, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 28

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 12, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 57

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 12, 2001

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 27

GREGORY P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

### FIRST READING OF SENATE BILLS

The following bill was read the first time:

**SENATE BILL NO. 27**—An act to add Section 80111 to the Water Code, relating to electric power.

### 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.

### Motion to Amend

Assembly Member Cardoza moved the adoption of amendments:

Amendments read and adopted; bill ordered reprinted; and to be returned to the third reading file.

(NOTE: On September 13, 2001, the action was rescinded whereby Senate Bill No. 64 was read a third time; amendments to the bill read and adopted; and whereby the bill was ordered returned to the third reading file. See page 360.)

**At 12:09 a.m., Assistant Speaker pro Tempore Kehoe,  
76th District, presiding**

### CONSIDERATION OF CONSENT CALENDAR

The Assistant Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

#### Consent Calendar—Assembly Bills

**ASSEMBLY BILL NO. 47 (Diaz)**—An act to amend Section 1005.5 of, to add Section 1012 to, and to add and repeal Section 1110 of, the Public Utilities Code, relating to gas pipelines, and declaring the urgency thereof, to take effect immediately.

Bill read third time, urgency clause adopted, bill passed, and ordered transmitted to the Senate.

*(For the vote on the above bill and urgency clause, see this day's Consent Calendar roll call.)*

**ASSEMBLY BILL NO. 84 (Strom-Martin)**—An act to amend Sections 32932, 32942, 32952, 32955, and 32960 of, and to repeal Section 32909 of, the Financial Code, relating to energy efficiency, and declaring the urgency thereof, to take effect immediately.

Bill read third time, urgency clause adopted, bill passed, and ordered transmitted to the Senate.

*(For the vote on the above bill and urgency clause, see this day's Consent Calendar roll call.)*

#### Consent Calendar—Senate Bill

**SENATE BILL NO. 85 (Burton)**—An act to add Section 368.5 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.)*

#### Consent Calendar Roll Call

The roll was called, and the above bills on the Consent Calendar passed, and any urgency clauses to the bills adopted, by the following vote:

#### AYES—78

Aanestad	Cox	Leonard	Runner
Alquist	Daucher	Leslie	Salinas
Aroner	Diaz	Liu	Shelley
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	Mountjoy	Washington
Canciamilla	Havice	Nakano	Wayne
Cardenas	Hollingsworth	Nation	Wesson
Cardoza	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Oropeza	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Chu	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Pavley	Zettel
Cohn	Koretz	Pescetti	Mr. Speaker
Corbett	La Suer	Reyes	
Correa	Leach	Richman	

#### NOES—None

At 12:16 a.m., Speaker pro Tempore Fred Keeley, 27th District, presiding

**RECESS**

By unanimous consent, at 12:16 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Date of Hearing: September 12, 2001

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 49

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Wright announced that the Committee on Energy Costs and Availability would meet today, upon recess of Floor session, in Room 4202.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following item:

**Assembly Bill No. 2, Corbett Amendments:** Havice—Aye; Maddox, Mountjoy, and Wyland—No.

**ADJOURNMENT**

At 1:18 a.m., the Assembly adjourned until noon, Thursday, September 13, 2001.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON SEPTEMBER 12, 2001**

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The following measures were amended in the Assembly on this day:

**AB RN**

2 0122390

**Daily Total: 1**

**Cumulative Total: 72**

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON SEPTEMBER 13, 2001**

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The following measures were amended in the Assembly on this day:

**SB RN**

\*64 0122612

**Daily Total: 1**

**Cumulative Total: 73**

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\* Adoption of amendments rescinded.



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, September 13, 2001**  
**FIFTY-SEVENTH SESSION DAY**  
**ONE HUNDRED TWENTY-THIRD CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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 352), 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 360), 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.

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**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>		
<b>27</b>	-----	E.C. & A.

**ADJOURNMENT**

At 1:15 a.m., the Assembly adjourned until 10:30 a.m., Friday, September 14, 2001.

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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**



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, September 14, 2001**

**FIFTY-EIGHTH SESSION DAY**

**ONE HUNDRED TWENTY-FOURTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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	Zettel
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**

**ONE HUNDRED TWENTY-FIFTH CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**

Assembly Chamber, Saturday, September 15, 2001

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.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE

2001-02 SECOND EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 1

INTERIM STUDY RECESS

Assembly Chamber, Sacramento  
Tuesday, October 16, 2001

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 2001-02 Second Extraordinary Session was printed while the Assembly was in Interim Study Recess:

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, September 28, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 86

And reports the same correctly enrolled, and presented to the Governor on the 28th day of September, 2001, at 12:15 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, October 2, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 9

Assembly Bill No. 21

Assembly Bill No. 26

Assembly Bill No. 28

Assembly Bill No. 48

Assembly Bill No. 57

Assembly Bill No. 61

Assembly Bill No. 69

And reports the same correctly enrolled, and presented to the Governor on the 2nd day of October, 2001, at 2 p.m.

E. DOTSON WILSON, Chief Clerk

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Energy Costs and Availability, on October 9, 2001, at 1 p.m., in Room 4202.

**MESSAGES FROM THE GOVERNOR**

The following message from the Governor was received and ordered printed in the Journal:

Governor's Office, Sacramento  
October 11, 2001

*To the Members of the California Legislature:*

I am signing Assembly Bill 48XX which would enact the Solar Training, Education and Certification Act of 2001.

In signing this measure, I am also directing the Employment Development Department to implement the training provisions of the bill within existing resources.

Sincerely,

GRAY DAVIS

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The following veto message from the Governor was received and ordered printed in the Journal and the bill ordered to the unfinished business file:

**Veto Message—Assembly Bill No. 9**

Governor's Office, Sacramento  
October 14, 2001

*To Members of the California State Assembly:*

*I am returning Assembly Bill 9XX without my signature.*

This bill would authorize end-use customers to aggregate their electric loads as individual consumers with private aggregators or as members of their local community with community choice aggregators.

Last June, approximately two percent of the customer load in the territory served by the three investor-owned utilities (IOUs) were receiving power from direct access providers. The Public Utilities Commission (PUC) recently suspended direct access, but the percentage of load subject to direct access transactions grew to as much as 13 percent or more prior to the suspension. That growth creates a significant and unfair cost burden for those customers who continue to receive power from the IOUs and the Department of Water Resources.

This rapid growth in direct access necessitates more concise cost-containment provisions for the remaining IOU customers than those contained in this bill, and those provisions should apply to *all* direct access contracts.

Moreover, this bill does not clearly authorize fees to cover costs that may result when direct access customers return to service with an IOU, which would create new and unanticipated procurement obligations for the IOU. Those new procurement obligations could come about solely because the direct access provider no longer chooses to provide service to its customers because of rising electricity costs, and instead passes that burden on to the IOU and its customers.

Any efforts to allow direct access must be equitable for all stakeholders.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 14th day of October 2001 at 11:32 p.m., of Assembly Bill No. 9xx without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN  
Acting Chief Clerk of the Assembly

**PROCLAMATION OF THE GOVERNOR**

The following Proclamations of the Governor were received and printed in the Journal:

**PROCLAMATION**

by the  
Governor of the State of California

WHEREAS, an extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; and

WHEREAS, on January 3rd, 2001, I convened the 2001–02 First Extraordinary Session of the Legislature to deal with a broad range of energy issues, including the availability and supply of electrical power and natural gas; and

WHEREAS, on May 14th, 2001, after the first extraordinary session was adjourned, I convened the Second Extraordinary Session of the Legislature to deal again with a broad range of energy issues; and

WHEREAS, it is necessary to convene the Third Extraordinary Session of the Legislature to conclude deliberations and take action on specific critical energy issues;

NOW, THEREFORE, I GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by Article IV, Section 3(b) of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California, on the 9th day of October, 2001, at a time appointed by each house of the Legislature of said day for the following purpose and to legislate upon the following subjects:

To consider and act upon legislation affecting the operation, maintenance, finances, and financial viability of investor-owned utilities that provide electricity or natural gas to California residents and businesses, including their procurement portfolios and practices, and service by alternate energy providers in their service territory.

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of the State of California  
to be affixed this 27th day of September, 2001.

GRAY DAVIS  
Governor of California

ATTEST:

BILL JONES  
Secretary of State



**PROCLAMATION**  
by the  
Governor of the State of California

WHEREAS, on September 27, 2001, pursuant to Article IV, section 3(b) of the Constitution of the State of California, I issued a Proclamation convening the Legislature of the State of California to meet in extraordinary session on October 9, 2001, to consider and act upon legislation affecting the operation, maintenance, finances, and financial viability of investor-owned utilities that provide electricity or natural gas to California residents and businesses, including their procurement portfolios and practices, and service by alternate energy providers in their service territory; and

WHEREAS, the principal purpose of that extraordinary session was to consider enactment of legislation to implement a Memorandum of Understanding between the California Department of Water Resources and Southern California Edison, an investor-owned utility whose financial viability has been the subject of serious concern; and

WHEREAS, on October 2, 2001 the California Public Utilities Commission and Southern California Edison announced that they have settled litigation pending between them in a manner which, if approved by the United States District Court for the Central District of California, will restore the financial viability of Southern California Edison; and

WHEREAS, that settlement agreement, if approved, will make it unnecessary for the Legislature to address further the financial viability of Southern California Edison in a third extraordinary session;

NOW, THEREFORE, I GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by Article IV, section 3(b) of the Constitution of the State of California, do hereby rescind the Proclamation issued on September 27, 2001, convening the Legislature of the State of California to meet in extraordinary session on October 9, 2001.

IN WITNESS WHEREOF I have hereunto set my hand  
and caused the Great Seal of the State of California  
to be affixed this 2nd day of October 2001.

GRAY DAVIS  
Governor of California

ATTEST:

BILL JONES  
Secretary of State



(NOTE: The above Proclamations were received and entered in the Journal record although a Third Extraordinary Session was not convened.)

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk





CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, January 7, 2002**

**FIFTY-NINTH SESSION DAY**

**TWO HUNDRED THIRTY-NINTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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(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, January 7, 2002

The Assembly met at 12:27 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—79:

Aanestad	Correa	Leach	Reyes
Alquist	Cox	Leonard	Richman
Aroner	Daucher	Leslie	Runner
Ashburn	Diaz	Liu	Salinas
Bates	Dickerson	Longville	Simitian
Bogh	Dutra	Lowenthal	Steinberg
Briggs	Firebaugh	Maddox	Strickland
Calderon	Florez	Maldonado	Strom-Martin
Campbell, Bill	Frommer	Matthews	Thomson
Campbell, John	Goldberg	Migden	Vargas
Canciamilla	Harman	Mountjoy	Washington
Cardenas	Havice	Nakano	Wayne
Cardoza	Hollingsworth	Nation	Wesson
Cedillo	Horton	Negrete McLeod	Wiggins
Chan	Jackson	Oropeza	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Chu	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Zettel
Cohn	Koretz	Pavley	Mr. Speaker
Corbett	La Suer	Pescetti	

**PRAYER**

Upon invitation of Speaker Hertzberg, the following prayer was offered by Assembly Alternate Chaplain Rev. Constantine C. Pappademos:

*Loving Lord, We gather this day to reconvene the session of this Assembly and we pray to You. Help us to follow and find You here in the place where we work, where we meet people and make plans. Guide us to see through Your eyes, to hear the questions You are asking; to welcome all people with Your truth and to change the things that contradict Your love.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker Hertzberg, Assembly Member Cox 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 Cox.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*On personal business, and waiving per diem: Assembly Member Shelley.*

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

November 30, 2001

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Rules Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Dave Cox to the Assembly Rules Committee for today’s hearing. Mr. Cox is replacing Assemblymember Bill Leonard.

This is to advise you that I have appointed Assemblymember Anthony Pescetti to the Assembly Rules Committee for today’s hearing. Mr. Pescetti is replacing Assemblymember Tim Leslie.

Sincerely,

DAVE COX  
Assembly Republican Leader

November 30, 2001

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Rules Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Thomas Calderon to the Assembly Rules Committee for today's hearing. Mr. Calderon is replacing Assemblymember George Nakano.

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

January 4, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Health Committee

Dear Dotson: This is to advise you that I have appointed Assemblymembers Richard Dickerson and Carl Washington to the Assembly Health Committee, expanding the committee from 17 to 19 members.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

January 4, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Environmental Safety and  
Toxic Materials Committee

Dear Dotson: This is to advise you that I have removed Assemblymember Carl Washington from the Assembly Environmental Safety and Toxic Materials Committee, creating a vacancy on the committee.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

January 4, 2002

*E. Dotson Wilson*  
*Chief Clerk*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Rules Committee

Dear Dotson: Please be advised that at the request of Assembly Republican Leader Dave Cox, we are making the following changes to the Assembly Rules Committee:

Assemblymember Cogdill will replace Assemblymember Leonard as Vice Chair

Assemblymember Leonard will replace Assemblymember Zettel as a Republican member

Assemblymember Daucher will replace Assemblymember Aanestad as the Republican Alternate

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Migden was granted unanimous consent that the Governor's veto of Assembly Bill No. 9 be stricken from file.

**CONSIDERATION OF DAILY FILE**

**UNFINISHED BUSINESS**

**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Senate Bills Nos. 1 and 39; and Assembly Bill No. 2 were continued until the next legislative day.

**Parliamentary Inquiry**

Assembly Member Pescetti arose to the following parliamentary inquiry:

Has the 2001–02 Second Extraordinary Session of the Legislature not been adjourned by the Senate?

**Reply by Speaker pro Tempore Keeley**

The Speaker pro Tempore replied that although a resolution has been adopted by the Senate, such a resolution must be adopted by both Houses of the Legislature in order to adjourn the 2001–02 Second Extraordinary Session of the Legislature.

**RECESS**

By unanimous consent, at 12:29 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk





CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 10, 2002**

**SIXTIETH SESSION DAY**

**TWO HUNDRED FORTY-SECOND CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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(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, January 10, 2002

The Assembly met at 10:47 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

Quorum present.

**PRAYER**

Upon invitation of Speaker Hertzberg, the following prayer was offered by Assembly Member Carl Washington, of the 52nd Assembly District:

Good morning. Let us pray. Eternal God, the Creator and Maker of all mankind, we thank You for this day and we thank You for this hour. We come now to ask Your blessings on this legislative body. Decisions that are made affect millions and millions of people. We pray now that You will bless the decisions that will be made. We lift up our soon to be Speaker to You now, Herb Wesson. We pray God that You will continue to give him the leadership, the ability to move forward, and certainly, God, to move California forward. We pray for our Speaker Hertzberg that You will continue to bless his life as he moves forward in his life, and we pray now all these blessings upon this legislative body.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker Hertzberg, Assembly Member Firebaugh 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.

**ELECTION OF SPEAKER**

Assembly Member Shelley moved that the vote for Assembly Member Herb J. Wesson, Jr., taken earlier this day in the Regular Session, (to be sworn in on February 6, 2002 or upon a vacancy, whichever occurs first), be substituted in the Second Extraordinary Session.

Assembly Member Vargas seconded the motion.

Motion carried.

(See Assembly Journal for the Regular Session, pages 4409–10.)

**CONSIDERATION OF DAILY FILE****UNFINISHED BUSINESS****MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Senate Bills Nos. 1 and 39; and Assembly Bill No. 2 were continued until the next legislative day.

**RECESS**

By unanimous consent, at 10:48 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, January 18, 2002**  
**SIXTY-FIRST SESSION DAY**  
**TWO HUNDRED FIFTIETH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, January 18, 2002

The Assembly met at 9:42 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—66:

Aanestad	Daucher	La Suer	Pescetti
Alquist	Diaz	Leach	Reyes
Aroner	Dickerson	Leonard	Richman
Ashburn	Dutra	Liu	Runner
Bates	Firebaugh	Longville	Salinas
Bogh	Florez	Lowenthal	Steinberg
Campbell, Bill	Frommer	Matthews	Strom-Martin
Campbell, John	Goldberg	Migden	Thomson
Canciamilla	Harman	Mountjoy	Vargas
Cardoza	Havice	Nakano	Washington
Chan	Hollingsworth	Nation	Wayne
Chavez	Horton	Negrete McLeod	Wright
Chu	Jackson	Oropeza	Wyman
Cogdill	Keeley	Pacheco, Robert	Zettel
Cohn	Kehoe	Pacheco, Rod	Mr. Speaker
Correa	Kelley	Papan	
Cox	Koretz	Pavley	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Member Rod Wright, of the 48th Assembly District:

*Heavenly Father,*

In our daily living give us  
A sense of the world's beauty,  
A sense of truth and justice,  
A sense of dignity and destiny,  
A sense of honor and service,

And with all, a sense of humor.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Longville 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 Leonard.

**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 Briggs, Calderon, Corbett, Leslie, Maddox, Maldonado, Simitian, Strickland, and Wesson.*

*On legislative business, and waiving per diem: Assembly Member Cardenas.*

*On personal business, and waiving per diem: Assembly Member Wyland.*

*Because of illness: Assembly Members Shelley and Wiggins.*

*Because of illness in his family: Assembly Member Cedillo.*

(NOTE: For letters explaining the absences of Assembly Members Cardenas, Corbett, Leslie, Maddox, Maldonado, Simitian, and Wesson on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for the Regular Session for this day; for letters explaining the absences of Assembly Members Briggs, Calderon, and Strickland on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for January 17, 2002.)

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

January 15, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol  
Sacramento, California*

Dear Mr. Wilson,

At the request of Speaker-elect Herb Wesson, and in furtherance of a smooth transition in the Assembly leadership, I am hereby designating Assemblymember Marco Firebaugh as Majority Floor Leader effective February 6, 2002. Assemblymember Kevin Shelley will continue to serve as Majority Leader.

Very truly yours,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

January 15, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Business and Professions Committee

Dear Dotson: This is to advise you that I have appointed Assembly Member Phil Wyman to replace Assemblymember John Campbell as Vice Chair of the Assembly Business and Professions Committee. I have also removed Mr. Campbell as a member of the committee.

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

**CONSIDERATION OF DAILY FILE  
UNFINISHED BUSINESS**

**SENATE BILL NO. 1 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Vargas was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 1 was refused passage; and that the bill be placed upon the inactive file.

**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 2 and Senate Bill No. 39 were continued until the next legislative day.

**RECESS**

By unanimous consent, at 9:44 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 24, 2002**  
**SIXTY-SECOND SESSION DAY**  
**TWO HUNDRED FIFTY-SIXTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, January 24, 2002

The Assembly met at 8:41 a.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 following were placed upon the morning roll call—76:

Aanestad	Correa	La Suer	Reyes
Alquist	Cox	Leach	Richman
Aroner	Daucher	Leonard	Runner
Ashburn	Diaz	Leslie	Salinas
Bates	Dickerson	Longville	Simitian
Bogh	Dutra	Lowenthal	Steinberg
Calderon	Firebaugh	Maddox	Strickland
Campbell, Bill	Florez	Matthews	Strom-Martin
Campbell, John	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	Wright
Chu	Keeley	Pacheco, Rod	Wyland
Cogdill	Kehoe	Papan	Wyman
Cohn	Kelley	Pavley	Zettel
Corbett	Koretz	Pescetti	Mr. Speaker

Quorum present.

#### 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 Member Briggs.*

*On personal business, and waiving per diem: Assembly Member Maldonado.*

*Because of illness: Assembly Member Shelley.*

*Because of illness in her family: Assembly Member Liu.*

(NOTE: For explanation of absence of Assembly Member Briggs on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

January 18, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Lou Papan to replace Assemblymember Herb Wesson on the Assembly Business and Professions Committee for the January 22 hearing.

Sincerely,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 2 and Senate Bill No. 39 were continued until the next legislative day.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 31, 2002**  
**SIXTY-THIRD SESSION DAY**  
**TWO HUNDRED SIXTY-THIRD CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, January 31, 2002

The Assembly met at 6 a.m.

Hon. Jay La Suer, Assembly Member, 77th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—60:

Alquist	Cox	La Suer	Pavley
Ashburn	Daucher	Leach	Pescetti
Bates	Dickerson	Leonard	Reyes
Bogh	Dutra	Leslie	Runner
Calderon	Firebaugh	Longville	Salinas
Campbell, Bill	Florez	Lowenthal	Simitian
Canciamilla	Frommer	Maddox	Steinberg
Cardenas	Harman	Maldonado	Strom-Martin
Cardoza	Havice	Matthews	Vargas
Cedillo	Hollingsworth	Mountjoy	Washington
Chavez	Horton	Nakano	Wayne
Chu	Jackson	Negrete McLeod	Wesson
Cogdill	Keeley	Oropeza	Wiggins
Cohn	Kehoe	Pacheco, Rod	Wyland
Correa	Koretz	Papan	Wyman

Quorum present.

