

CALIFORNIA LEGISLATURE  
2001-02 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, May 21, 2002**

**ONE HUNDRED NINETY-NINTH SESSION DAY  
FIVE HUNDRED THIRTY-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.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Tuesday, May 21, 2002

The Assembly met at 7 a.m.

Hon. Elaine Alquist, Assembly Member, 22nd 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	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	Simitian
Calderon	Florez	Maldonado	Steinberg
Campbell, Bill	Frommer	Matthews	Strickland
Canciamilla	Goldberg	Mountjoy	Strom-Martin
Cardenas	Harman	Nakano	Thomson
Cardoza	Havice	Nation	Vargas
Chan	Hollingsworth	Negrete McLeod	Wayne
Chavez	Jackson	Oropeza	Wiggins
Chu	Keeley	Pacheco, Robert	Wright
Cogdill	Kelley	Pacheco, Rod	Wyman
Cohn	Koretz	Papan	Zettel
Corbett	La Suer	Pavley	Mr. Speaker

Quorum present.

**At 12:01 p.m., Hon. Roy Ashburn, 32nd 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, Horton, and Migden.*

*On legislative business, and waiving per diem: Assembly Member Kehoe.*

*On personal business, and waiving per diem: Assembly Member Wyland.*

*Because of death in the family: Assembly Member John Campbell.*

*Because of illness in his family: Assembly Member Cedillo.*

*The following Assembly Member was excused for the day, and his per diem was waived: Washington.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

May 19, 2002

*The Honorable Herb Wesson, Jr.*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Wesson: Please accept this request to be excused from Check In Session on Tuesday, May 21, 2002 and Wednesday, May 22, 2002. I will be on legislative business in my District.

Should you have any questions, please feel free to have your staff contact Toni Nakashima in my Capitol Office.

Thank you in advance for your consideration of this request.

Very truly yours,

ROBERT M. HERTZBERG  
Speaker Emeritus

May 20, 2002

*The Honorable Herb J. Wesson, Jr.*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Check-In Session or Floor Session on Tuesday, May 21, 2002, with per diem. I will be returning to Sacramento on Wednesday, May 22, 2002, in time for Check-In Session or Floor Session.

I thank you in advance for your consideration of this request and if you have any questions, please contact me at (916) 319-2051 or (916) 207-5100.

Sincerely,

JEROME E. HORTON, Assembly Member  
Fifty-first District

May 15, 2002

*Hon. Herb Wesson*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from check-in session on Tuesday, May 21 and Wednesday, May 22, 2002 for legislative business in my district, waiving per diem. I will return for session, Thursday, May 23, 2002.

Thank you for your consideration in this matter.

Sincerely,

CHRISTINE KEHOE, Assembly Member  
Seventy-sixth District

May 16, 2002

*The Honorable Herb Wesson  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I am respectfully requesting to be excused from check-in on Tuesday, May 21, 2002 to conduct legislative business in my district.

Thank you for your consideration in this matter.

Sincerely,

CAROLE MIGDEN, Assembly Member  
Thirteenth District

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 21, 2002

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

Assembly Bill No. 1872  
Assembly Bill No. 1985  
Assembly Bill No. 2031  
Assembly Bill No. 2218

Assembly Bill No