**At 10:18 a.m., Hon. Darrell Steinberg, 9th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Aanestad, Aroner, John Campbell, Chan, Corbett, Diaz, Goldberg, Hertzberg, Kelley, Migden, Nation, Robert Pacheco, Richman, Shelley, Strickland, Thomson, and Wright.*

*On personal business, and waiving per diem: Assembly Member Zettel.*

*Because of illness: Assembly Member Briggs.*

*Because of illness in her family: Assembly Member Liu.*

(NOTE: For explanations of absences of the above referenced Members on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS  
MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 2 and Senate Bill No. 39 were continued until the next legislative day.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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FRED KEELEY, Speaker pro Tempore

PAM CAVILEER, Minute Clerk





CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, February 7, 2002**  
**SIXTY-FOURTH SESSION DAY**  
**TWO HUNDRED SEVENTIETH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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, February 7, 2002

The Assembly met at 8:36 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 following were placed upon the morning roll call—71:

Aanestad	Dickerson	Leonard	Reyes
Alquist	Dutra	Liu	Richman
Aroner	Firebaugh	Longville	Runner
Ashburn	Florez	Lowenthal	Salinas
Bogh	Frommer	Maddox	Steinberg
Calderon	Goldberg	Maldonado	Strickland
Campbell, Bill	Harman	Matthews	Strom-Martin
Canciamilla	Havice	Migden	Thomson
Cardenas	Hertzberg	Mountjoy	Vargas
Cardoza	Hollingsworth	Nakano	Washington
Cedillo	Horton	Nation	Wayne
Chan	Jackson	Negrete McLeod	Wiggins
Chavez	Keeley	Oropeza	Wright
Chu	Kehoe	Pacheco, Robert	Wyland
Cogdill	Kelley	Pacheco, Rod	Wyman
Cohn	Koretz	Papan	Zettel
Cox	La Suer	Pavley	Mr. Speaker
Daucher	Leach	Pescetti	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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, John Campbell, Correa, Diaz, Leslie, and Shelley.*

*Because of illness: Assembly Members Corbett and Simitian.*

(NOTE: For explanations of absences of Assembly Members Bates, Briggs, John Campbell, Correa, Diaz, and Shelley on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; this day's Journal record corrected to reflect Assembly Member Leslie's absence on legislative business, pursuant to further explanation of absence received on February 20, 2004. See Assembly Journal, page 433.)

**OATH OF OFFICE ADMINISTERED**

On Wednesday, February 6, 2002, Speaker-elect Herb J. Wesson, Jr. appeared at the bar of the Assembly and took and subscribed to the following oath of office administered by Hon. Yvonne Brathwaite Burke, Los Angeles County Board of Supervisors, Second District, accompanied by Hon. Nate Holden and Mrs. Betty Dixon, wife of the late Congressman Julian Dixon.

**OATH**

*for the Office of Speaker of the Assembly*

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

HERB J. WESSON, JR.

Subscribed and sworn to before me,  
This 6th day of February  
A.D. 2002

The Honorable Yvonne Brathwaite Burke  
Los Angeles County Board of Supervisors, Second District

(NOTE: See Assembly Journal for the Regular Session, p. 4721.)

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

February 4, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Darrell Steinberg to replace Assemblymember Carol Liu on the Assembly Rules Committee for today's hearing only.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

February 6, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Governmental Organization Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Jerome Horton replacing Speaker Herb Wesson as Chair of the Assembly Governmental Organization Committee for the 2001-02 Regular and Second Extraordinary Sessions.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

February 6, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Rules Committee for  
 the 2001–02 Regular, Second Extraordinary and  
 Third Extraordinary Session

Dear Dotson: This is to advise you that I have appointed Assemblymember Judy Chu to replace Assemblymember Jerome Horton on the Assembly Rules Committee for the 2001–02 Regular, Second Extraordinary and Third Extraordinary Sessions.

Sincerely,

HERB J. WESSON, JR.  
 Speaker of the California Assembly

**AUTHOR'S AMENDMENTS**  
**Committee on Water, Parks and Wildlife**

February 7, 2002

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:  
 Assembly Bill No. 12

With author's amendments with the recommendation: Amend, and re-refer to the committee.

FLOREZ, Chairman

**ASSEMBLY BILL NO. 12**—An act to amend Section 110 of, and to add Section 110.5 to, the Water Code, relating to water.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**MESSAGES FROM THE SENATE**

February 4, 2002

*The Honorable E. Dotson Wilson*  
*Chief Clerk of the Assembly*

Dear Dotson: By direction of the Senate I respectfully request that you return SCR 3 (2x) to the Senate for further action.

Sincerely,

GREGORY P. SCHMIDT  
 Secretary of the Senate

**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 2 and Senate Bill No. 39 were continued until the next legislative day.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 7, 2002**

The following measures were amended in the Assembly on this day:

**AB RN**

12 0201005

**Daily Total: 1**

**Cumulative Total: 77**

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, February 15, 2002**  
**SIXTY-FIFTH SESSION DAY**  
**TWO HUNDRED SEVENTY-EIGHTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, February 15, 2002

The Assembly met at 8:39 a.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 following were placed upon the morning roll call—59:

Aanestad	Cox	Koretz	Pescetti
Alquist	Daucher	Leonard	Reyes
Aroner	Dickerson	Leslie	Richman
Ashburn	Dutra	Liu	Runner
Bogh	Firebaugh	Longville	Salinas
Briggs	Florez	Lowenthal	Steinberg
Campbell, Bill	Goldberg	Maldonado	Strom-Martin
Campbell, John	Harman	Matthews	Thomson
Canciamilla	Havice	Mountjoy	Vargas
Chan	Hertzberg	Nakano	Washington
Chu	Hollingsworth	Nation	Wayne
Cogdill	Jackson	Negrete McLeod	Wiggins
Cohn	Keeley	Pacheco, Robert	Wyman
Corbett	Kehoe	Pacheco, Rod	Mr. Speaker
Correa	Kelley	Pavley	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.



**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 Calderon, Cardoza, Chavez, Diaz, Horton, La Suer, Maddox, Shelley, Simitian, Strickland, Wright, Wyland, and Zettel.*

*On legislative business, and waiving per diem: Assembly Member Cardenas.*

*On personal business, and waiving per diem: Assembly Members Leach and Migden.*

*Because of illness: Assembly Members Bates, Oropeza, and Papan.*

*Because of illness in their families: Assembly Members Cedillo and Frommer.*

(NOTE: For explanations of absences of Assembly Members Cardenas, Cardoza, Diaz, Horton, La Suer, Maddox, Shelley, Simitian, Wright, Wyland, and Zettel on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for Assembly Members Calderon, Chavez, and Strickland on this day on legislative business, pursuant to the Rules, see the Assembly Daily Journal for February 14, 2002.)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 8, 2002

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 12

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**CONSIDERATION OF DAILY FILE  
UNFINISHED BUSINESS****MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 2 and Senate Bill No. 39 were continued until the next legislative day.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, February 21, 2002**  
**SIXTY-SIXTH SESSION DAY**  
**TWO HUNDRED EIGHTY-FOURTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, February 21, 2002

The Assembly met at 8:50 a.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 following were placed upon the morning roll call—71:

Aanestad	Diaz	Leonard	Pescetti
Alquist	Dickerson	Leslie	Reyes
Aroner	Dutra	Liu	Richman
Ashburn	Firebaugh	Longville	Runner
Bogh	Frommer	Lowenthal	Simitian
Calderon	Goldberg	Maddox	Steinberg
Campbell, John	Harman	Maldonado	Strickland
Canciamilla	Havice	Matthews	Strom-Martin
Cardoza	Hertzberg	Migden	Thomson
Chan	Hollingsworth	Mountjoy	Vargas
Chavez	Horton	Nakano	Washington
Chu	Jackson	Nation	Wayne
Cogdill	Keeley	Negrete McLeod	Wiggins
Cohn	Kehoe	Oropeza	Wright
Corbett	Kelley	Pacheco, Robert	Wyland
Correa	Koretz	Pacheco, Rod	Wyman
Cox	La Suer	Papan	Mr. Speaker
Daucher	Leach	Pavley	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Briggs, Salinas, and Shelley.*

*On legislative business, and waiving per diem: Assembly Member Cardenas.*

*On personal business, and waiving per diem: Assembly Members Bill Campbell and Zettel.*

*Because of jury duty: Assembly Member Florez.*

*Because of illness: Assembly Member Bates.*

*Because of illness in his family: Assembly Member Cedillo.*

(NOTE: For explanations of absences of Assembly Members Briggs, Salinas, and Shelley on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

**Explanation of Absence—February 7, 2002**

February 20, 2002

*The Honorable Herb Wesson  
Speaker of the Assembly  
State Capitol, Room 219*

Dear Mr. Speaker: This letter is to request that the Assembly Journal be corrected to reflect that I was on legislative business on Thursday, February 7th, attending meetings in Washington, D.C., rather than on personal business, as previously recorded.

If you have any questions, please contact my office at 319-2004.

Sincerely,

TIM LESLIE, Assembly Member  
Fourth District

**CONSIDERATION OF DAILY FILE**

**UNFINISHED BUSINESS**

**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 2 and Senate Bill No. 39 were continued until the next legislative day.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

---

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, February 28, 2002**  
**SIXTY-SEVENTH SESSION DAY**  
**TWO HUNDRED NINETY-FIRST CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, February 28, 2002

The Assembly met at 8:45 a.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—65:

Aanestad	Diaz	Leslie	Runner
Alquist	Dickerson	Liu	Salinas
Aroner	Dutra	Longville	Simitian
Ashburn	Firebaugh	Lowenthal	Strickland
Bates	Florez	Maddox	Strom-Martin
Bogh	Frommer	Maldonado	Thomson
Campbell, Bill	Goldberg	Migden	Vargas
Canciamilla	Harman	Mountjoy	Washington
Cardoza	Havice	Nakano	Wayne
Chan	Horton	Oropeza	Wiggins
Chavez	Jackson	Pacheco, Robert	Wyland
Chu	Keeley	Pacheco, Rod	Wyman
Cogdill	Kehoe	Papan	Zettel
Corbett	Kelley	Pavley	Mr. Speaker
Correa	Koretz	Pescetti	
Cox	La Suer	Reyes	
Daucher	Leonard	Richman	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Briggs, Calderon, Cohn, Negrete McLeod, Shelley, and Wright.*

*On legislative business, and waiving per diem: Assembly Member Cardenas.*

*On personal business, and waiving per diem: Assembly Members John Campbell, Hertzberg, Hollingsworth, Leach, Matthews, and Steinberg.*

*Because of illness: Assembly Member Nation.*

*Because of illness in his family: Assembly Member Cedillo.*

(NOTE: For explanations of absences of Assembly Members Briggs, Calderon, Cardenas, Cohn, Negrete McLeod, Shelley, and Wright on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)



**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

February 22, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Rules Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Joe Nation to replace Assemblymember Dennis Cardoza as Chair of the Assembly Rules Committee for the Monday, February 25th hearing only.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

February 25, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Appropriations Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Darrell Steinberg to replace Speaker Herb Wesson on the Assembly Appropriations Committee for today's hearing only.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

February 26, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Judiciary Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Patricia Wiggins to replace Assemblymember Kevin Shelley on the Assembly Judiciary Committee for the hearing on Wednesday, February 27th only.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 2 and Senate Bill No. 39 were continued until the next legislative day.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, March 7, 2002**  
**SIXTY-EIGHTH SESSION DAY**  
**TWO HUNDRED NINETY-EIGHTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, March 7, 2002

The Assembly met at 11:06 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 following were placed upon the morning roll call—71:

Aanestad	Correa	La Suer	Pavley
Alquist	Cox	Leach	Pescetti
Aroner	Daucher	Leonard	Richman
Ashburn	Diaz	Leslie	Runner
Bates	Dickerson	Longville	Salinas
Bogh	Dutra	Lowenthal	Steinberg
Briggs	Firebaugh	Maddox	Strickland
Campbell, Bill	Florez	Maldonado	Strom-Martin
Campbell, John	Frommer	Matthews	Thomson
Canciamilla	Goldberg	Migden	Vargas
Cardenas	Harman	Mountjoy	Washington
Cardoza	Hertzberg	Nakano	Wayne
Chan	Hollingsworth	Nation	Wiggins
Chavez	Horton	Negrete McLeod	Wright
Chu	Jackson	Oropeza	Wyland
Cogdill	Keeley	Pacheco, Robert	Wyman
Cohn	Kehoe	Pacheco, Rod	Mr. Speaker
Corbett	Kelley	Papan	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Calderon, Koretz, Reyes, Shelley, and Simitian.*

*On personal business, and waiving per diem: Assembly Member Zettel.*

*Because of illness: Assembly Member Havice.*

*Because of illness in their families: Assembly Members Cedillo and Liu.*

(NOTE: For explanations of absences of Assembly Members Calderon, Koretz, Reyes, Shelley, and Simitian on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 2 and Senate Bill No. 39 were continued until the next legislative day.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, March 14, 2002**  
**SIXTY-NINTH SESSION DAY**  
**THREE HUNDRED FIFTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, March 14, 2002

The Assembly met at 8:38 a.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—74:

Aanestad	Cox	La Suer	Richman
Alquist	Daucher	Leach	Runner
Aroner	Diaz	Leonard	Salinas
Ashburn	Dickerson	Leslie	Simitian
Bates	Dutra	Liu	Steinberg
Bogh	Firebaugh	Longville	Strickland
Campbell, Bill	Florez	Lowenthal	Strom-Martin
Campbell, John	Frommer	Maddox	Thomson
Canciamilla	Goldberg	Maldonado	Vargas
Cardenas	Harman	Matthews	Washington
Cardoza	Havice	Nakano	Wayne
Cedillo	Hertzberg	Nation	Wiggins
Chan	Hollingsworth	Negrete McLeod	Wright
Chavez	Horton	Oropeza	Wyland
Chu	Jackson	Pacheco, Robert	Wyman
Cogdill	Keeley	Pacheco, Rod	Zettel
Cohn	Kehoe	Pavley	Mr. Speaker
Corbett	Kelley	Pescetti	
Correa	Koretz	Reyes	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Briggs, Calderon, Mountjoy, Papan, and Shelley.*

*On personal business, and waiving per diem: Assembly Member Migden.*

(NOTE: For explanations of absences of Assembly Members Briggs, Calderon, Mountjoy, and Shelley on this day, on legislative business, pursuant to the Assembly Rules, see Assembly Daily Journal for the Regular Session for this day; for letter explaining the absence of Assembly Member Papan on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for March 11, 2002.)



**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

March 11, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have made the following changes to Assembly Standing Committees in the Second Extraordinary Session, effective today, March 11, 2002:

***Appropriations***

I have appointed Assemblymember Darrell Steinberg to replace Assemblymember Carole Migden as Chair of the Appropriations Committee. I have also appointed Assemblymembers Rebecca Cohn, Manny Diaz and Marco Firebaugh to replace Assemblymembers Gil Cedillo, Helen Thomson and Herb Wesson.

Additionally, I have appointed Assemblymembers Gloria Negrete McLeod, Kevin Shelley and Carl Washington as members of the Committee, increasing the membership from 21 to 24 members.

***Business and Professions***

I have appointed Assemblymembers Marco Firebaugh and Helen Thomson to replace Assemblymembers Ed Chavez and Barbara Matthews to the committee. I have also removed myself from the committee, reducing the committee from 12 to 11.

***Environmental Safety and Toxic Materials***

I have appointed Assemblymember Dean Florez to replace Assemblymember Rebecca Cohn and Assemblymember Fran Pavley to fill the vacancy on the committee.

***Governmental Organization***

I have appointed Assemblymembers Wilma Chan, Rebecca Cohn, Jay La Suer and Ken Maddox to replace Assemblymembers Tony Cardenas, Herb Wesson, Abel Maldonado and Charlene Zettel. I have also appointed Assemblymembers Ellen Corbett, Carol Liu and Jenny Oropeza to the committee, expanding the membership from 20 to 23 members.

***Health***

I have appointed Assemblymembers Rebecca Cohn, Jackie Goldberg and Virginia Strom-Martin to replace Assemblymembers Judy Chu, Darrell Steinberg and Herb Wesson.

***Housing and Community Development***

I have appointed Assemblymember Darrell Steinberg to replace Assemblymember Rebecca Cohn.

***Jobs, Economic Development and the Economy***

I have removed Assemblymember Carol Liu from the committee, reducing the committee from 12 to 11.

***Judiciary***

I have appointed Assemblymember Ellen Corbett to replace Assemblymember Darrell Steinberg as Chair and Assemblymember Tom Harman to replace Assemblymember Robert Pacheco as Vice Chair. Assemblymembers Steinberg and Pacheco remain on the committee as members. I have also appointed Assemblymembers Rod Pacheco and Juan Vargas as members and have increased the membership of the committee from 10 to 13 members, leaving one vacancy.

***Natural Resources***

I have appointed Assemblymember Dennis Cardoza to replace Assemblymember Gloria Negrete McLeod. I have also appointed Assemblymember Paul Koretz to the committee, expanding the membership from 11 to 12.

***Revenue and Taxation***

I have appointed Assemblymember Ed Chavez to replace Assemblymember Ellen Corbett as Chair and have appointed Assemblymember Mark Wyland to replace Assemblymember Tom Harman as Vice Chair. Assemblymember Harman remains as a member of the committee. I have removed Assemblymember Paul Koretz from the committee, reducing the membership from 8 to 7; the membership to be consistent with the Regular Session.

***Rules***

The Committee remains the same.

***Transportation***

I have appointed Assemblymember Simon Salinas to replace Assemblymember Marco Firebaugh.

***Water, Parks and Wildlife***

I have appointed Assemblymember Joe Canciamilla to replace Assemblymember Dean Florez as Chair, Mr. Florez remains on the committee as a member. I have also appointed Assemblymembers Ellen Corbett, Lynn Daucher and Barbara Matthews as members, expanding the membership of the committee from 15 to 19 members.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 2 and Senate Bill No. 39 were continued until the next legislative day.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, March 21, 2002**  
**SEVENTIETH SESSION DAY**  
**THREE HUNDRED TWELFTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, March 21, 2002

The Assembly met at 9:24 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	La Suer	Pescetti
Alquist	Cox	Leach	Reyes
Aroner	Daucher	Leonard	Richman
Ashburn	Diaz	Leslie	Runner
Bates	Dickerson	Liu	Salinas
Bogh	Dutra	Longville	Shelley
Briggs	Firebaugh	Lowenthal	Simitian
Calderon	Florez	Maddox	Steinberg
Campbell, Bill	Frommer	Maldonado	Strickland
Campbell, John	Goldberg	Matthews	Strom-Martin
Canciamilla	Harman	Migden	Thomson
Cardenas	Havice	Mountjoy	Vargas
Cardoza	Hertzberg	Nakano	Washington
Cedillo	Hollingsworth	Nation	Wayne
Chan	Horton	Negrete McLeod	Wiggins
Chavez	Jackson	Oropeza	Wright
Chu	Keeley	Pacheco, Robert	Wyland
Cogdill	Kehoe	Pacheco, Rod	Wyman
Cohn	Kelley	Papan	Zettel
Corbett	Koretz	Pavley	Mr. Speaker

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

The inheritance of every American is a desire to live free. It is also our lot to contemplate what that means. Goethe, the 19th century German writer offered this observation. He wrote:

“None are more hopelessly enslaved than those who falsely believe they are free.”

He reminds us that freedom is more than a physical state, it is an approach to life.

No person is fully free, free of responsibility to others or to themselves. But it is how we live with those responsibilities that determines how free we are.

When we embrace those obligations, learn from them, grow from them, and find meaning from them, *then* freedom is within our grasp.

But when we believe we are not beholden to anyone, what we embrace is not freedom but apathy and self-indulgence.

True freedom can only exist in a society in which each of us recognizes that freedom is synonymous with responsibility—responsibility to self and to others.

May it be the will of the Creator that each of us embrace the responsibilities we have been given, and may we find a sense of freedom and blessings in each of them. May this be God’s will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Matthews 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 Firebaugh, seconded by Assembly Member Cogdill.

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

March 21, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Health Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Robert Pacheco to replace Assemblymember Sam Aanestad as Vice Chair of the Assembly Health Committee. Assemblymember Aanestad remains as a member of the committee.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the Assembly

March 21, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I have appointed the following members to the following Democratic Leadership positions:

Assemblymember Jackie Goldberg, Assistant Whip  
Assemblymember Alan Lowenthal, Assistant Whip  
Assemblymember Gloria Negrete McLeod, Assistant Whip  
Assemblymember Fran Pavley, Assistant Whip  
Assemblymember Sarah Reyes, Assistant Whip  
Assemblymember Howard Wayne, Parliamentarian

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

**CONSIDERATION OF DAILY FILE  
UNFINISHED BUSINESS**

**SENATE BILL NO. 39 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Firebaugh was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 39 was refused passage, and that the bill be re-referred to the Committee on Energy Costs and Availability.

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 2 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 2 was continued until the next legislative day.

**RECESS**

By unanimous consent, at 9:25 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, April 1, 2002**

**SEVENTY-FIRST SESSION DAY**

**THREE HUNDRED TWENTY-THIRD CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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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  
Monday, April 1, 2002

The Assembly met at 11:12 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 following were placed upon the morning roll call—75:

Alquist	Daucher	Leach	Pescetti
Aroner	Diaz	Leonard	Reyes
Ashburn	Dickerson	Leslie	Richman
Bates	Dutra	Liu	Salinas
Bogh	Firebaugh	Longville	Simitian
Briggs	Florez	Lowenthal	Steinberg
Calderon	Frommer	Maddox	Strickland
Campbell, John	Goldberg	Maldonado	Strom-Martin
Canciamilla	Harman	Matthews	Thomson
Cardenas	Havice	Migden	Vargas
Cardoza	Hertzberg	Mountjoy	Washington
Chan	Hollingsworth	Nakano	Wayne
Chavez	Horton	Nation	Wiggins
Chu	Jackson	Negrete McLeod	Wright
Cogdill	Keeley	Oropeza	Wyland
Cohn	Kehoe	Pacheco, Robert	Wyman
Corbett	Kelley	Pacheco, Rod	Zettel
Correa	Koretz	Papan	Mr. Speaker
Cox	La Suer	Pavley	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Member Bill Campbell.*

*On personal business, and waiving per diem: Assembly Member Aanestad.*

*Because of illness: Assembly Members Runner and Shelley.*

*Because of illness in his family: Assembly Member Cedillo.*

(NOTE: For explanation of absence of Assembly Member Bill Campbell on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)



**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

March 28, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have removed Assemblymember Kevin Shelley from the Assembly Appropriations Committee, creating a vacancy on the committee.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

March 28, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Tony Cardenas to the Assembly Business and Professions Committee, increasing the membership of the committee from 11 to 12.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

April 1, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Jackie Goldberg to replace Assemblymember Gil Cedillo on the Assembly Revenue and Taxation Committee for today's hearing only.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

April 1, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Joe Simitian to replace Speaker Wesson on the Assembly Committee on Energy Costs and Availability for today's hearing only.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 2 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 2 was continued until the next legislative day.

**AUTHOR'S AMENDMENTS**

**Committee on Energy Costs and Availability**

April 1, 2002

Mr. Speaker: The Chair of your Committee on Energy Costs and Availability reports: Senate Bill No. 39

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chairman

**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; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON APRIL 1, 2002**

The following measure was amended in the Assembly on this day:

**SB RN**

39 0206962

**Daily Total: 1**

**Cumulative Total: 78**



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, April 2, 2002**  
**SEVENTY-SECOND SESSION DAY**  
**THREE HUNDRED TWENTY-FOURTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, April 2, 2002

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—77:

Alquist	Daucher	Leonard	Richman
Aroner	Diaz	Leslie	Runner
Ashburn	Dickerson	Liu	Salinas
Bates	Dutra	Longville	Simitian
Bogh	Firebaugh	Lowenthal	Steinberg
Briggs	Florez	Maddox	Strickland
Calderon	Frommer	Maldonado	Strom-Martin
Campbell, Bill	Goldberg	Matthews	Thomson
Campbell, John	Harman	Migden	Vargas
Canciamilla	Havice	Mountjoy	Washington
Cardenas	Hertzberg	Nakano	Wayne
Cardoza	Hollingsworth	Nation	Wiggins
Chan	Horton	Negrete McLeod	Wright
Chavez	Jackson	Oropeza	Wyland
Chu	Keeley	Pacheco, Robert	Wyman
Cogdill	Kehoe	Pacheco, Rod	Zettel
Cohn	Kelley	Papan	Mr. Speaker
Corbett	Koretz	Pavley	
Correa	La Suer	Pescetti	
Cox	Leach	Reyes	

Quorum present.

**At 1 p.m., Hon. Jenny Oropeza, 55th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On personal business, and waiving per diem: Assembly Member Aanestad.*

*Because of illness: Assembly Member Shelley.*

*Because of illness in his family: Assembly Member Cedillo.*

**REPORTS OF STANDING COMMITTEES**  
**Committee on Energy Costs and Availability**

Date of Hearing: April 1, 2002

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
Senate Bill No. 39

With amendments with the recommendation: Amend, and do pass, as amended.  
WRIGHT, Chairman

Above bill ordered to second reading.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk





CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, April 3, 2002**

**SEVENTY-THIRD SESSION DAY**

**THREE HUNDRED TWENTY-FIFTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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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  
Wednesday, April 3, 2002

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—73:

Aanestad	Daucher	Leach	Runner
Alquist	Diaz	Leonard	Salinas
Aroner	Dickerson	Leslie	Simitian
Ashburn	Dutra	Liu	Steinberg
Bates	Firebaugh	Longville	Strickland
Bogh	Florez	Lowenthal	Strom-Martin
Briggs	Frommer	Maddox	Thomson
Calderon	Goldberg	Maldonado	Vargas
Campbell, Bill	Harman	Matthews	Washington
Campbell, John	Havice	Mountjoy	Wayne
Canciamilla	Hertzberg	Nakano	Wiggins
Cardenas	Hollingsworth	Negrete McLeod	Wright
Cardoza	Horton	Oropeza	Wyland
Chavez	Jackson	Pacheco, Robert	Wyman
Chu	Keeley	Pacheco, Rod	Zettel
Cogdill	Kehoe	Papan	Mr. Speaker
Cohn	Kelley	Pavley	
Correa	Koretz	Pescetti	
Cox	La Suer	Reyes	

Quorum present.

**At 2 p.m., Hon. Dean Florez, 30th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Chan, Corbett, Migden, Nation, and Richman.*

*Because of illness: Assembly Member Shelley.*

*Because of illness in his family: Assembly Member Cedillo.*

(NOTE: For explanations of absences of Assembly Members Chan, Corbett, Migden, Nation, and Richman on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 39**—An act to amend Section 362 of, to add Section 761.3 to, and to repeal Section 342, as added by Chapter 16 of the Statutes of 2001, Second Extraordinary Session, of, 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 returned to the second reading file.

**UNFINISHED BUSINESS  
MOTION TO RECONSIDER ASSEMBLY BILL NO. 2 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 2 was continued until the next legislative day.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON APRIL 3, 2002**

The following measure was amended in the Assembly on this day:

**SB RN**

39 0207243

**Daily Total: 1**

**Cumulative Total: 79**

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, April 4, 2002**

**SEVENTY-FOURTH SESSION DAY**

**THREE HUNDRED TWENTY-SIXTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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(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, April 4, 2002

The Assembly met at 8:46 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	La Suer	Pescetti
Alquist	Cox	Leach	Reyes
Aroner	Daucher	Leonard	Richman
Ashburn	Diaz	Leslie	Runner
Bates	Dickerson	Liu	Salinas
Bogh	Dutra	Longville	Shelley
Briggs	Firebaugh	Lowenthal	Simitian
Calderon	Florez	Maddox	Steinberg
Campbell, Bill	Frommer	Maldonado	Strickland
Campbell, John	Goldberg	Matthews	Strom-Martin
Canciamilla	Harman	Migden	Thomson
Cardenas	Havice	Mountjoy	Vargas
Cardoza	Hertzberg	Nakano	Washington
Cedillo	Hollingsworth	Nation	Wayne
Chan	Horton	Negrete McLeod	Wiggins
Chavez	Jackson	Oropeza	Wright
Chu	Keeley	Pacheco, Robert	Wyland
Cogdill	Kehoe	Pacheco, Rod	Wyman
Cohn	Kelley	Papan	Zettel
Corbett	Koretz	Pavley	Mr. Speaker

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### CONSIDERATION OF DAILY FILE

#### SENATE BILLS RETURNED TO SECOND READING FILE PURSUANT TO THE RULES

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

**Senate Bill No. 39**, ordered to third reading.

**UNFINISHED BUSINESS**

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 2 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 2 was continued until the next legislative day.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk





CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, April 8, 2002**  
**SEVENTY-FIFTH SESSION DAY**  
**THREE HUNDRED THIRTIETH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, April 8, 2002

The Assembly met at 12:06 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 following were placed upon the morning roll call—75:

Aanestad	Daucher	Leach	Richman
Alquist	Diaz	Leonard	Runner
Aroner	Dickerson	Leslie	Salinas
Ashburn	Dutra	Liu	Shelley
Bogh	Firebaugh	Longville	Simitian
Briggs	Florez	Lowenthal	Steinberg
Campbell, Bill	Frommer	Maddox	Strickland
Campbell, John	Goldberg	Maldonado	Strom-Martin
Canciamilla	Harman	Matthews	Thomson
Cardenas	Havice	Migden	Vargas
Cardoza	Hertzberg	Mountjoy	Washington
Chan	Hollingsworth	Nakano	Wayne
Chavez	Horton	Nation	Wiggins
Chu	Jackson	Negrete McLeod	Wright
Cogdill	Keeley	Oropeza	Wyland
Cohn	Kehoe	Pacheco, Rod	Wyman
Corbett	Kelley	Pavley	Zettel
Correa	Koretz	Pescetti	Mr. Speaker
Cox	La Suer	Reyes	

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

In a world that seems to be increasingly engulfed by fear and conflict, and a distrust of those who come from different backgrounds than oneself, it is worth contemplating the words of Indira Ghandi. She observed that “Mankind will endure when the world appreciates the logic of diversity.”

The strength that truly drives a community forward is found in the unique qualities of its members. Appreciating diversity is not merely about the philosophy of tolerance. It is about hearing the beautiful sound of the individual notes that come together not in dissonance but, rather, to form a wondrous and powerful symphony.

May the Holy One of Blessing help us to recognize that which is remarkable and worthy in all of humanity, and to have patience in that which we do not readily understand. May this be God’s will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Oropeza 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 Firebaugh, seconded by Assembly Member Cogdill.

**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 Member Bates.*

*Because of illness: Assembly Members Calderon and Papan.*

*Because of illness in their families: Assembly Members Cedillo and Robert Pacheco.*

(NOTE: For explanation of absence of Assembly Member Bates, on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

April 8, 2002

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Business and Professions Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Alan Lowenthal to replace Assemblymember Joe Nation on the Assembly Business and Professions Committee for the April 9th hearing only.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

April 8, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymembers Dion Aroner and Carol Liu to replace Assemblymembers Paul Koretz and Carole Migden on the Assembly Natural Resources Committee for today's hearing only.

Sincerely,

HERB J. WESSON, JR.  
 Speaker of the California Assembly

**CONSIDERATION OF DAILY FILE**  
**THIRD READING OF SENATE BILLS**

**SENATE BILL NO. 39 (Burton)**—An act to amend Section 362 of, to add Section 761.3 to, and to repeal Section 342, as added by Chapter 16 of the Statutes of 2001, Second Extraordinary Session, of, the Public Utilities Code, relating to public utilities.

Bill read third time, and presented by Assembly Member Wright.

Bill passed by the following vote:

**AYES—45**

Alquist	Dutra	Longville	Steinberg
Aroner	Firebaugh	Lowenthal	Strom-Martin
Canciamilla	Florez	Matthews	Thomson
Cardenas	Frommer	Migden	Vargas
Cardoza	Goldberg	Nakano	Washington
Chan	Havice	Negrete McLeod	Wayne
Chavez	Horton	Oropeza	Wiggins
Chu	Jackson	Pavley	Wright
Cohn	Keeley	Reyes	Mr. Speaker
Corbett	Kehoe	Salinas	
Correa	Koretz	Shelley	
Diaz	Liu	Simitian	

**NOES—26**

Aanestad	Daucher	Leonard	Runner
Ashburn	Dickerson	Leslie	Strickland
Bogh	Harman	Maldonado	Wyland
Campbell, Bill	Hollingsworth	Mountjoy	Wyman
Campbell, John	Kelley	Pacheco, Rod	Zettel
Cogdill	La Suer	Pescetti	
Cox	Leach	Richman	

Bill ordered transmitted to the Senate.

**UNFINISHED BUSINESS**

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 2 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 2 was continued until the next legislative day.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 1**, on request of Assembly Member Cardoza.

**At 12:27 p.m., Speaker pro Tempore Keeley, 27th District, presiding**

**RECESS**

By unanimous consent, at 12:28 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, April 11, 2002**  
**SEVENTY-SIXTH SESSION DAY**  
**THREE HUNDRED THIRTY-THIRD CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, April 11, 2002

The Assembly met at 8:43 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 following were placed upon the morning roll call—75:

Aanestad	Cox	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
Campbell, Bill	Frommer	Migden	Strom-Martin
Campbell, John	Harman	Mountjoy	Thomson
Canciamilla	Havice	Nakano	Vargas
Cardenas	Hertzberg	Nation	Washington
Cardoza	Horton	Negrete McLeod	Wayne
Chan	Jackson	Oropeza	Wiggins
Chavez	Keeley	Pacheco, Robert	Wright
Chu	Kehoe	Pacheco, Rod	Wyland
Cogdill	Kelley	Papan	Wyman
Cohn	La Suer	Pavley	Zettel
Corbett	Leach	Pescetti	Mr. Speaker
Correa	Leonard	Reyes	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Calderon, Goldberg, Hollingsworth, and Koretz.*

*Because of illness in his family: Assembly Member Cedillo.*

(NOTE: For explanations of absences of Assembly Members Calderon, Goldberg, Hollingsworth, and Koretz on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)



**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

April 8, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Darrell Steinberg to replace Assemblymember Gil Cedillo on the Assembly Business and Professions Committee for the April 9th hearing only.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

April 9, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have removed Assemblymember Marco Firebaugh from the Assembly Business and Professions Committee, decreasing the membership of the committee from 12 to 11.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

April 11, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Joe Nation to replace Assemblymember Dennis Cardoza as Chair of the Assembly Rules Committee. Mr. Cardoza remains as a member of the committee.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

**CONSIDERATION OF DAILY FILE  
UNFINISHED BUSINESS**

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 2 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 2 was continued until the next legislative day.

**MESSAGES FROM THE SENATE**

Senate Chamber, April 11, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 39

GREGORY P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, April 16, 2002**

**SEVENTY-SEVENTH SESSION DAY**

**THREE HUNDRED THIRTY-EIGHTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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(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, April 16, 2002

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—74:

Aanestad	Daucher	Leach	Reyes
Alquist	Diaz	Leonard	Richman
Aroner	Dickerson	Liu	Runner
Ashburn	Dutra	Longville	Salinas
Bates	Firebaugh	Lowenthal	Shelley
Bogh	Florez	Maddox	Simitian
Briggs	Frommer	Maldonado	Steinberg
Calderon	Goldberg	Matthews	Strickland
Campbell, Bill	Harman	Migden	Strom-Martin
Campbell, John	Havice	Mountjoy	Thomson
Canciamilla	Hertzberg	Nakano	Vargas
Cardenas	Hollingsworth	Nation	Washington
Cedillo	Horton	Negrete McLeod	Wayne
Chan	Jackson	Oropeza	Wiggins
Chavez	Keeley	Pacheco, Robert	Wright
Chu	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Zettel
Corbett	Koretz	Pavley	
Correa	La Suer	Pescetti	

Quorum present.

**At 1:08 p.m., Hon. Ellen Corbett, 18th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Cardoza, Cohn, Cox, Leslie, Wesson, and Wyland.*

(NOTE: For letter explaining the absence of Assembly Member Leslie on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for April 15, 2002; for explanations of absences of Assembly Members Cardoza, Cohn, Cox, Wesson, and Wyland on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

April 15, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Carol Liu to replace Assemblymember Dennis Cardoza on the Assembly Natural Resources Committee for today's hearing only.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

April 15, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I have appointed Assemblymember Joe Canciamilla to replace Assemblymember Rebecca Cohn on the Assembly Health Committee for Tuesday, April 16 hearing only.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

April 15, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Juan Vargas to replace Assemblymember Rebecca Cohn on the Assembly Committee on Jobs, Economic Development, and the Economy for the Tuesday, April 16th hearing only.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committee was permitted to meet:

Water, Parks and Wildlife on April 23, 2002 at 8 a.m. instead of 9 a.m.

**CONSIDERATION OF DAILY FILE  
UNFINISHED BUSINESS**

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 2 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 2 was continued until the next legislative day.

**MESSAGE FROM THE SENATE**

April 16, 2002

*Hon. E. Dotson Wilson  
Chief Clerk of the Assembly  
Assembly Chamber*

Dear Dotson: By direction of the Senate I respectfully request that you return Senate Concurrent Resolution 3 to the Senate for further action.

Sincerely,

GREGORY P. SCHMIDT  
Secretary of the Senate

**ADJOURNMENT**

At 4 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

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FRED KEELEY, Speaker pro Tempore

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, April 18, 2002**  
**SEVENTY-EIGHTH SESSION DAY**  
**THREE HUNDRED FORTIETH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, April 18, 2002

The Assembly met at 12:01 a.m.

Hon. David Cogdill, Assembly Member, 25th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—42:

Alquist	Diaz	La Suer	Runner
Ashburn	Florez	Leach	Salinas
Bates	Goldberg	Leonard	Shelley
Briggs	Harman	Liu	Steinberg
Campbell, Bill	Havice	Matthews	Strom-Martin
Canciamilla	Hollingsworth	Pacheco, Rod	Vargas
Cardenas	Horton	Papan	Washington
Chan	Keeley	Pavley	Wayne
Cogdill	Kehoe	Pescetti	Wiggins
Correa	Kelley	Reyes	
Daucher	Koretz	Richman	

Quorum present.

**At 2:18 p.m., Hon. Kevin Shelley, 12th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.



**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 Aanestad, Aroner, Bogh, Calderon, John Campbell, Cardoza, Chavez, Chu, Cohn, Cox, Dickerson, Dutra, Firebaugh, Frommer, Hertzberg, Jackson, Leslie, Longville, Lowenthal, Maddox, Maldonado, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Strickland, Wesson, Wright, Wyland, Wyman, and Zettel.*

*On legislative business, per diem waived for the 2001–2002 Session (See Assembly Journal, pages 161–162): Assembly Member Thomson.*

*On personal business, and waiving per diem: Assembly Member Simitian.*

*Because of illness in their families: Assembly Members Cedillo and Corbett.*

(NOTE: For letter explaining the absence of Assembly Member Leslie on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for April 15, 2002; for letters explaining the absences of Assembly Members Cardoza, Cohn, Cox, Wesson, and Wyland, on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for April 16, 2002; for letters explaining the absences of Assembly Members Aroner, Calderon, John Campbell, Dickerson, Dutra, Firebaugh, Jackson, Lowenthal, Maddox, Maldonado, Nation, Oropeza, Robert Pacheco, Strickland, and Wyman on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for April 17, 2002; for letters explaining the absences of Assembly Members Aanestad, Bogh, Chavez, Chu, Frommer, Hertzberg, Longville, Migden, Mountjoy, Nakano, Negrete McLeod, Thomson, Wright, and Zettel on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for the Regular Session for this day.)

**CONSIDERATION OF DAILY FILE****UNFINISHED BUSINESS****MOTION TO RECONSIDER ASSEMBLY BILL NO. 2 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 2 was continued until the next legislative day.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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FRED KEELEY, Speaker pro Tempore

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, April 25, 2002**

**SEVENTY-NINTH SESSION DAY**

**THREE HUNDRED FORTY-SEVENTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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(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, April 25, 2002

The Assembly met at 8:47 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—78:

Aanestad	Cox	Leach	Reyes
Alquist	Daucher	Leonard	Richman
Aroner	Diaz	Leslie	Runner
Ashburn	Dickerson	Liu	Salinas
Bates	Dutra	Longville	Shelley
Bogh	Firebaugh	Lowenthal	Simitian
Briggs	Florez	Maddox	Steinberg
Calderon	Frommer	Maldonado	Strickland
Campbell, Bill	Goldberg	Matthews	Strom-Martin
Campbell, John	Harman	Migden	Thomson
Canciamilla	Havice	Mountjoy	Vargas
Cardenas	Hertzberg	Nakano	Washington
Cardoza	Hollingsworth	Nation	Wayne
Chan	Horton	Negrete McLeod	Wiggins
Chavez	Jackson	Oropeza	Wyland
Chu	Keeley	Pacheco, Robert	Wyman
Cogdill	Kehoe	Pacheco, Rod	Zettel
Cohn	Kelley	Papan	Mr. Speaker
Corbett	Koretz	Pavley	
Correa	La Suer	Pescetti	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Member Wright.*

*Because of illness in his family: Assembly Member Cedillo.*

(NOTE: For explanation of absence of Assembly Member Wright on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for April 24, 2002.)

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

April 22, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Fred Keeley to replace Assemblymember Gil Cedillo on the Assembly Revenue and Taxation Committee for today's hearing only.

Sincerely,

**HERB J. WESSON, JR.**  
Speaker of the California Assembly

April 22, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Tony Cardenas to replace Assemblymember Sally Havice on the Assembly Transportation Committee for today's hearing only.

Sincerely,

**HERB J. WESSON, JR.**  
Speaker of the California Assembly

April 22, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymembers Simon Salinas and John Campbell to replace Assemblymembers Gil Cedillo and Lynne Leach on the Assembly Business and Professions Committee for the Tuesday, April 23 hearing only.

Sincerely,

**HERB J. WESSON, JR.**  
Speaker of the California Assembly

April 23, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I have appointed Assemblymember Christine Kehoe to replace Assemblymember Howard Wayne on the Assembly Health Committee for today's hearing only.

Sincerely,

HERB J. WESSON, JR.  
 Speaker of the California Assembly

April 22, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Fred Keeley to replace Assemblymember Howard Wayne and have appointed Assemblymember Dion Aroner to fill the vacancy on the Assembly Judiciary Committee for the hearing on Tuesday, April 23 only.

Sincerely,

HERB J. WESSON, JR.  
 Speaker of the California Assembly

April 23, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymembers Judy Chu and Fred Keeley to replace Assemblymembers Dion Aroner and Rod Wright on the Assembly Appropriations Committee for the Wednesday, April 24 hearing only.

Sincerely,

HERB J. WESSON, JR.  
 Speaker of the California Assembly

April 24, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymembers Kevin Shelley and Simon Salinas to replace Assemblymembers Dion Aroner and Gil Cedillo on the Assembly Revenue and Taxation Committee for today's hearing only.

Sincerely,

HERB J. WESSON, JR.  
 Speaker of the California Assembly

April 25, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Joe Nation to fill the vacancy on the Assembly Judiciary Committee for today's hearing only.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

**CONSIDERATION OF DAILY FILE  
UNFINISHED BUSINESS**

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 2 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 2 was continued until the next legislative day.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk





CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, May 2, 2002**  
**EIGHTIETH SESSION DAY**  
**THREE HUNDRED FIFTY-FOURTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, May 2, 2002

The Assembly met at 8:46 a.m.

Hon. Christine Kehoe, Assistant Speaker pro Tempore of the Assembly, presiding.

Assistant Chief Clerk Larry Murman at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called, and the following answered to their names—72:

Aanestad	Cox	La Suer	Pescetti
Alquist	Daucher	Leach	Reyes
Aroner	Diaz	Leonard	Richman
Bates	Dickerson	Leslie	Salinas
Bogh	Dutra	Liu	Shelley
Calderon	Firebaugh	Longville	Simitian
Campbell, Bill	Florez	Lowenthal	Steinberg
Campbell, John	Frommer	Maddox	Strom-Martin
Canciamilla	Goldberg	Maldonado	Thomson
Cardenas	Harman	Matthews	Vargas
Cardoza	Havice	Migden	Washington
Chan	Hertzberg	Mountjoy	Wayne
Chavez	Hollingsworth	Nakano	Wiggins
Chu	Horton	Nation	Wright
Cogdill	Jackson	Negrete McLeod	Wyland
Cohn	Kehoe	Oropeza	Wyman
Corbett	Kelley	Pacheco, Rod	Zettel
Correa	Koretz	Papan	Mr. Speaker

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Briggs, Keeley, Pavley, Runner, and Strickland.*

*On personal business, and waiving per diem: Assembly Members Ashburn and Robert Pacheco.*

*Because of illness in his family: Assembly Member Cedillo.*

(NOTE: For letter explaining the absence of Assembly Member Pavley on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for the Regular Session for April 30, 2002; for explanations of absences of Assembly Members Briggs, Keeley, Runner, and Strickland on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

April 30, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Judy Chu to replace Assemblymember Fran Pavley on the Assembly Appropriations Committee for the May 1st hearing only.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

**CONSIDERATION OF DAILY FILE**

**UNFINISHED BUSINESS**

**MOTIONS TO RECONSIDER ASSEMBLY BILL NO. 2 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 2 was continued until the next legislative day.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 SECOND EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, May 6, 2002**  
**EIGHTY-FIRST SESSION DAY**  
**THREE HUNDRED FIFTY-EIGHTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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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  
Monday, May 6, 2002

The Assembly met at 12:47 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—76:

Aanestad	Cox	La Suer	Pescetti
Alquist	Daucher	Leach	Reyes
Aroner	Diaz	Leslie	Richman
Bates	Dickerson	Liu	Runner
Bogh	Dutra	Longville	Salinas
Briggs	Firebaugh	Lowenthal	Shelley
Calderon	Florez	Maddox	Simitian
Campbell, Bill	Frommer	Maldonado	Steinberg
Campbell, John	Goldberg	Matthews	Strickland
Canciamilla	Harman	Migden	Strom-Martin
Cardenas	Havice	Mountjoy	Thomson
Cardoza	Hertzberg	Nakano	Vargas
Chan	Hollingsworth	Nation	Washington
Chavez	Horton	Negrete McLeod	Wayne
Chu	Jackson	Oropeza	Wiggins
Cogdill	Keeley	Pacheco, Robert	Wright
Cohn	Kehoe	Pacheco, Rod	Wyland
Corbett	Kelley	Papan	Wyman
Correa	Koretz	Pavley	Zettel

Quorum present.

**PRAYER**

Upon invitation of Assistant Speaker pro Tempore Kehoe, the following prayers were offered by Assembly Member Lou Correa, of the 69th Assembly District:

*Daily meditation of Mother Teresa of Calcutta:*

To our children, to the poor, to all who suffer and are lonely, give always. Give them not only your care, but also your heart. Because of God's goodness and Love, Every moment of your life can be the beginning of great things.—AMEN.

*From Bishop Jaime Soto, Orange County:*

Tú que habitas al amparo del Altísimo  
y resides a la sombra del Omnipotente,  
dile al Señor: “Mi amparo, mi refugio,  
mi Dios, en quien yo pongo mi confianza”.  
El te librá del lazo del cazador  
y del azote de la desgracia;  
te cubrirá con sus plumas  
y hallarás bajo sus alas un refugio.  
No temerás los miedos de la noche  
ni la flecha disparada de día  
ni la peste que avanza en las tinieblas,  
ni la plaga que azota a pleno sol.  
Aunque caigan mil hombres a tu lado  
y dies mil, a tu derecha,  
tú estarás fuera de peligro:  
su lealtad será tu escudo y armadura.  
Basta que mires con tus ojos  
y verás cómo se le paga al impío.  
Pero tú dices: “Mi amparo es el Señor”,  
tú has hecho del Altísimo tu asilo.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Negrete McLeod 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 Chan, seconded by Assembly Member Cogdill.

**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 Member Wesson.*

*On personal business, and waiving per diem: Assembly Members Ashburn and Leonard.*

*Because of illness in his family: Assembly Member Cedillo.*

(NOTE: For explanation of absence of Assembly Member Wesson on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**REGULAR BUSINESS DISPENSED WITH**

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 3  
BY UNANIMOUS CONSENT**

Upon request of Assembly Member Firebaugh, Assembly Member Keeley was granted unanimous consent to take up Senate Concurrent Resolution No. 3 without reference to file, for purpose of consideration.

**SENATE CONCURRENT RESOLUTION NO. 3 (Burton)**—Relative to final adjournment of the 2001–02 Second Extraordinary Session of the Legislature.

Resolution read.

**Motion to Amend**

Assembly Member Keeley moved the adoption of amendments.  
Amendments read and adopted; bill ordered reprinted.

**Request for Unanimous Consent**

Upon request of Assembly Member Firebaugh, Assembly Member Keeley was granted unanimous consent to take up Senate Concurrent Resolution No. 3, as amended, without reference to file.

**SENATE CONCURRENT RESOLUTION NO. 3**—Relative to final adjournment of the 2001–02 Second Extraordinary Session of the Legislature.

Resolution read, as amended, and presented by Assembly Member Keeley.

Resolution adopted by the following vote:

**AYES—48**

Alquist	Diaz	Koretz	Reyes
Aroner	Dickerson	Liu	Salinas
Calderon	Dutra	Longville	Shelley
Canciamilla	Firebaugh	Lowenthal	Simitian
Cardenas	Frommer	Matthews	Steinberg
Cardoza	Goldberg	Migden	Strom-Martín
Chan	Havice	Nakano	Thomson
Chavez	Hertzberg	Nation	Vargas
Chu	Horton	Negrete McLeod	Washington
Cohn	Jackson	Oropeza	Wayne
Corbett	Keeley	Papan	Wiggins
Correa	Kehoe	Pavley	Wright

**NOES—26**

Aanestad	Cox	Leslie	Runner
Bates	Daucher	Maddox	Strickland
Bogh	Harman	Maldonado	Wyland
Briggs	Hollingsworth	Mountjoy	Wyman
Campbell, Bill	Kelley	Pacheco, Robert	Zettel
Campbell, John	La Suer	Pacheco, Rod	
Cogdill	Leach	Richman	

Resolution ordered transmitted to the Senate.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following item:

**Senate Concurrent Resolution No. 3:** Havice, Horton, and Simitian—Aye; Briggs and Richman—No.



**RECESS**

By unanimous consent, at 1:13 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

May 6, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Simon Salinas to replace Assemblymember Gil Cedillo on the Assembly Revenue and Taxation Committee for today's hearing only.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

May 6, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Jackie Goldberg to replace Assemblymember Gil Cedillo on the Assembly Business and Professions Committee for the Tuesday, May 7 hearing only.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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FRED KEELEY, Speaker pro Tempore

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 6, 2002**

The following measure was amended in the Assembly on this day:

<b>SCR</b>	<b>RN</b>
3	*

<b>Daily Total:</b>	<b>1</b>
<b>Cumulative Total:</b>	<b>80</b>

(NOTE: \* Refers to amendments received in non-Legislative Counsel form.)

CALIFORNIA LEGISLATURE

2001-02 SECOND EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

APPENDIX TO THE ASSEMBLY JOURNAL
FOR THE 2001-02 SECOND EXTRAORDINARY SESSION

Assembly Chamber, Sacramento
May 17, 2002

The 2001-02 Second Extraordinary Session of the Legislature adjourned sine die at midnight, May 9, 2002, pursuant to the provisions of Senate Concurrent Resolution No. 3.

The following is an appendix to the Assembly Journal for the 2001-02 Second Extraordinary Session containing information received subsequent to adjournment sine die of the session.

MESSAGES FROM THE SENATE

Senate Chamber, May 8, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Concurrent Resolution No. 3

GREGORY P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS

MOTION TO RECONSIDER ASSEMBLY BILL NO. 2 LAPSED

The motion to reconsider the vote on Assembly Bill No. 2 lapsed.

REPORTS OF STANDING COMMITTEES
Committee on Energy Costs and Availability

May 10, 2002

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

- Assembly Bill No. 3
Assembly Bill No. 7
Assembly Bill No. 20
Assembly Bill No. 33
Assembly Bill No. 35
Assembly Bill No. 36
Assembly Bill No. 37
Assembly Bill No. 39
Assembly Bill No. 40
Assembly Bill No. 41
Assembly Bill No. 51
Assembly Bill No. 55
Assembly Bill No. 62
Assembly Bill No. 66
Assembly Bill No. 68
Assembly Bill No. 73
Assembly Bill No. 80
Assembly Bill No. 85

Without action.

WRIGHT, Chairman

May 10, 2002

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

Assembly Concurrent Resolution No. 2

Assembly Concurrent Resolution No. 3

Without action.

WRIGHT, Chairman

**Committee on Environmental Safety and Toxic Materials**

May 10, 2002

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 6

Without action.

JACKSON, Chairwoman

**Committee on Housing and Community Development**

May 10, 2002

Mr. Speaker: Your Committee on Housing and Community Development reports:

Assembly Bill No. 25

Without action.

LOWENTHAL, Chairman

**Committee on Judiciary**

May 10, 2002

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 13

Without action.

CORBETT, Chairwoman

**Committee on Natural Resources**

May 10, 2002

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 17

Assembly Bill No. 64

Assembly Bill No. 22

Assembly Bill No. 70

Assembly Bill No. 44

Assembly Bill No. 71

Assembly Bill No. 56

Assembly Bill No. 74

Assembly Bill No. 63

Assembly Bill No. 79

Without action.

WAYNE, Chairman

**Committee on Revenue and Taxation**

May 10, 2002

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 15

Assembly Bill No. 72

Assembly Bill No. 32

Assembly Bill No. 76

Assembly Bill No. 43

Without action.

CHAVEZ, Chairman

**Committee on Transportation**

May 10, 2002

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 77

Without action.

DUTRA, Chairman

**Committee on Water, Parks and Wildlife**

May 10, 2002

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:  
Assembly Bill No. 12

Without action.

CANCIAMILLA, Chairman

**Committee on Appropriations**

May 10, 2002

Mr. Speaker: Your Committee on Appropriations reports:

- |                      |                      |
|----------------------|----------------------|
| Assembly Bill No. 16 | Assembly Bill No. 52 |
| Assembly Bill No. 29 | Assembly Bill No. 60 |
| Assembly Bill No. 34 | Assembly Bill No. 78 |
| Assembly Bill No. 46 | Assembly Bill No. 81 |
| Assembly Bill No. 50 |                      |

Without action.

STEINBERG, Chairman

May 10, 2002

Mr. Speaker: Your Committee on Appropriations reports:  
Assembly Concurrent Resolution No. 5

Without action.

STEINBERG, Chairman

**Committee on Energy Costs and Availability**

May 10, 2002

Mr. Speaker: Your Committee on Energy Costs and Availability reports:

- |                    |                    |
|--------------------|--------------------|
| Senate Bill No. 23 | Senate Bill No. 33 |
| Senate Bill No. 27 | Senate Bill No. 41 |
| Senate Bill No. 32 | Senate Bill No. 86 |

Without action.

WRIGHT, Chairman

May 10, 2002

Mr. Speaker: Your Committee on Energy Costs and Availability reports:  
Senate Joint Resolution No. 2

Without action.

WRIGHT, Chairman

**MESSAGES FROM THE SENATE**

Senate Chamber, May 9, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate returned without further action:

- |                                      |                      |
|--------------------------------------|----------------------|
| Assembly Bill No. 5                  | Assembly Bill No. 42 |
| Assembly Bill No. 10                 | Assembly Bill No. 47 |
| Assembly Bill No. 11                 | Assembly Bill No. 49 |
| Assembly Bill No. 14                 | Assembly Bill No. 53 |
| Assembly Bill No. 18                 | Assembly Bill No. 54 |
| Assembly Bill No. 23                 | Assembly Bill No. 59 |
| Assembly Bill No. 24                 | Assembly Bill No. 65 |
| Assembly Bill No. 30                 | Assembly Bill No. 67 |
| Assembly Bill No. 31                 | Assembly Bill No. 84 |
| Assembly Bill No. 38                 | Assembly Bill No. 87 |
| Assembly Concurrent Resolution No. 1 |                      |
| Assembly Concurrent Resolution No. 4 |                      |
| Assembly Joint Resolution No. 1      |                      |

GREGORY P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, May 9, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate returned without further action:

Assembly Bill No. 19

GREGORY P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**MEASURES WHICH DIED ON INACTIVE FILE**

Assembly Bills Nos. 1 and 45; and Senate Bill No. 1.

**MEASURES WHICH DIED ON UNFINISHED BUSINESS FILE  
MOTION TO RECONSIDER LAPSED**

Assembly Bill No. 2.

**MEASURES WHICH DIED ON THIRD READING FILE**

Assembly Bill No. 82.

**MEASURES WHICH DIED AT DESK**

Assembly Bills Nos. 8, 58, 75 and 83; and Senate Concurrent Resolution No. 1.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

Volume 6

# Journal of the Assembly

Legislature of the State of California  
2001–2002 Third Extraordinary Session

January 10, 2002 to May 2, 2002



HON. HERB J. WESSON, JR.  
Speaker

HON. FRED KEELEY  
Speaker pro Tempore

HON. KEVIN SHELLEY  
Majority Leader

HON. MARCO FIREBAUGH  
Majority Floor Leader

HON. CHRISTINE KEHOE  
Assistant Speaker pro Tempore

HON. DAVE COX  
Minority Floor Leader

E. DOTSON WILSON  
Chief Clerk of the Assembly

PAM CAVILEER  
Minute Clerk





CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 10, 2002**  
**FIRST SESSION DAY**  
**FIRST CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, January 10, 2002

At 10:38 a.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Gray Davis, Governor of the State of California, dated January 8, 2002, convening the Legislature of the State of California on this day in extraordinary session.

In conformity with Government Code Section 9150, the following officers for the 2001–02 Regular Session were present and performing their respective duties: E. Dotson Wilson, Chief Clerk, Pam Cavileer, Minute Clerk, and Ronald E. Pane, Chief Sergeant at Arms.

Fred Keeley, Speaker pro Tempore of the Assembly for the 2001–02 Regular Session, presiding.

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 Speaker Hertzberg, the following prayer was offered by Assembly Member Carl Washington, of the 52nd Assembly District:

Good morning. Let us pray. Eternal God, the Creator and Maker of all mankind, we thank You for this day and we thank You for this hour. We come now to ask Your blessings on this legislative body. Decisions that are made affect millions and millions of people. We pray now that You will bless the decisions that will be made. We lift up our soon to be Speaker to You now, Herb Wesson. We pray God that You will continue to give him the leadership, the ability to move forward, and certainly, God, to move California forward. We pray for our Speaker Hertzberg that You will continue to bless his life as he moves forward in his life, and we pray now all these blessings upon this legislative body.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker Hertzberg, Assembly Member Firebaugh then led the Assembly in the pledge of allegiance to the Flag.

**PROCLAMATION OF THE GOVERNOR**

Speaker pro Tempore Keeley directed the Clerk to read the following Proclamation of the Governor convening the Legislature in extraordinary session:

**A PROCLAMATION**

By the

Governor of the State of California

WHEREAS, an extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; and

WHEREAS, the California economy, already slowing prior to the terrorist attacks of September 11th, is in a recession along with the rest of the nation that will continue through at least the first half of 2002; and,

WHEREAS, California has suffered significant job losses totaling 64,300, or 11.2 percent of national job losses, since September 11th due to continued weakening of the economy and the effects of the terrorist attacks on the air transportation, lodging, and restaurant industries; and

WHEREAS, as a result, California is facing the steepest revenue decline in more than half a century, which necessitates prompt action to reduce current-year General Fund spending in addition to the hiring freeze and operating expense and equipment expenditure reductions already ordered pursuant to Governor's Executive Orders D-48-01 and D-49-01; and,

WHEREAS, the Legislative Analyst's Office and the Department of Finance are projecting a budget shortfall exceeding \$12 billion over the 2001-02 and 2002-03 fiscal years; and,

WHEREAS, it is necessary to convene the Legislature in extraordinary session to deliberate on critical budget issues;

NOW, THEREFORE, I GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by Article IV, Section 3(b) of the Constitution of the State of California, do

hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California, on the 10th day of January, 2002, at a time appointed by each house of the Legislature of said day to consider and act upon legislation to do the following:

1. Enact current-year General Fund spending reductions as specified in the November 2001 "Proposed Reduction in 2001-02 Spending".
2. Enact further General Fund spending reductions identified for 2001-02.
3. Make recently enacted unemployment benefit increases retroactive to September 11, 2001, accelerate the delivery of certain capital outlay projects to stimulate the creation of jobs by shifting the financing for these projects to lease revenue bonds, and authorized general obligation bonds for critically needed infrastructure.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Great Seal of the State of California to be affixed this eighth day of January 2002.



GRAY DAVIS  
Governor of California

ATTEST:

BILL JONES  
Secretary of State

#### ELECTION OF SPEAKER

Assembly Member Shelley moved that the vote of any current Members of the Assembly for Robert Myles Hertzberg on December 4, 2000 (Assembly Journal, page 6), and the Oath of Office administered on December 4, 2000 in the Regular Session; and the vote for Herb J. Wesson, Jr. on January 10, 2002 in the Regular Session (to be sworn in on February 6, 2002) be substituted in the Third Extraordinary Session.

Assembly Member Vargas seconded the motion.

Motion carried.

#### OATH OF OFFICE

The following Oath of Office was administered to Speaker-elect Robert Myles Hertzberg on Monday, December 4, 2000, by the Honorable Ronald M. George, Chief Justice of California:

#### OATH

*for the Office of Speaker of the Assembly*

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

**RESOLUTIONS**

The following resolution was offered:

**House Resolution No. 1**

By Assembly Member Hertzberg.

Relative to the organization of the Assembly for the 2001–2002 Third Extraordinary Session.

*Resolved by the Assembly of the State of California,*

(a) That the Chief Clerk or the Sergeant at Arms is authorized to receive from the Controller all warrants for the payment of Members, officers, and attachés of the Assembly.

(b) That the Chief Clerk shall provide copies of the Assembly Weekly Histories to the Legislative Counsel, Governor, Attorney General, and accredited newspaper representatives.

**HOUSE RESOLUTION NO. 1 TAKEN UP**

On motion of Assembly Member Shelley, House Resolution No. 1 was taken up.

**HOUSE RESOLUTION NO. 1**—Relative to the organization of the Assembly for the 2001–2002 Third Extraordinary Session.

Resolution read, and adopted.

**LEADERSHIP ANNOUNCED**

Speaker pro Tempore Keeley announced that without objection, the following leadership for the 2001–02 Regular Session would be substituted in the Third Extraordinary Session:

*Democratic Leadership*

Fred Keeley, Speaker pro Tempore  
Christine Kehoe, Assistant Speaker pro Tempore  
Kevin Shelley, Majority Floor Leader  
Juan Vargas, Assistant Majority Floor Leader  
Dion Aroner, Caucus Chair  
Wilma Chan, Majority Whip

*Republican Leadership*

Dave Cox, Minority Floor Leader  
Tony Strickland, Assistant Republican Leader/Caucus Chair  
Keith Richman, Assistant Republican Leader  
Mike Briggs, Assistant Republican Leader for the Central Valley  
Lynn Daucher, Assistant Caucus Chair/Minority Whip  
Bill Leonard, Republican Floor Manager  
Dennis Mountjoy, Minority Whip  
Phil Wyman, Minority Whip

**RESOLUTIONS**

The following resolution was offered:

**House Resolution No. 2**

By Assembly Member Hertzberg.

Relative to election of officers of the Assembly for the 2001–2002 Third Extraordinary Session.

*Resolved by the Assembly of the State of California,* That the following named persons constitute officers of the Assembly for the 2001–2002 Third Extraordinary Session:

E. Dotson Wilson, Chief Clerk  
 Ronald E. Pane, Chief Sergeant at Arms  
 Rabbi Mona Alfi, Chaplain  
 Father Constantine C. Pappademos, Alternate Chaplain

**HOUSE RESOLUTION NO. 2 TAKEN UP**

On motion of Assembly Member Shelley, House Resolution No. 2 was taken up.

**HOUSE RESOLUTION NO. 2**—Relative to election of officers of the Assembly for the 2001–2002 Third Extraordinary Session.

Resolution read.

**Motion by Assembly Member Shelley**

Assembly Member Shelley was granted unanimous consent that the roll call vote taken in the Regular Session on December 4, 2000 (Assembly Journal, page 53) be substituted; and that the respective Oaths of Office administered on December 4, 2000, be substituted in the Third Extraordinary Session.

Resolution 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**

**OATH OF OFFICE**

The following oath of office was administered to Chief Clerk-elect E. Dotson Wilson, Chief Sergeant-at-Arms-elect Ronald E. Pane, Chaplain-elect Rabbi Mona Alfi and Alternate Chaplain-elect Rev. Constantine C. Pappademos on Monday, December 4, 2000, administered by the Honorable Ronald M. George, Chief Justice of California:

**OATH**

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

**RECESS**

By unanimous consent, at 10:47 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk





CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, January 14, 2002**

**SECOND SESSION DAY**

**FIFTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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(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, January 14, 2002

The Assembly met at 11:13 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 following were placed upon the morning roll call—77:

Aanestad	Cox	Leonard	Runner
Alquist	Daucher	Leslie	Salinas
Ashburn	Diaz	Liu	Shelley
Bates	Dickerson	Longville	Simitian
Bogh	Dutra	Lowenthal	Steinberg
Briggs	Firebaugh	Maddox	Strickland
Calderon	Florez	Maldonado	Strom-Martin
Campbell, Bill	Frommer	Matthews	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	Mr. Speaker
Cohn	Koretz	Pescetti	
Corbett	La Suer	Reyes	
Correa	Leach	Richman	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On personal business, and waiving per diem: Assembly Members Aroner, Migden, and Zettel.*

#### MESSAGES FROM THE SENATE

Senate Chamber, January 10, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 1

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. 1**—Relative to the Joint Rules for the 2001–02 Third Extraordinary Session.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, January 18, 2002**

**THIRD SESSION DAY**

**NINTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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(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, January 18, 2002

The Assembly met at 8:52 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 following were placed upon the morning roll call—66:

Aanestad	Daucher	La Suer	Pescetti
Alquist	Diaz	Leach	Reyes
Aroner	Dickerson	Leonard	Richman
Ashburn	Dutra	Liu	Runner
Bates	Firebaugh	Longville	Salinas
Bogh	Florez	Lowenthal	Steinberg
Campbell, Bill	Frommer	Matthews	Strom-Martin
Campbell, John	Goldberg	Migden	Thomson
Canciamilla	Harman	Mountjoy	Vargas
Cardoza	Havice	Nakano	Washington
Chan	Hollingsworth	Nation	Wayne
Chavez	Horton	Negrete McLeod	Wright
Chu	Jackson	Oropeza	Wyman
Cogdill	Keeley	Pacheco, Robert	Zettel
Cohn	Kehoe	Pacheco, Rod	Mr. Speaker
Correa	Kelley	Papan	
Cox	Koretz	Pavley	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

**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 Briggs, Calderon, Corbett, Leslie, Maddox, Maldonado, Simitian, Strickland, and Wesson.*

*On legislative business, and waiving per diem: Assembly Member Cardenas.*

*On personal business, and waiving per diem: Assembly Member Wyland.*

*Because of illness: Assembly Members Shelley and Wiggins.*

*Because of illness in his family: Assembly Member Cedillo.*

(NOTE: For letters explaining the absences of Assembly Members Cardenas, Corbett, Leslie, Maddox, Maldonado, Simitian, and Wesson on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for the Regular Session for this day; for letters explaining the absences of Assembly Members Briggs, Calderon, and Strickland on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for January 17, 2002.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

January 15, 2002

*E. Dotson Wilson*

*Chief Clerk of the Assembly*

*State Capitol*

*Sacramento, California*

Dear Mr. Wilson,

At the request of Speaker-elect Herb Wesson, and in furtherance of a smooth transition in the Assembly leadership, I am hereby designating Assemblymember Marco Firebaugh as Majority Floor Leader effective February 6, 2002. Assemblymember Kevin Shelley will continue to serve as Majority Leader.

Very truly yours,

**ROBERT M. HERTZBERG**  
Speaker of the Assembly

January 18, 2002

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Budget Committee for the 2001–02 Third Extraordinary Session:

Assemblymember Jenny Oropeza, Chair  
Assemblymember John Campbell, Vice Chair  
Assemblymember Sam Aanestad  
Assemblymember Dion Aroner  
Assemblymember Tony Cardenas  
Assemblymember Dennis Cardoza  
Assemblymember Gilbert Cedillo  
Assemblymember Lynn Daucher  
Assemblymember Dick Dickerson  
Assemblymember John Dutra  
Assemblymember Marco Firebaugh  
Assemblymember Dean Florez  
Assemblymember Jerome Horton  
Assemblymember Fred Keeley  
Assemblymember Dave Kelley  
Assemblymember Bill Leonard  
Assemblymember Abel Maldonado  
Assemblymember George Nakano  
Assemblymember Rod Pacheco  
Assemblymember Lou Papan  
Assemblymember Fran Pavley  
Assemblymember Keith Richman  
Assemblymember George Runner  
Assemblymember Joe Simitian  
Assemblymember Darrell Steinberg  
Assemblymember Juan Vargas  
Assemblymember Roderick Wright  
Assemblymember Mark Wyland

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly



January 18, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Budget Subcommittee #1

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Budget Subcommittee #1—Health and Human Services for the 2001–02 Third Extraordinary Session:

Assemblymember Gilbert Cedillo, Chair  
Assemblymember Sam Aanestad  
Assemblymember Dion Aroner  
Assemblymember Keith Richman  
Assemblymember Darrell Steinberg  
Assemblymember Fred Keeley, Alternate  
Assemblymember Jenny Oropeza, Alternate  
Assemblymember John Campbell, Alternate

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

January 18, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Budget Subcommittee #2

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Budget Subcommittee #2—Education Finance for the 2001–02 Third Extraordinary Session:

Assemblymember Joe Simitian, Chair  
Assemblymember Dennis Cardoza  
Assemblymember Lynn Daucher  
Assemblymember Jerome Horton  
Assemblymember Bill Leonard  
Assemblymember Fred Keeley, Alternate  
Assemblymember Jenny Oropeza, Alternate  
Assemblymember John Campbell, Alternate

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

January 18, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Budget Subcommittee #3

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Budget Subcommittee #3—Resources and Transportation for the 2001–02 Third Extraordinary Session:

Assemblymember Fran Pavley, Chair  
 Assemblymember Tony Cardenas  
 Assemblymember Dick Dickerson  
 Assemblymember John Dutra  
 Assemblymember Marco Firebaugh  
 Assemblymember Dean Florez  
 Assemblymember Fred Keeley  
 Assemblymember Dave Kelley  
 Assemblymember Abel Maldonado  
 Assemblymember Juan Vargas  
 Assemblymember Mark Wyland  
 Assemblymember Jenny Oropeza, Alternate  
 Assemblymember John Campbell, Alternate

Sincerely,

ROBERT M. HERTZBERG  
 Speaker of the Assembly

January 18, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Budget Subcommittee #4

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Budget Subcommittee #4—State Administration for the 2001–02 Third Extraordinary Session:

Assemblymember George Nakano, Chair  
 Assemblymember Rod Pacheco  
 Assemblymember George Runner  
 Assemblymember Lou Papan  
 Assemblymember Roderick Wright  
 Assemblymember Jenny Oropeza, Alternate  
 Assemblymember Fred Keeley, Alternate  
 Assemblymember John Campbell, Alternate

Sincerely,

ROBERT M. HERTZBERG  
 Speaker of the Assembly

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 1—Oropeza.** An act to amend Items 1111-011-0582, 2240-115-3006, 3960-011-1003, 5180-153-0001, 6110-102-0001, 6110-123-0001, 6110-133-0001, 6110-134-0001, 6110-184-0001, 6110-191-0001, 6110-193-0001, 6110-195-0001, 6110-196-0001, 6110-200-0001, 6110-232-0001, 6110-485, 6110-495, 6870-485, and 9670-015-0942 of Section 2.00 of, to add Items 0505-495, 0540-495, 0552-495, 0690-495, 0971-495, 2240-115-0929, 2240-495, 2260-302-0042, 2660-497, 2920-495, 2920-011-8100, 3125-495, 3340-495, 3360-496, 3480-495, 3600-495, 3790-495, 3860-011-0942, 3860-495, 4120-495, 4170-495, 4200-495, 4260-495, 4280-495, 4440-495, 4700-495, 5175-495, 5180-495, 5240-496, 5460-497, 6110-496, 6120-495, 6440-496, 6610-496, 8100-495, 8260-495, 8350-495, 8660-495, 8940-495, 9908-495, 9909-495, 9911-495, and 9914-495 to, and to repeal Item 6110-210-0001 of, Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001), and to add Sections 3.20, 3.30, 3.40, and 3.70 to the Budget Act of 2001, relating to the support of state government, and declaring the urgency thereof, to take effect immediately.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, January 22, 2002**  
**FOURTH SESSION DAY**  
**THIRTEENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, January 22, 2002

The Assembly met at 11:09 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 following were placed upon the morning roll call—75:

Aanestad	Cox	Leslie	Runner
Alquist	Daucher	Liu	Salinas
Aroner	Diaz	Longville	Shelley
Ashburn	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	Havice	Nakano	Washington
Cardenas	Hollingsworth	Nation	Wayne
Cardoza	Jackson	Negrete McLeod	Wesson
Cedillo	Keeley	Oropeza	Wiggins
Chan	Kehoe	Pacheco, Robert	Wright
Chavez	Kelley	Pacheco, Rod	Wyland
Chu	Koretz	Papan	Wyman
Cogdill	La Suer	Pavley	Zettel
Corbett	Leach	Pescetti	Mr. Speaker
Correa	Leonard	Reyes	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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, Harman, and Richman.*

*Because of illness: Assembly Members Cohn and Horton.*

(NOTE: For explanations of absences of Assembly Members Bates, Harman, and Richman on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

January 22, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Rules Committee for the 2001–02 Third Extraordinary Session:

Assemblymember Dennis Cardoza, Chair  
Assemblymember David Cogdill, Vice Chair  
Assemblymember Jerome Horton  
Assemblymember Bill Leonard  
Assemblymember Tim Leslie  
Assemblymember Carol Liu  
Assemblymember George Nakano  
Assemblymember Joe Nation  
Assemblymember Lynn Daucher (Republican alternate)  
Assemblymember Dario Frommer (Democratic alternate)

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk





CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 24, 2002**  
**FIFTH SESSION DAY**  
**FIFTEENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, January 24, 2002

The Assembly met at 8:41 a.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 following were placed upon the morning roll call—76:

Aanestad	Correa	La Suer	Reyes
Alquist	Cox	Leach	Richman
Aroner	Daucher	Leonard	Runner
Ashburn	Diaz	Leslie	Salinas
Bates	Dickerson	Longville	Simitian
Bogh	Dutra	Lowenthal	Steinberg
Calderon	Firebaugh	Maddox	Strickland
Campbell, Bill	Florez	Matthews	Strom-Martin
Campbell, John	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	Wright
Chu	Keeley	Pacheco, Rod	Wyland
Cogdill	Kehoe	Papan	Wyman
Cohn	Kelley	Pavley	Zettel
Corbett	Koretz	Pescetti	Mr. Speaker

Quorum present.

#### 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 Member Briggs.*

*On personal business, and waiving per diem: Assembly Member Maldonado.*

*Because of illness: Assembly Member Shelley.*

*Because of illness in her family: Assembly Member Liu.*

(NOTE: For explanation of absence of Assembly Member Briggs on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, January 28, 2002**  
**SIXTH SESSION DAY**  
**NINETEENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, January 28, 2002

The Assembly met at 11:07 a.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 following were placed upon the morning roll call—78:

Aanestad	Cox	Leonard	Runner
Alquist	Daucher	Leslie	Salinas
Aroner	Diaz	Longville	Shelley
Ashburn	Dickerson	Lowenthal	Simitian
Bates	Dutra	Maddox	Steinberg
Bogh	Firebaugh	Maldonado	Strickland
Briggs	Florez	Matthews	Strom-Martin
Calderon	Frommer	Migden	Thomson
Campbell, Bill	Goldberg	Mountjoy	Vargas
Campbell, John	Harman	Nakano	Washington
Canciamilla	Havice	Nation	Wayne
Cardenas	Hollingsworth	Negrete McLeod	Wesson
Cardoza	Horton	Oropeza	Wiggins
Cedillo	Jackson	Pacheco, Robert	Wright
Chan	Keeley	Pacheco, Rod	Wyland
Chavez	Kehoe	Papan	Wyman
Chu	Kelley	Pavley	Zettel
Cogdill	Koretz	Pescetti	Mr. Speaker
Cohn	La Suer	Reyes	
Correa	Leach	Richman	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On personal business, and waiving per diem: Assembly Member Corbett.*

*Because of illness in her family: Assembly Member Liu.*

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bill was referred to committee:

<i>Assembly Bill No.</i>	<i>Committee</i>
<b>1</b> -----	Budget

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

---

ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk





CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, January 29, 2002**  
**SEVENTH SESSION DAY**  
**TWENTIETH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, January 29, 2002

The Assembly met at 8:38 a.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 following were placed upon the morning roll call—79:

Aanestad	Correa	Leach	Richman
Alquist	Cox	Leonard	Runner
Aroner	Daucher	Leslie	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	La Suer	Reyes	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*Because of illness in her family: Assembly Member Liu.*

#### REPORTS OF STANDING COMMITTEES

##### Committee on Budget

Date of Hearing: January 28, 2002

Mr. Speaker: Your Committee on Budget reports:

Assembly Bill No. 1

With amendments with the recommendation: Amend, and do pass, as amended.

OROPEZA, Chairwoman

Above bill ordered to second reading.

**ADJOURNMENT**

At 6:30 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, January 30, 2002**  
**EIGHTH SESSION DAY**  
**TWENTY-FIRST CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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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  
Wednesday, January 30, 2002

The Assembly met at 1:52 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 following were placed upon the morning roll call—77:

Aanestad	Correa	Leonard	Salinas
Alquist	Cox	Longville	Shelley
Aroner	Daucher	Lowenthal	Simitian
Ashburn	Diaz	Maddox	Steinberg
Bates	Dickerson	Maldonado	Strickland
Bogh	Dutra	Matthews	Strom-Martin
Briggs	Firebaugh	Migden	Thomson
Calderon	Florez	Mountjoy	Vargas
Campbell, Bill	Frommer	Nakano	Washington
Campbell, John	Goldberg	Nation	Wayne
Canciamilla	Harman	Negrete McLeod	Wesson
Cardenas	Havice	Oropeza	Wiggins
Cardoza	Hollingsworth	Pacheco, Robert	Wright
Cedillo	Horton	Pacheco, Rod	Wyland
Chan	Jackson	Papan	Wyman
Chavez	Keeley	Pavley	Zettel
Chu	Kehoe	Pescetti	Mr. Speaker
Cogdill	Kelley	Reyes	
Cohn	Koretz	Richman	
Corbett	La Suer	Runner	

**PRAYER**

Upon invitation of Assistant Speaker pro Tempore Kehoe, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

The English writer, Dorothy Sayers contemplated that: "Work is not, primarily, a thing one does to live, but the thing one lives to do. It is, or it should be, the full expression of the worker's faculties."

For some, work means nothing more than a job, a way to earn a livelihood before they escape into the weekend, or home at the end of the day.

But for those who invest each day's efforts with their deepest creativity and heart-felt passion, work can be transformed into a calling. A calling that offers far more than a paycheck. It can be a source of spiritual sustenance, satisfaction, and fulfillment. To discover one's calling is to discover one's self.

May the Holy One of Blessing grant us the ability to find meaning in our daily labors, and joy in how we spend our days. May this be God's will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Pavley 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 Cogdill.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On personal business, and waiving per diem: Assembly Member Leach.*

*Because of illness: Assembly Member Leslie.*

*Because of illness in her family: Assembly Member Liu.*

**MESSAGES FROM THE SENATE**

Senate Chamber, January 30, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 1

GREGORY P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, January 30, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 4

GREGORY P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, January 30, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 5

GREGORY P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

### FIRST READING OF SENATE BILLS

The following bills were read the first time:

**SENATE BILL NO. 1**—An act to amend Items 1111-011-0582, 2240-115-3006, 0540-101-0001, 3900-001-0001, 3960-011-1003, 5180-153-0001, 6110-102-0001, 6110-123-0001, 6110-184-0001, 6110-191-0001, 6110-193-0001, 6110-195-0001, 6110-196-0001, 6110-200-0001, 6110-232-0001, 6110-485, 6110-495, 6870-485, and 9670-015-0942, of Section 2.00 of, to add Items 0505-495, 0552-495, 0690-495, 0971-495, 2240-115-0929, 2240-495, 2660-302-0042, 2660-497, 2920-495, 2920-011-8100, 3125-495, 3340-495, 3360-496, 3480-495, 3600-495, 3790-495, 3860-011-0942, 3860-495, 3900-496, 4120-495, 4170-495, 4200-495, 4260-495, 4280-495, 4440-495, 4700-495, 5175-495, 5180-495, 5240-496, 5460-497, 6110-496, 6440-496, 6610-496, 8100-495, 8260-495, 8350-495, 8660-116-0470, 8660-495, 8940-495, 9908-495, 9909-495, 9911-495, and 9914-495 to, and to repeal Items 6110-133-0001, 6110-134-0001, and 6110-210-0001 of, Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001), and to add Sections 3.20, 3.30, 3.40, and 3.70 to the Budget Act of 2001, relating to the support of state government, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 4**—An act making an appropriation to amend and supplement the Budget Act of 2001 for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 5**—An act to amend Sections 33050, 42238, 42238.12, 42238.44, 51725, 51727, and 51729 of, and to add Sections 42238.45 and 52055.660 to, the Education Code, to amend Section 1 of Chapter 723 of the Statutes of 2001, and to amend Section 33 of Chapter 891 of the Statutes of 2001, relating to education, making an appropriation therefore, and declaring the urgency thereof, to take effect immediately.

### RESOLUTIONS

The following resolution was offered:

#### Resolution to Dispense With Constitutional Provision

By Assembly Member Oropeza.

*Resolved*, That Senate Bills Nos. 1, 4, and 5 present cases of urgency, as that term is used in Article IV, Section 8 (b), of the Constitution, and the provision of that section requiring that the bills be read on three separate days in each house is hereby dispensed with and it is ordered that the bills be placed upon their passage.



Resolution read, and adopted by the following vote:

**AYES—70**

Aanestad	Corbett	La Suer	Shelley
Alquist	Correa	Longville	Simitian
Aroner	Cox	Lowenthal	Steinberg
Ashburn	Daucher	Maddox	Strickland
Bates	Diaz	Maldonado	Strom-Martin
Bogh	Dickerson	Matthews	Thomson
Briggs	Dutra	Migden	Vargas
Calderon	Firebaugh	Nakano	Washington
Campbell, Bill	Florez	Nation	Wayne
Campbell, John	Frommer	Negrete McLeod	Wesson
Canciamilla	Goldberg	Oropeza	Wiggins
Cardenas	Hollingsworth	Pacheco, Robert	Wright
Cardoza	Horton	Papan	Wyland
Cedillo	Jackson	Pavley	Wyman
Chan	Keeley	Pescetti	Zettel
Chavez	Keohoe	Reyes	Mr. Speaker
Chu	Kelley	Runner	
Cohn	Koretz	Salinas	

**NOES—None**

Article IV, Section 8(b) of the Constitution was declared dispensed with.

**Second Reading of Senate Bill No. 1**

**SENATE BILL NO. 1**—An act to amend Items 1111-011-0582, 2240-115-3006, 0540-101-0001, 3900-001-0001, 3960-011-1003, 5180-153-0001, 6110-102-0001, 6110-123-0001, 6110-184-0001, 6110-191-0001, 6110-193-0001, 6110-195-0001, 6110-196-0001, 6110-200-0001, 6110-232-0001, 6110-485, 6110-495, 6870-485, and 9670-015-0942, of Section 2.00 of, to add Items 0505-495, 0552-495, 0690-495, 0971-495, 2240-115-0929, 2240-495, 2660-302-0042, 2660-497, 2920-495, 2920-011-8100, 3125-495, 3340-495, 3360-496, 3480-495, 3600-495, 3790-495, 3860-011-0942, 3860-495, 3900-496, 4120-495, 4170-495, 4200-495, 4260-495, 4280-495, 4440-495, 4700-495, 5175-495, 5180-495, 5240-496, 5460-497, 6110-496, 6440-496, 6610-496, 8100-495, 8260-495, 8350-495, 8660-116-0470, 8660-495, 8940-495, 9908-495, 9909-495, 9911-495, and 9914-495 to, and to repeal Items 6110-133-0001, 6110-134-0001, and 6110-210-0001 of, Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001), and to add Sections 3.20, 3.30, 3.40, and 3.70 to the Budget Act of 2001, relating to the support of state government, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Second Reading of Senate Bill No. 4**

**SENATE BILL NO. 4**—An act making an appropriation to amend and supplement the Budget Act of 2001 for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Second Reading of Senate Bill No. 5**

**SENATE BILL NO. 5**—An act to amend Sections 33050, 42238, 42238.12, 42238.44, 51725, 51727, and 51729 of, and to add Sections 42238.45 and 52055.660 to, the Education Code, to amend Section 1 of Chapter 723 of the Statutes of 2001, and to amend Section 33 of Chapter 891 of the Statutes of 2001, relating to education, making an appropriation therefore, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**CONSIDERATION OF SENATE BILL NO. 1 BY UNANIMOUS CONSENT**

Assembly Member Oropeza was unanimous consent to take up Senate Bill No. 1 without reference to file.

**SENATE BILL NO. 1 (Peace)**—An act to amend Items 1111-011-0582, 2240-115-3006, 0540-101-0001, 3900-001-0001, 3960-011-1003, 5180-153-0001, 6110-102-0001, 6110-123-0001, 6110-184-0001, 6110-191-0001, 6110-193-0001, 6110-195-0001, 6110-196-0001, 6110-200-0001, 6110-232-0001, 6110-485, 6110-495, 6870-485, and 9670-015-0942, of Section 2.00 of, to add Items 0505-495, 0552-495, 0690-495, 0971-495, 2240-115-0929, 2240-495, 2660-302-0042, 2660-497, 2920-495, 2920-011-8100, 3125-495, 3340-495, 3360-496, 3480-495, 3600-495, 3790-495, 3860-011-0942, 3860-495, 3900-496, 4120-495, 4170-495, 4200-495, 4260-495, 4280-495, 4440-495, 4700-495, 5175-495, 5180-495, 5240-496, 5460-497, 6110-496, 6440-496, 6610-496, 8100-495, 8260-495, 8350-495, 8660-116-0470, 8660-495, 8940-495, 9908-495, 9909-495, 9911-495, and 9914-495 to, and to repeal Items 6110-133-0001, 6110-134-0001, and 6110-210-0001 of, Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001), and to add Sections 3.20, 3.30, 3.40, and 3.70 to the Budget Act of 2001, relating to the support of state government, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend by Assembly Member Daucher**

Assembly Member Daucher moved the adoption of amendments.  
Amendments read.

**Motion to Table Daucher Amendments  
to Senate Bill No. 1**

Assembly Member Vargas moved that the amendments offered by Assembly Member Daucher to Senate Bill No. 1 be laid upon the table.

Assembly Member Reyes seconded the motion.

Motion carried by the following vote:

**AYES—42**

Alquist	Dutra	Migden	Strom-Martin
Aroner	Firebaugh	Nakano	Thomson
Canciamilla	Frommer	Nation	Vargas
Cardoza	Goldberg	Negrete McLeod	Washington
Cedillo	Horton	Oropeza	Wayne
Chan	Jackson	Papan	Wesson
Chavez	Keeley	Pavley	Wiggins
Chu	Kehoe	Reyes	Wright
Cohn	Koretz	Salinas	Mr. Speaker
Corbett	Longville	Shelley	
Diaz	Lowenthal	Steinberg	

**NOES—26**

Aanestad	Cogdill	La Suer	Runner
Ashburn	Cox	Maddox	Strickland
Bates	Daucher	Maldonado	Wyland
Bogh	Dickerson	Mountjoy	Wyman
Briggs	Harman	Pacheco, Rod	Zettel
Campbell, Bill	Hollingsworth	Pescetti	
Campbell, John	Kelley	Richman	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 1, motion to Lay on the Table: Assembly Member Matthews, from "Aye" to "Not Voting".

**Further Consideration of Senate Bill No. 1**

Bill read third time, and presented by Assembly Member Oropeza.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—68**

Aanestad	Corbett	Kehoe	Salinas
Alquist	Correa	Kelley	Shelley
Aroner	Cox	Koretz	Simitian
Ashburn	Daucher	Longville	Steinberg
Bates	Diaz	Lowenthal	Strickland
Briggs	Dickerson	Matthews	Strom-Martin
Calderon	Dutra	Migden	Thomson
Campbell, Bill	Firebaugh	Nakano	Vargas
Campbell, John	Florez	Nation	Washington
Canciamilla	Frommer	Negrete McLeod	Wayne
Cardenas	Goldberg	Oropeza	Wesson
Cardoza	Harman	Pacheco, Robert	Wiggins
Cedillo	Havice	Papan	Wright
Chan	Hollingsworth	Pavley	Wyland
Chavez	Horton	Reyes	Wyman
Chu	Jackson	Richman	Zettel
Cohn	Keeley	Runner	Mr. Speaker

**NOES—7**

Bogh	Maddox	Mountjoy	Pescetti
La Suer	Maldonado	Pacheco, Rod	

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—68**

Aanestad	Corbett	Kehoe	Salinas
Alquist	Correa	Kelley	Shelley
Aroner	Cox	Koretz	Simitian
Ashburn	Daucher	Longville	Steinberg
Bates	Diaz	Lowenthal	Strickland
Briggs	Dickerson	Matthews	Strom-Martin
Calderon	Dutra	Migden	Thomson
Campbell, Bill	Firebaugh	Nakano	Vargas
Campbell, John	Florez	Nation	Washington
Canciamilla	Frommer	Negrete McLeod	Wayne
Cardenas	Goldberg	Oropeza	Wesson
Cardoza	Harman	Pacheco, Robert	Wiggins
Cedillo	Havice	Papan	Wright
Chan	Hollingsworth	Pavley	Wyland
Chavez	Horton	Reyes	Wyman
Chu	Jackson	Richman	Zettel
Cohn	Keeley	Runner	Mr. Speaker

**NOES—7**

Bogh	Maddox	Mountjoy	Pescetti
La Suer	Maldonado	Pacheco, Rod	

Bill ordered transmitted to the Senate immediately.

**Objection to Vote Adds and Vote Changes**

Assembly Member Cogdill withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on Senate Bill No. 1.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1**—An act to amend Items 1111-011-0582, 2240-115-3006, 3960-011-1003, 5180-153-0001, 6110-102-0001, 6110-123-0001, 6110-133-0001, 6110-134-0001, 6110-184-0001, 6110-191-0001, 6110-193-0001, 6110-195-0001, 6110-196-0001, 6110-200-0001, 6110-232-0001, 6110-485, 6110-495, 6870-485, and 9670-015-0942 of Section 2.00 of, to add Items 0505-495, 0540-495, 0552-495, 0690-495, 0971-495, 2240-115-0929, 2240-495, 2260-302-0042, 2660-497, 2920-495, 2920-011-8100, 3125-495, 3340-495, 3360-496, 3480-495, 3600-495, 3790-495, 3860-011-0942, 3860-495, 4120-495, 4170-495, 4200-495, 4260-495, 4280-495, 4440-495, 4700-495, 5175-495, 5180-495, 5240-496, 5460-497, 6110-496, 6120-495, 6440-496, 6610-496, 8100-495, 8260-495, 8350-495, 8660-495, 8940-495, 9908-495, 9909-495, 9911-495, and 9914-495 to, and to repeal Item 6110-210-0001 of, Section 2.00 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001), and to add Sections 3.20, 3.30, 3.40, and 3.70 to the Budget Act of 2001, relating to the support of state government, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Budget read and adopted, bill ordered reprinted and to be returned to the second reading file.

**CONSIDERATION OF SENATE BILL NO. 5 BY UNANIMOUS CONSENT**

Assembly Member Oropeza was granted unanimous consent to take up Senate Bill No. 5 without reference to file, for purpose of consideration.

**SENATE BILL NO. 5 (Peace)**—An act to amend Sections 33050, 42238, 42238.12, 42238.44, 51725, 51727, and 51729 of, and to add Sections 42238.45 and 52055.660 to, the Education Code, to amend Section 1 of Chapter 723 of the Statutes of 2001, and to repeal Section 33 of Chapter 891 of the Statutes of 2001, relating to education.

Bill read third time, and presented by Assembly Member Oropeza.

Bill passed by the following vote:

**AYES—66**

Aanestad	Correa	Kelley	Shelley
Alquist	Cox	Koretz	Simitian
Aroner	Daucher	Longville	Steinberg
Ashburn	Diaz	Lowenthal	Strickland
Bates	Dickerson	Matthews	Strom-Martin
Calderon	Dutra	Migden	Thomson
Campbell, Bill	Firebaugh	Nakano	Vargas
Campbell, John	Florez	Nation	Washington
Canciamilla	Frommer	Negrete McLeod	Wayne
Cardenas	Goldberg	Oropeza	Wesson
Cardoza	Harman	Pacheco, Robert	Wiggins
Cedillo	Havice	Papan	Wright
Chan	Hollingsworth	Pavley	Wyland
Chavez	Horton	Reyes	Zettel
Chu	Jackson	Richman	Mr. Speaker
Cohn	Keeley	Runner	
Corbett	Kehoe	Salinas	

**NOES—9**

Bogh	Maddox	Pacheco, Rod
Briggs	Maldonado	Pescetti
La Suer	Mountjoy	Wyman

Bill ordered transmitted to the Senate.

**OBJECTION WITHDRAWN**

Assembly Member Cogdill withdrew his objection to any requests for vote adds only on the roll call vote taken on this day on Senate Bill No. 1.

**Objection to Vote Adds and Changes**

Assembly Member Vargas withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 1.

**Objection Withdrawn**

Assembly Member Vargas withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 1.

**Objection to Vote Changes**

Assembly Member Cogdill withheld unanimous consent on any requests for vote changes on the roll call vote taken on this day on Senate Bill No. 1.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

**Resolution to Invoke Constitution:** Aanestad, Bogh, Briggs, Cardenas, Maddox, Rod Pacheco, Wyland, Wyman, and Zettel—Aye.

**Senate Bill No. 1, Daucher Amendments, Motion to Lay on the Table:** Briggs and Zettel—No.

**Senate Bill No. 1 and Urgency:** Briggs and Zettel—Aye; La Suer—No.

**Senate Bill No. 5 and Urgency:** Canciamilla and Papan—Aye; Briggs—No.

**RECESS**

By unanimous consent, at 2:53 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**ADJOURNMENT**

At 4:22 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 30, 2002

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The following measures were amended in the Assembly on this day:

**AB RN**

1 0205066

**Daily Total: 1**

**Cumulative Total: 1**

Amendments were considered by the Assembly, but not adopted, to the following measures:

**SB**

1 (Daucher amendments, \* laid upon the table)

(NOTE: \* Refers to amendments received in non-Legislative Counsel form.)

CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 31, 2002**  
**NINTH SESSION DAY**  
**TWENTY-SECOND CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, January 31, 2002

The Assembly met at 6 a.m.

Hon. Jay La Suer, Assembly Member, 77th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—60:

Alquist	Cox	La Suer	Pavley
Ashburn	Daucher	Leach	Pescetti
Bates	Dickerson	Leonard	Reyes
Bogh	Dutra	Leslie	Runner
Calderon	Firebaugh	Longville	Salinas
Campbell, Bill	Florez	Lowenthal	Simitian
Canciamilla	Frommer	Maddox	Steinberg
Cardenas	Harman	Maldonado	Strom-Martin
Cardoza	Havice	Matthews	Vargas
Cedillo	Hollingsworth	Mountjoy	Washington
Chavez	Horton	Nakano	Wayne
Chu	Jackson	Negrete McLeod	Wesson
Cogdill	Keeley	Oropeza	Wiggins
Cohn	Kehoe	Pacheco, Rod	Wyland
Correa	Koretz	Papan	Wyman

Quorum present.

**At 10:18 a.m., Hon. Darrell Steinberg, 9th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Aanestad, Aroner, John Campbell, Chan, Corbett, Diaz, Goldberg, Hertzberg, Kelley, Migden, Nation, Robert Pacheco, Richman, Shelley, Strickland, Thomson, and Wright.*

*On personal business, and waiving per diem: Assembly Member Zettel.*

*Because of illness: Assembly Member Briggs.*

*Because of illness in her family: Assembly Member Liu.*

(NOTE: For explanations of absences of the above referenced Members on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)



**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 31, 2002

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 1

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

**CONSIDERATION OF DAILY FILE  
ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

**Assembly Bill No. 1**, ordered to third reading.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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FRED KEELEY, Speaker pro Tempore

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, February 7, 2002**  
**TENTH SESSION DAY**  
**TWENTY-NINTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, February 7, 2002

The Assembly met at 8:36 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 following were placed upon the morning roll call—71:

Aanestad	Dickerson	Leonard	Reyes
Alquist	Dutra	Liu	Richman
Aroner	Firebaugh	Longville	Runner
Ashburn	Florez	Lowenthal	Salinas
Bogh	Frommer	Maddox	Steinberg
Calderon	Goldberg	Maldonado	Strickland
Campbell, Bill	Harman	Matthews	Strom-Martin
Canciamilla	Havice	Migden	Thomson
Cardenas	Hertzberg	Mountjoy	Vargas
Cardoza	Hollingsworth	Nakano	Washington
Cedillo	Horton	Nation	Wayne
Chan	Jackson	Negrete McLeod	Wiggins
Chavez	Keeley	Oropeza	Wright
Chu	Kehoe	Pacheco, Robert	Wyland
Cogdill	Kelley	Pacheco, Rod	Wyman
Cohn	Koretz	Papan	Zettel
Cox	La Suer	Pavley	Mr. Speaker
Daucher	Leach	Pescetti	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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, John Campbell, Correa, Diaz, Leslie, and Shelley.*

*Because of illness: Assembly Members Corbett and Simitian.*

(NOTE: For explanations of absences of Assembly Members Bates, Briggs, John Campbell, Correa, Diaz, and Shelley on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; this day's Journal record corrected to reflect Assembly Member Leslie's absence on legislative business, pursuant to further explanation of absence received on February 20, 2002. See Assembly Journal, page 61.)

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

February 6, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Budget Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Manny Diaz to the Assembly Budget Committee, increasing the committee from 28 to 29 members.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

February 6, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Re: Assembly Rules Committee for  
2001–02 Regular, Second Extraordinary and  
Third Extraordinary Session

Dear Dotson: This is to advise you that I have appointed Assemblymember Judy Chu to replace Assemblymember Jerome Horton on the Assembly Rules Committee for the 2001–02 Regular, Second Extraordinary and Third Extraordinary Sessions.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

**OATH OF OFFICE ADMINISTERED**

On Wednesday, February 6, 2002, Speaker-elect Herb J. Wesson, Jr. appeared at the bar of the Assembly and took and subscribed to the following oath of office administered by Hon. Yvonne Brathwaite Burke, Los Angeles County Board of Supervisors, Second District, accompanied by Hon. Nate Holden and Mrs. Betty Dixon, wife of the late Congressman Julian Dixon.

**OATH**

*for the Office of Speaker of the Assembly*

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

HERB J. WESSON, JR.

Subscribed and sworn to before me,  
This 6th day of February  
A.D. 2002

The Honorable Yvonne Brathwaite Burke  
Los Angeles County Board of Supervisors, Second District

(NOTE: See Assembly Journal for the Regular Session, p. 4721.)

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, February 15, 2002**  
**ELEVENTH SESSION DAY**  
**THIRTY-SEVENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, February 15, 2002

The Assembly met at 8:49 a.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—59:

Aanestad	Cox	Koretz	Pescetti
Alquist	Daucher	Leonard	Reyes
Aroner	Dickerson	Leslie	Richman
Ashburn	Dutra	Liu	Runner
Bogh	Firebaugh	Longville	Salinas
Briggs	Florez	Lowenthal	Steinberg
Campbell, Bill	Goldberg	Maldonado	Strom-Martin
Campbell, John	Harman	Matthews	Thomson
Canciamilla	Havice	Mountjoy	Vargas
Chan	Hertzberg	Nakano	Washington
Chu	Hollingsworth	Nation	Wayne
Cogdill	Jackson	Negrete McLeod	Wiggins
Cohn	Keeley	Pacheco, Robert	Wyman
Corbett	Kehoe	Pacheco, Rod	Mr. Speaker
Correa	Kelley	Pavley	

Quorum present.



**PRAYER**

Upon invitation of Assistant Speaker pro Tempore Kehoe, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

In President John F. Kennedy's inaugural address, he offered these inspiring words: "With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love."

Just as these moving words could apply to any president as they began their term, they also speak to the nature of the calling, which beckons all who serve in government.

This weekend our country stops to remember the men who have served our nation as President. These individuals brought to this job diverse biographies, temperaments and visions. Yet, regardless of party affiliation or political ideology, we recognize that each man stepped forward to serve and to lead the country that they loved. We honor the hope and humanity that has distinguished the American Presidency and continues to grace our nation's history.

May it be the will of the Creator that we never take for granted those who serve this country, and the freedom and democracy that we have been blessed with. May this be God's will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Kehoe, Assembly Member Dutra then led the Assembly in the pledge of allegiance to the Flag.

**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 Calderon, Cardoza, Chavez, Diaz, Horton, La Suer, Maddox, Shelley, Simitian, Strickland, Wright, Wyland, and Zettel.*

*On legislative business, and waiving per diem: Assembly Member Cardenas.*

*On personal business, and waiving per diem: Assembly Members Leach and Migden.*

*Because of illness: Assembly Members Bates, Oropeza, and Papan.*

*Because of illness in their families: Assembly Members Cedillo and Frommer.*

(NOTE: For explanations of absences of Assembly Members Cardenas, Cardoza, Diaz, Horton, La Suer, Maddox, Shelley, Simitian, Wright, Wyland, and Zettel on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for Assembly Members Calderon, Chavez, and Strickland, see the Assembly Daily Journal for February 14, 2002.)

**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 Firebaugh, seconded by Assembly Member Cox.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 1**, on request of Assembly Member Firebaugh.

**RECESS**

By unanimous consent, at 9:51 p.m., Assistant Speaker pro Tempore Kehoe declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, February 21, 2002**  
**TWELFTH SESSION DAY**  
**FORTY-THIRD CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, February 21, 2002

The Assembly met at 8:50 a.m.

Hon. Christine Kehoe, Assistant Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian Ebbert reading.

#### ROLL CALL

The following were placed upon the morning roll call—71:

Aanestad	Diaz	Leonard	Pescetti
Alquist	Dickerson	Leslie	Reyes
Aroner	Dutra	Liu	Richman
Ashburn	Firebaugh	Longville	Runner
Bogh	Frommer	Lowenthal	Simitian
Calderon	Goldberg	Maddox	Steinberg
Campbell, John	Harman	Maldonado	Strickland
Canciamilla	Havice	Matthews	Strom-Martin
Cardoza	Hertzberg	Migden	Thomson
Chan	Hollingsworth	Mountjoy	Vargas
Chavez	Horton	Nakano	Washington
Chu	Jackson	Nation	Wayne
Cogdill	Keeley	Negrete McLeod	Wiggins
Cohn	Kehoe	Oropeza	Wright
Corbett	Kelley	Pacheco, Robert	Wyland
Correa	Koretz	Pacheco, Rod	Wyman
Cox	La Suer	Papan	Mr. Speaker
Daucher	Leach	Pavley	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

**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 Briggs, Salinas, and Shelley.*

*On legislative business, and waiving per diem: Assembly Member Cardenas.*

*On personal business, and waiving per diem: Assembly Members Bill Campbell and Zettel.*

*Because of jury duty: Assembly Member Florez.*

*Because of illness: Assembly Member Bates.*

*Because of illness in his family: Assembly Member Cedillo.*

(NOTE: For explanations of absences of Assembly Members Briggs, Salinas, and Shelley on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

**Explanation of Absence—February 7, 2002**

February 20, 2002

*The Honorable Herb Wesson  
Speaker of the Assembly  
State Capitol, Room 219*

Dear Mr. Speaker: This letter is to request that the Assembly Journal be corrected to reflect that I was on legislative business on Thursday, February 7th, attending meetings in Washington, D.C., rather than on personal business, as previously recorded.

If you have any questions, please contact my office at 319-2004.

Sincerely,

TIM LESLIE, Assembly Member  
Fourth District

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, February 28, 2002**  
**THIRTEENTH SESSION DAY**  
**FIFTIETH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, February 28, 2002

The Assembly met at 8:45 a.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—65:

Aanestad	Diaz	Leslie	Runner
Alquist	Dickerson	Liu	Salinas
Aroner	Dutra	Longville	Simitian
Ashburn	Firebaugh	Lowenthal	Strickland
Bates	Florez	Maddox	Strom-Martin
Bogh	Frommer	Maldonado	Thomson
Campbell, Bill	Goldberg	Migden	Vargas
Canciamilla	Harman	Mountjoy	Washington
Cardoza	Havice	Nakano	Wayne
Chan	Horton	Oropeza	Wiggins
Chavez	Jackson	Pacheco, Robert	Wyland
Chu	Keeley	Pacheco, Rod	Wyman
Cogdill	Kehoe	Papan	Zettel
Corbett	Kelley	Pavley	Mr. Speaker
Correa	Koretz	Pescetti	
Cox	La Suer	Reyes	
Daucher	Leonard	Richman	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Briggs, Calderon, Cohn, Negrete McLeod, Shelley, and Wright.*

*On legislative business, and waiving per diem: Assembly Member Cardenas.*

*On personal business, and waiving per diem: Assembly Members John Campbell, Hertzberg, Hollingsworth, Leach, Matthews, and Steinberg.*

*Because of illness: Assembly Member Nation.*

*Because of illness in his family: Assembly Member Cedillo.*

(NOTE: For explanations of absences of Assembly Members Briggs, Calderon, Cardenas, Cohn, Negrete McLeod, Shelley, and Wright on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)



**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

February 22, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Re: Assembly Rules Committee

Dear Dotson: This is to advise you that I have appointed Assemblymember Joe Nation to replace Assemblymember Dennis Cardoza as Chair of the Assembly Rules Committee for the Monday, February 25th hearing only.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, March 7, 2002**  
**FOURTEENTH SESSION DAY**  
**FIFTY-SEVENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, March 7, 2002

The Assembly met at 11:06 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 following were placed upon the morning roll call—71:

Aanestad	Correa	La Suer	Pavley
Alquist	Cox	Leach	Pescetti
Aroner	Daucher	Leonard	Richman
Ashburn	Diaz	Leslie	Runner
Bates	Dickerson	Longville	Salinas
Bogh	Dutra	Lowenthal	Steinberg
Briggs	Firebaugh	Maddox	Strickland
Campbell, Bill	Florez	Maldonado	Strom-Martin
Campbell, John	Frommer	Matthews	Thomson
Canciamilla	Goldberg	Migden	Vargas
Cardenas	Harman	Mountjoy	Washington
Cardoza	Hertzberg	Nakano	Wayne
Chan	Hollingsworth	Nation	Wiggins
Chavez	Horton	Negrete McLeod	Wright
Chu	Jackson	Oropeza	Wyland
Cogdill	Keeley	Pacheco, Robert	Wyman
Cohn	Kehoe	Pacheco, Rod	Mr. Speaker
Corbett	Kelley	Papan	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Calderon, Koretz, Reyes, Shelley, and Simitian.*

*On personal business, and waiving per diem: Assembly Member Zettel.*

*Because of illness: Assembly Member Havice.*

*Because of illness in their families: Assembly Members Cedillo and Liu.*

(NOTE: For explanations of absences of Assembly Members Calderon, Koretz, Reyes, Shelley, and Simitian on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, March 14, 2002**  
**FIFTEENTH SESSION DAY**  
**SIXTY-FOURTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, March 14, 2002

The Assembly met at 8:38 a.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—74:

Aanestad	Cox	La Suer	Richman
Alquist	Daucher	Leach	Runner
Aroner	Diaz	Leonard	Salinas
Ashburn	Dickerson	Leslie	Simitian
Bates	Dutra	Liu	Steinberg
Bogh	Firebaugh	Longville	Strickland
Campbell, Bill	Florez	Lowenthal	Strom-Martin
Campbell, John	Frommer	Maddox	Thomson
Canciamilla	Goldberg	Maldonado	Vargas
Cardenas	Harman	Matthews	Washington
Cardoza	Havice	Nakano	Wayne
Cedillo	Hertzberg	Nation	Wiggins
Chan	Hollingsworth	Negrete McLeod	Wright
Chavez	Horton	Oropeza	Wyland
Chu	Jackson	Pacheco, Robert	Wyman
Cogdill	Keeley	Pacheco, Rod	Zettel
Cohn	Kehoe	Pavley	Mr. Speaker
Corbett	Kelley	Pescetti	
Correa	Koretz	Reyes	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Briggs, Calderon, Mountjoy, Papan, and Shelley.*

*On personal business, and waiving per diem: Assembly Member Migden.*

(NOTE: For explanations of absences of Assembly Members Briggs, Calderon, Mountjoy, and Shelley on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for letter explaining the absence of Assembly Member Papan on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for March 11, 2002.)



**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

March 11, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have made the following changes to Assembly Standing and Subcommittees in the Third Extraordinary Session, effective today, March 11, 2002:

***Budget***

I have appointed Assemblymembers Tom Harman, Joe Canciamilla, Wilma Chan, Judy Chu, Dario Frommer, Jackie Goldberg, Patricia Bates and Dave Cogdill to replace Assemblymembers Sam Aanestad, Dennis Cardoza, Marco Firebaugh, Jerome Horton, Darrell Steinberg, Juan Vargas, Dick Dickerson and Mark Wyland.

I have also appointed Assemblymembers Christine Kehoe and Jay La Suer as members of the Committee, increasing the membership from 29 to 31 members.

***Budget Subcommittee #1—Health and Human Services***

I have appointed Assemblymembers Judy Chu and Jay La Suer to replace Assemblymembers Darrell Steinberg and Sam Aanestad as members of the Committee. I have also appointed Assemblymembers Jenny Oropeza and John Campbell to replace Assemblymembers Tony Cardenas and George Runner as alternates; and, have removed Assemblymember Fred Keeley as second Democratic Alternate.

***Budget Subcommittee #2—Education Finance***

I have appointed Assemblymembers Wilma Chan and Jackie Goldberg to replace Assemblymembers Dennis Cardoza and Jerome Horton. I have also appointed Assemblymembers Jenny Oropeza and John Campbell to replace Assemblymembers Tony Cardenas and George Runner as alternates; and, have removed Assemblymember Fred Keeley as second Democratic Alternate.

***Budget Subcommittee #3—Resources***

I have appointed Assemblymembers Joe Canciamilla, Patricia Bates and Tom Harman to replace Assemblymembers Juan Vargas, Dick Dickerson and Mark Wyland. I have also appointed Assemblymember Dario Frommer as a member. Additionally, I have appointed Assemblymembers Jenny Oropeza and John Campbell to replace Assemblymembers Tony Cardenas and George Runner as alternates.

***Budget Subcommittee #4—State Administration***

I have appointed Assemblymember Dave Cogdill to replace Assemblymember John Campbell as a member of the committee. I have also appointed Assemblymembers Jenny Oropeza and John Campbell to replace Assemblymembers Tony Cardenas and George Runner as alternates; and, have removed Assemblymember Fred Keeley as second Democratic Alternate.

***Budget Subcommittee #5—Information Technology/Transportation***

I have appointed Assemblymembers Manny Diaz (Chair), Tony Cardenas, John Dutra, Christine Kehoe, Dave Kelley, and Abel Maldonado as members. I have appointed Assemblymembers Jenny Oropeza and John Campbell as alternates, and Assemblymember Dean Florez as second Democratic Alternate.

***Rules***

The Committee remains the same.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

**MESSAGES FROM THE SENATE**

Senate Chamber, March 11, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 2

GREGORY P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following bill was read the first time:

**SENATE BILL NO. 2**—An act to amend Section 1280 of the Unemployment Insurance Code, relating to unemployment insurance, making an appropriation therefor.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bill was referred to committee:

<i>Senate</i>	<i>Committee</i>
<i>Bill No.</i>	
2 -----	Ins.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

---

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, March 18, 2002**  
**SIXTEENTH SESSION DAY**  
**SIXTY-EIGHTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, March 18, 2002

The Assembly met at 11:14 a.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 following were placed upon the morning roll call—78:

Aanestad	Cox	Leonard	Richman
Alquist	Daucher	Leslie	Runner
Aroner	Diaz	Liu	Salinas
Ashburn	Dickerson	Longville	Shelley
Bates	Dutra	Lowenthal	Simitian
Bogh	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	Harman	Mountjoy	Vargas
Canciamilla	Havice	Nakano	Washington
Cardenas	Hertzberg	Nation	Wayne
Cardoza	Hollingsworth	Negrete McLeod	Wiggins
Chan	Horton	Oropeza	Wright
Chavez	Keeley	Pacheco, Robert	Wyland
Chu	Kehoe	Pacheco, Rod	Wyman
Cogdill	Kelley	Papan	Zettel
Cohn	Koretz	Pavley	Mr. Speaker
Corbett	La Suer	Pescetti	
Correa	Leach	Reyes	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On personal business, and waiving per diem: Assembly Member Jackson.*

*Because of illness in his family: Assembly Member Cedillo.*

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

March 18, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: I am hereby establishing the Insurance Committee in the Third Extraordinary Session, the membership to be consistent with the 2001–02 Regular Session.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

**JOINT RULE 62(a) WAIVED**

Unanimous consent was granted that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 2 for hearing in the Committee on Insurance on Wednesday, March 20, 2002, at 9 a.m.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

---

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, March 20, 2002**  
**SEVENTEENTH SESSION DAY**  
**SEVENTIETH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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  
Wednesday, March 20, 2002

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—74:

Aanestad	Diaz	Leonard	Richman
Alquist	Dickerson	Leslie	Runner
Aroner	Dutra	Liu	Salinas
Ashburn	Firebaugh	Longville	Simitian
Bates	Florez	Lowenthal	Steinberg
Bogh	Frommer	Maddox	Strickland
Briggs	Goldberg	Maldonado	Strom-Martin
Calderon	Harman	Matthews	Thomson
Campbell, John	Havice	Mountjoy	Vargas
Canciamilla	Hertzberg	Nakano	Washington
Cedillo	Hollingsworth	Nation	Wayne
Chan	Horton	Negrete McLeod	Wiggins
Chavez	Jackson	Oropeza	Wright
Chu	Keeley	Pacheco, Robert	Wyland
Cogdill	Kehoe	Pacheco, Rod	Wyman
Cohn	Kelley	Papan	Zettel
Correa	Koretz	Pavley	Mr. Speaker
Cox	La Suer	Pescetti	
Daucher	Leach	Reyes	

Quorum present.

**At 11:35 a.m., Hon. Rebecca Cohn, 24th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Bill Campbell, Corbett, Migden, and Shelley.*

*On legislative business, and waiving per diem: Assembly Member Cardenas.*

*On personal business, and waiving per diem: Assembly Member Cardoza.*

(NOTE: For letter explaining the absence of Assembly Member Cardenas on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for March 19, 2002; for explanations of absences of Assembly Members Bill Campbell, Corbett, Migden, and Shelley on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)



**REPORTS OF STANDING COMMITTEES**  
**Committee on Insurance**

Date of Hearing: March 20, 2002

Mr. Speaker: Your Committee on Insurance reports:

Senate Bill No. 2

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

CALDERON, Chairman

Above bill ordered to second reading.

**ADJOURNMENT**

At 5:45 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, March 21, 2002**  
**EIGHTEENTH SESSION DAY**  
**SEVENTY-FIRST CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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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, March 21, 2002

The Assembly met at 9 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 following were placed upon the morning roll call—80:

Aanestad	Correa	La Suer	Pescetti
Alquist	Cox	Leach	Reyes
Aroner	Daucher	Leonard	Richman
Ashburn	Diaz	Leslie	Runner
Bates	Dickerson	Liu	Salinas
Bogh	Dutra	Longville	Shelley
Briggs	Firebaugh	Lowenthal	Simitian
Calderon	Florez	Maddox	Steinberg
Campbell, Bill	Frommer	Maldonado	Strickland
Campbell, John	Goldberg	Matthews	Strom-Martin
Canciamilla	Harman	Migden	Thomson
Cardenas	Havice	Mountjoy	Vargas
Cardoza	Hertzberg	Nakano	Washington
Cedillo	Hollingsworth	Nation	Wayne
Chan	Horton	Negrete McLeod	Wiggins
Chavez	Jackson	Oropeza	Wright
Chu	Keeley	Pacheco, Robert	Wyland
Cogdill	Kehoe	Pacheco, Rod	Wyman
Cohn	Kelley	Papan	Zettel
Corbett	Koretz	Pavley	Mr. Speaker

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly  
was dispensed with for this legislative day.

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

March 21, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that I have appointed the following members to the following Democratic Leadership positions:

Assemblymember Jackie Goldberg, Assistant Whip  
Assemblymember Alan Lowenthal, Assistant Whip  
Assemblymember Gloria Negrete McLeod, Assistant Whip  
Assemblymember Fran Pavley, Assistant Whip  
Assemblymember Sarah Reyes, Assistant Whip  
Assemblymember Howard Wayne, Parliamentarian

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 2**—An act to amend Section 1280 of the Unemployment Insurance Code, relating to unemployment insurance, making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Insurance read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 21, 2002**

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The following measures were amended in the Assembly on this day:

**SB**

2

**Daily Total: 1**

**Cumulative Total: 2**

CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, April 1, 2002**  
**NINETEENTH SESSION DAY**  
**EIGHTY-SECOND CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, April 1, 2002

The Assembly met at 11:12 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 following were placed upon the morning roll call—75:

Alquist	Daucher	Leach	Pescetti
Aroner	Diaz	Leonard	Reyes
Ashburn	Dickerson	Leslie	Richman
Bates	Dutra	Liu	Salinas
Bogh	Firebaugh	Longville	Simitian
Briggs	Florez	Lowenthal	Steinberg
Calderon	Frommer	Maddox	Strickland
Campbell, John	Goldberg	Maldonado	Strom-Martin
Canciamilla	Harman	Matthews	Thomson
Cardenas	Havice	Migden	Vargas
Cardoza	Hertzberg	Mountjoy	Washington
Chan	Hollingsworth	Nakano	Wayne
Chavez	Horton	Nation	Wiggins
Chu	Jackson	Negrete McLeod	Wright
Cogdill	Keeley	Oropeza	Wyland
Cohn	Kehoe	Pacheco, Robert	Wyman
Corbett	Kelley	Pacheco, Rod	Zettel
Correa	Koretz	Papan	Mr. Speaker
Cox	La Suer	Pavley	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Member Bill Campbell.*

*On personal business, and waiving per diem: Assembly Member Aanestad.*

*Because of illness: Assembly Members Runner and Shelley.*

*Because of illness in his family: Assembly Member Cedillo.*

(NOTE: For explanation of absence of Assembly Member Bill Campbell on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)



**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

March 28, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember George Runner to replace Assemblymember Patricia Bates on the Assembly Budget Subcommittee No. 3—Resources.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, April 4, 2002**  
**TWENTIETH SESSION DAY**  
**EIGHTY-FIFTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

## PROCEEDINGS OF THE ASSEMBLY

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Thursday, April 4, 2002

The Assembly met at 8:46 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	La Suer	Pescetti
Alquist	Cox	Leach	Reyes
Aroner	Daucher	Leonard	Richman
Ashburn	Diaz	Leslie	Runner
Bates	Dickerson	Liu	Salinas
Bogh	Dutra	Longville	Shelley
Briggs	Firebaugh	Lowenthal	Simitian
Calderon	Florez	Maddox	Steinberg
Campbell, Bill	Frommer	Maldonado	Strickland
Campbell, John	Goldberg	Matthews	Strom-Martin
Canciamilla	Harman	Migden	Thomson
Cardenas	Havice	Mountjoy	Vargas
Cardoza	Hertzberg	Nakano	Washington
Cedillo	Hollingsworth	Nation	Wayne
Chan	Horton	Negrete McLeod	Wiggins
Chavez	Jackson	Oropeza	Wright
Chu	Keeley	Pacheco, Robert	Wyland
Cogdill	Kehoe	Pacheco, Rod	Wyman
Cohn	Kelley	Papan	Zettel
Corbett	Koretz	Pavley	Mr. Speaker

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, April 10, 2002**  
**TWENTY-FIRST SESSION DAY**  
**NINETY-FIRST CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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  
Wednesday, April 10, 2002

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—73:

Aanestad	Daucher	Leonard	Runner
Alquist	Diaz	Leslie	Salinas
Aroner	Dickerson	Liu	Shelley
Ashburn	Dutra	Longville	Simitian
Bates	Firebaugh	Lowenthal	Steinberg
Bogh	Florez	Maddox	Strickland
Briggs	Frommer	Maldonado	Strom-Martin
Campbell, Bill	Goldberg	Matthews	Thomson
Campbell, John	Harman	Mountjoy	Vargas
Canciamilla	Havice	Nakano	Wayne
Cardoza	Hertzberg	Nation	Wiggins
Chan	Hollingsworth	Negrete McLeod	Wright
Chavez	Horton	Oropeza	Wyland
Chu	Jackson	Pacheco, Rod	Wyman
Cogdill	Keeley	Papan	Zettel
Cohn	Kelley	Pavley	Mr. Speaker
Corbett	Koretz	Pescetti	
Correa	La Suer	Reyes	
Cox	Leach	Richman	

Quorum present.

**At 11:25 a.m., Hon. Tim Leslie, 4th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Calderon, Cardenas, Migden, and Washington.*

*On personal business, and waiving per diem: Assembly Member Kehoe.*

*Because of illness in their families: Assembly Members Cedillo and Robert Pacheco.*

(NOTE: For explanations of absences of Assembly Members Calderon, Cardenas, Migden, and Washington on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

April 9, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Patricia Bates to the Assembly Budget Subcommittee #3—Resources for the 2001–02 Regular and Third Extraordinary Session.

Sincerely,

HERB J. WESSON, JR.  
 Speaker of the California Assembly

April 9, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymembers Joe Nation and John Longville to replace Assemblymembers Tom Calderon and Carl Washington on the Assembly Insurance Committee for the Wednesday, April 10 hearing only.

Sincerely,

HERB J. WESSON, JR.  
 Speaker of the California Assembly

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Date of Hearing: April 10, 2002

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 2

With the recommendation: Do pass.

STEINBERG, Chairman

Above bill ordered to second reading.

**ADJOURNMENT**

At 4 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk





CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, April 11, 2002**  
**TWENTY-SECOND SESSION DAY**  
**NINETY-SECOND CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, April 11, 2002

The Assembly met at 8:43 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 following were placed upon the morning roll call—75:

Aanestad	Cox	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
Campbell, Bill	Frommer	Migden	Strom-Martin
Campbell, John	Harman	Mountjoy	Thomson
Canciamilla	Havice	Nakano	Vargas
Cardenas	Hertzberg	Nation	Washington
Cardoza	Horton	Negrete McLeod	Wayne
Chan	Jackson	Oropeza	Wiggins
Chavez	Keeley	Pacheco, Robert	Wright
Chu	Kehoe	Pacheco, Rod	Wyland
Cogdill	Kelley	Papan	Wyman
Cohn	La Suer	Pavley	Zettel
Corbett	Leach	Pescetti	Mr. Speaker
Correa	Leonard	Reyes	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Calderon, Goldberg, Hollingsworth, and Koretz.*

*Because of illness in his family: Assembly Member Cedillo.*

(NOTE: For explanations of absences of Assembly Members Calderon, Goldberg, Hollingsworth, and Koretz on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

April 11, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Joe Nation to replace Assemblymember Dennis Cardoza as Chair of the Assembly Rules Committee. Mr. Cardoza remains as a member of the committee.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 2**—An act to amend Section 1280 of the Unemployment Insurance Code, relating to unemployment insurance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, April 15, 2002**  
**TWENTY-THIRD SESSION DAY**  
**NINETY-SIXTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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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  
Monday, April 15, 2002

The Assembly met at 1:27 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 following were placed upon the morning roll call—78:

Aanestad	Correa	Leach	Richman
Alquist	Daucher	Leonard	Runner
Aroner	Diaz	Liu	Salinas
Ashburn	Dickerson	Longville	Shelley
Bates	Dutra	Lowenthal	Simitian
Bogh	Firebaugh	Maddox	Steinberg
Briggs	Florez	Maldonado	Strickland
Calderon	Frommer	Matthews	Strom-Martin
Campbell, Bill	Goldberg	Migden	Thomson
Campbell, John	Harman	Mountjoy	Vargas
Canciamilla	Havice	Nakano	Washington
Cardenas	Hertzberg	Nation	Wayne
Cardoza	Hollingsworth	Negrete McLeod	Wiggins
Cedillo	Horton	Oropeza	Wright
Chan	Jackson	Pacheco, Robert	Wyland
Chavez	Keeley	Pacheco, Rod	Wyman
Chu	Kehoe	Papan	Zettel
Cogdill	Kelley	Pavley	Mr. Speaker
Cohn	Koretz	Pescetti	
Corbett	La Suer	Reyes	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Member Leslie.*

*On personal business, and waiving per diem: Assembly Member Cox.*

(NOTE: For explanation of absence of Assembly Member Leslie on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

April 12, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Dave Kelley to replace Assemblymember Patricia Bates on the Assembly Budget Subcommittee #3—Resources in the 2001–02 Regular and Third Extraordinary Sessions.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

April 12, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Patricia Bates to replace Assemblymember Dave Kelley on the Assembly Budget Subcommittee #5—Information Technology/Transportation in the 2001–02 Regular and Third Extraordinary Sessions.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

April 15, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymembers Wilma Chan and Jackie Goldberg to replace Assemblymembers Dario Frommer and Fred Keeley on the Assembly Budget Subcommittee #3 for the Wednesday, April 17 hearing only.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

**CONSIDERATION OF DAILY FILE  
THIRD READING OF SENATE BILLS**

**SENATE BILL NO. 4 (Peace)**—An act making an appropriation to amend and supplement the Budget Act of 2001 for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California and declaring the urgency thereof, to take effect immediately.

**Urgency Clause**

Urgency clause read.  
The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Oropeza moved a call of the Assembly.

Motion carried. Time, 1:33 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**SENATE BILL NO. 2 (Alarcon)**—An act to amend Section 1280 of the Unemployment Insurance Code, relating to unemployment insurance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Calderon.

**Urgency Clause**

Urgency clause read, and refused adoption by the following vote:

**AYES—49**

Alquist	Diaz	Liu	Simitian
Aroner	Dutra	Longville	Steinberg
Calderon	Firebaugh	Lowenthal	Strom-Martin
Canciamilla	Florez	Matthews	Thomson
Cardenas	Frommer	Migden	Vargas
Cardoza	Goldberg	Nakano	Washington
Cedillo	Havice	Nation	Wayne
Chan	Hertzberg	Negrete McLeod	Wiggins
Chavez	Horton	Oropeza	Wright
Chu	Jackson	Pavley	Mr. Speaker
Cohn	Keeley	Reyes	
Corbett	Kehoe	Salinas	
Correa	Koretz	Shelley	

**NOES—13**

Aanestad	Briggs	Mountjoy	Wyman
Ashburn	Campbell, Bill	Pacheco, Rod	
Bates	Hollingsworth	Strickland	
Bogh	Leonard	Wyland	

**Motion to Amend Pursuant to Joint Rule 23.5**

Assembly Member Calderon moved the adoption of amendments.  
Amendments read and adopted; bill ordered reprinted.

**Further Consideration of Senate Bill No. 2 by Unanimous Consent**

Assembly Member Calderon was granted unanimous consent to take up Senate Bill No. 2 without reference to file, for purpose of consideration.

**SENATE BILL NO. 2 (Alarcon)**—An act to amend Section 1280 of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

Bill read third time, and presented by Assembly Member Calderon.



Bill passed by the following vote:

**AYES—49**

Alquist	Diaz	Liu	Simitian
Aroner	Dutra	Longville	Steinberg
Calderon	Firebaugh	Lowenthal	Strom-Martin
Canciamilla	Florez	Migden	Thomson
Cardenas	Frommer	Nakano	Vargas
Cardoza	Goldberg	Nation	Washington
Cedillo	Havice	Negrete McLeod	Wayne
Chan	Hertzberg	Oropeza	Wiggins
Chavez	Horton	Papan	Wright
Chu	Jackson	Pavley	Mr. Speaker
Cohn	Keeley	Reyes	
Corbett	Kehoe	Salinas	
Correa	Koretz	Shelley	

**NOES—15**

Aanestad	Briggs	Kelley	Strickland
Ashburn	Campbell, Bill	Leonard	Wyland
Bates	Cogdill	Mountjoy	Wyman
Bogh	Hollingsworth	Pacheco, Rod	

Bill ordered transmitted to the Senate immediately.

(NOTE: For explanation of vote by Assembly Member Matthews relative to Senate Bill No. 2, see Assembly Journal for April 22, 2002, page 115.)

**RECESS**

By unanimous consent, at 1:47 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**RECONVENED**

At 2:46 p.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY CLAUSE TO SENATE BILL NO. 4**

At 2:46 p.m., on motion of Assembly Member Oropeza, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 4 adopted by the following vote:

**AYES—65**

Alquist	Diaz	Liu	Salinas
Aroner	Dickerson	Longville	Shelley
Briggs	Dutra	Lowenthal	Simitian
Calderon	Firebaugh	Maddox	Steinberg
Campbell, Bill	Florez	Maldonado	Strom-Martin
Campbell, John	Frommer	Matthews	Thomson
Canciamilla	Goldberg	Migden	Vargas
Cardenas	Hertzberg	Nakano	Washington
Cardoza	Horton	Nation	Wayne
Cedillo	Jackson	Negrete McLeod	Wiggins
Chan	Keeley	Oropeza	Wright
Chavez	Kehoe	Pacheco, Robert	Wyland
Chu	Kelley	Papan	Zettel
Cohn	Koretz	Pavley	Mr. Speaker
Corbett	La Suer	Reyes	
Correa	Leach	Richman	
Daucher	Leonard	Runner	

**NOES—1**

Ashburn

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—65**

Alquist	Diaz	Liu	Salinas
Aroner	Dickerson	Longville	Shelley
Briggs	Dutra	Lowenthal	Simitian
Calderon	Firebaugh	Maddox	Steinberg
Campbell, Bill	Florez	Maldonado	Strom-Martin
Campbell, John	Frommer	Matthews	Thomson
Canciamilla	Goldberg	Migden	Vargas
Cardenas	Hertzberg	Nakano	Washington
Cardoza	Horton	Nation	Wayne
Cedillo	Jackson	Negrete McLeod	Wiggins
Chan	Keeley	Oropeza	Wright
Chavez	Kehoe	Pacheco, Robert	Wyland
Chu	Kelley	Papan	Zettel
Cohn	Koretz	Pavley	Mr. Speaker
Corbett	La Suer	Reyes	
Correa	Leach	Richman	
Daucher	Leonard	Runner	

**NOES—1**

Ashburn

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 4: Assembly Member Strickland, from “Aye” to “Not Voting”.

Bill ordered transmitted to the Senate.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

**Senate Bill No. 2 and Urgency:** Matthews and Thomson—Aye; Bates, Bogh, Hollingsworth, Rod Pacheco, Strickland, and Wyland—No.

**Senate Bill No. 2:** Thomson—Aye; Bates, Strickland, and Wyland—No.

**Senate Bill No. 4:** Bill Campbell, John Campbell, Daucher, Leach, Maldonado, Robert Pacheco, Runner, Wyland, and Zettel—Aye.

**RECESS**

By unanimous consent, at 2:46 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Tuesday, April 16, 2002.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON APRIL 15, 2002**

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The following measures were amended in the Assembly on this day:

**SB RN**

2 0208081

**Daily Total: 1**

**Cumulative Total: 3**



CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, April 18, 2002**  
**TWENTY-FOURTH SESSION DAY**  
**NINETY-NINTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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(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, April 18, 2002

The Assembly met at 12:01 a.m.

Hon. David Cogdill, Assembly Member, 25th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—42:

Alquist	Diaz	La Suer	Runner
Ashburn	Florez	Leach	Salinas
Bates	Goldberg	Leonard	Shelley
Briggs	Harman	Liu	Steinberg
Campbell, Bill	Havice	Matthews	Strom-Martin
Canciamilla	Hollingsworth	Pacheco, Rod	Vargas
Cardenas	Horton	Papan	Washington
Chan	Keeley	Pavley	Wayne
Cogdill	Kehoe	Pescetti	Wiggins
Correa	Kelley	Reyes	
Daucher	Koretz	Richman	

Quorum present.

**At 2:18 p.m., Hon. Kevin Shelley, 12th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

**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 Aanestad, Aroner, Bogh, Calderon, John Campbell, Cardoza, Chavez, Chu, Cohn, Cox, Dickerson, Dutra, Firebaugh, Frommer, Hertzberg, Jackson, Leslie, Longville, Lowenthal, Maddox, Maldonado, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Strickland, Wesson, Wright, Wyland, Wyman, and Zettel.*

*On legislative business, per diem waived for the 2001–2002 Session (See Assembly Journal, page 161–162): Assembly Member Thomson.*

*On personal business, and waiving per diem: Assembly Member Simitian.*

*Because of illness in their families: Assembly Members Cedillo and Corbett.*

(NOTE: For letter explaining the absence of Assembly Member Leslie on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for April 15, 2002; for letters explaining the absences of Assembly Members Cardoza, Cohn, Cox, Wesson, and Wyland on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for April 16, 2002; for letters explaining the absences of Assembly Members Aroner, Calderon, John Campbell, Dickerson, Dutra, Firebaugh, Jackson, Lowenthal, Maddox, Maldonado, Nation, Oropeza, Robert Pacheco, Strickland, and Wyman on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for April 17, 2002; for letters explaining the absences of Assembly Members Aanestad, Bogh, Chavez, Chu, Frommer, Hertzberg, Longville, Migden, Mountjoy, Nakano, Negrete McLeod, Thomson, Wright, and Zettel on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

April 16, 2002

*E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Robert Pacheco to replace Assemblymember Jay La Suer on the Assembly Budget Subcommittee #1—Health and Human Services for the 2001–02 Regular and Third Extraordinary Sessions.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

April 16, 2002

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Robert Pacheco as a member of the Assembly Budget Committee, increasing the membership of the committee from 31 to 32 members, for the 2001–02 Regular and Third Extraordinary Sessions.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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FRED KEELEY, Speaker pro Tempore

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, April 22, 2002**

**TWENTY-FIFTH SESSION DAY  
ONE HUNDRED THIRD CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**



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(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, April 22, 2002

The Assembly met at 11:11 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 following were placed upon the morning roll call—74:

Aanestad	Daucher	Leslie	Richman
Alquist	Diaz	Liu	Runner
Aroner	Dickerson	Longville	Salinas
Ashburn	Dutra	Lowenthal	Shelley
Bates	Firebaugh	Maddox	Simitian
Bogh	Florez	Maldonado	Steinberg
Briggs	Frommer	Matthews	Strickland
Campbell, Bill	Goldberg	Migden	Strom-Martin
Campbell, John	Harman	Mountjoy	Thomson
Canciamilla	Hollingsworth	Nakano	Vargas
Cardenas	Horton	Nation	Washington
Chan	Jackson	Negrete McLeod	Wiggins
Chavez	Keeley	Oropeza	Wright
Chu	Kehoe	Pacheco, Robert	Wyland
Cogdill	Kelley	Pacheco, Rod	Wyman
Cohn	Koretz	Papan	Zettel
Corbett	La Suer	Pavley	Mr. Speaker
Correa	Leach	Pescetti	
Cox	Leonard	Reyes	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Member Hertzberg.*

*On personal business, and waiving per diem: Assembly Members Cardoza and Wayne.*

*Because of illness: Assembly Members Calderon and Havice.*

*Because of illness in his family: Assembly Member Cedillo.*

(NOTE: For explanation of absence of Assembly Member Hertzberg on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**COMMUNICATIONS**

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

**Explanation of Vote—Senate Bill No. 2**

April 22, 2002

*Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol*  
*Sacramento, California*

Dear Mr. Wilson: Please accept this letter to be placed in the next scheduled Assembly Journal regarding my vote on Senate Bill 2 in the Third Extraordinary Session. It was clearly my intent to record as an “Aye” vote on the Bill.

As you know, two votes were taken on the bill. Pursuant to Assembly Rules, I added on to the bill containing the urgency as an “Aye” vote. However, inadvertently my vote was not recorded on the second vote after the urgency was amended out of the bill.

This letter is to state that it was clearly my intent to vote for both measures.

Sincerely,

BARBARA S. MATTHEWS, Assembly Member  
Seventeenth District

(NOTE: See roll call vote in Assembly Journal for April 15, 2002, pages 104–105.)

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk



CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, April 25, 2002**

**TWENTY-SIXTH SESSION DAY**

**ONE HUNDRED SIXTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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(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, April 25, 2002

The Assembly met at 8:47 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—78:

Aanestad	Cox	Leach	Reyes
Alquist	Daucher	Leonard	Richman
Aroner	Diaz	Leslie	Runner
Ashburn	Dickerson	Liu	Salinas
Bates	Dutra	Longville	Shelley
Bogh	Firebaugh	Lowenthal	Simitian
Briggs	Florez	Maddox	Steinberg
Calderon	Frommer	Maldonado	Strickland
Campbell, Bill	Goldberg	Matthews	Strom-Martin
Campbell, John	Harman	Migden	Thomson
Canciamilla	Havice	Mountjoy	Vargas
Cardenas	Hertzberg	Nakano	Washington
Cardoza	Hollingsworth	Nation	Wayne
Chan	Horton	Negrete McLeod	Wiggins
Chavez	Jackson	Oropeza	Wyland
Chu	Keeley	Pacheco, Robert	Wyman
Cogdill	Kehoe	Pacheco, Rod	Zettel
Cohn	Kelley	Papan	Mr. Speaker
Corbett	Koretz	Pavley	
Correa	La Suer	Pescetti	

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Member Wright.*

*Because of illness in his family: Assembly Member Cedillo.*

(NOTE: For explanation of absence of Assembly Member Wright on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for April 24, 2002.)

**MESSAGES FROM THE SENATE**

Senate Chamber, April 22, 2002

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

GREGORY P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Senate Chamber, April 25, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 2

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. 2**—Relative to final adjournment of the 2001–02 Third Extraordinary Session of the Legislature.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk





CALIFORNIA LEGISLATURE  
2001-02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, May 2, 2002**

**TWENTY-SEVENTH SESSION DAY**

**ONE HUNDRED THIRTEENTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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(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, May 2, 2002

The Assembly met at 9:17 a.m.

Hon. Christine Kehoe, Assistant Speaker pro Tempore of the Assembly, presiding.

Assistant Chief Clerk Lawrence A. Murman at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called, and the following answered to their names—72:

Aanestad	Cox	La Suer	Pescetti
Alquist	Daucher	Leach	Reyes
Aroner	Diaz	Leonard	Richman
Bates	Dickerson	Leslie	Salinas
Bogh	Dutra	Liu	Shelley
Calderon	Firebaugh	Longville	Simitian
Campbell, Bill	Florez	Lowenthal	Steinberg
Campbell, John	Frommer	Maddox	Strom-Martin
Canciamilla	Goldberg	Maldonado	Thomson
Cardenas	Harman	Matthews	Vargas
Cardoza	Havice	Migden	Washington
Chan	Hertzberg	Mountjoy	Wayne
Chavez	Hollingsworth	Nakano	Wiggins
Chu	Horton	Nation	Wright
Cogdill	Jackson	Negrete McLeod	Wyland
Cohn	Kehoe	Oropeza	Wyman
Corbett	Kelley	Pacheco, Rod	Zettel
Correa	Koretz	Papan	Mr. Speaker

Quorum present.

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Briggs, Keeley, Pavley, Runner, and Strickland.*

*On personal business, and waiving per diem: Assembly Members Ashburn and Robert Pacheco.*

*Because of illness in his family: Assembly Member Cedillo.*

(NOTE: For letter explaining the absence of Assembly Member Pavley on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for the Regular Session for April 30, 2002; for explanations of absences of Assembly Members Briggs, Keeley, Runner, and Strickland on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND THE RULES**

Assembly Member Firebaugh requested unanimous consent that the Rules be temporarily suspended for the purpose of permitting consideration of Senate Concurrent Resolution No. 2, without reference to file.

Assembly Member Cogdill withheld unanimous consent.

**Motion to Temporarily Suspend the Rules**

Assembly Member Firebaugh moved that the Rules be temporarily suspended for the purpose of permitting consideration of Senate Concurrent Resolution No. 2, without reference to file.

Assembly Member Chan seconded the motion.

Rules temporarily suspended by the following vote:

**AYES—46**

Alquist	Diaz	Liu	Simitian
Aroner	Dutra	Longville	Steinberg
Calderon	Firebaugh	Lowenthal	Strom-Martin
Canciamilla	Florez	Matthews	Thomson
Cardenas	Frommer	Migden	Vargas
Cardoza	Goldberg	Nakano	Washington
Chan	Havice	Nation	Wayne
Chavez	Hertzberg	Negrete McLeod	Wiggins
Chu	Horton	Oropeza	Wright
Cohn	Jackson	Papan	Mr. Speaker
Corbett	Kehoe	Reyes	
Correa	Koretz	Salinas	

**NOES—23**

Aanestad	Cox	La Suer	Pescetti
Bates	Daucher	Leach	Richman
Bogh	Dickerson	Leonard	Wyland
Campbell, Bill	Harman	Leslie	Wyman
Campbell, John	Hollingsworth	Maddox	Zettel
Cogdill	Kelley	Pacheco, Rod	

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 2 WITHOUT REFERENCE TO FILE**

**SENATE CONCURRENT RESOLUTION NO. 2 (Burton)**—Relative to final adjournment of the 2001–02 Third Extraordinary Session of the Legislature.

Resolution read, and presented by Assembly Member Oropeza.

**Request to Read Paper on Floor**

Assembly Member Cox was granted unanimous consent to read a paper on the Floor of the Assembly.

The question being on the adoption of the resolution.

Resolution adopted by the following vote:

**AYES—48**

Alquist	Diaz	Koretz	Salinas
Aroner	Dickerson	Liu	Shelley
Calderon	Dutra	Longville	Simitian
Canciamilla	Firebaugh	Lowenthal	Steinberg
Cardenas	Florez	Matthews	Strom-Martin
Cardoza	Frommer	Migden	Thomson
Chan	Goldberg	Nakano	Vargas
Chavez	Havice	Nation	Washington
Chu	Hertzberg	Negrete McLeod	Wayne
Cohn	Horton	Oropeza	Wiggins
Corbett	Jackson	Papan	Wright
Correa	Kehoe	Reyes	Mr. Speaker

**NOES—23**

Aanestad	Cox	Leach	Pescetti
Bates	Daucher	Leonard	Richman
Bogh	Harman	Leslie	Wyland
Campbell, Bill	Hollingsworth	Maddox	Wyman
Campbell, John	Kelley	Mountjoy	Zettel
Cogdill	La Suer	Pacheco, Rod	

Resolution ordered transmitted to the Senate immediately.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Firebaugh Motion to Suspend Rules:** Canciamilla and Havice—Aye; Aanestad, Bates, and Leslie—No.

**Senate Concurrent Resolution No. 2:** Leslie and Maddox—No.

**ADJOURNMENT**

At 3 p.m., pursuant to the provisions of Senate Concurrent Resolution No. 2, the 2001–02 Third Extraordinary Session of the Legislature adjourned *sine die*.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE  
2001–02 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY JOURNAL

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**Appendix to the Assembly Journal  
for the  
2001–02 Third Extraordinary Session**

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Assembly Chamber, Sacramento  
May 3, 2002

The following is an appendix to the Assembly Journal for the 2001–02 Third Extraordinary Session containing information received subsequent to adjournment *sine die* of the session.

**REPORTS OF STANDING COMMITTEES  
Committee on Rules**

May 3, 2002

Mr. Speaker: Your Committee on Rules reports:  
Senate Concurrent Resolution No. 1  
Without action.

NATION, Chairman

Above resolution ordered transmitted to the Senate.

**MEASURES WHICH DIED ON INACTIVE FILE**

Assembly Bill No. 1.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

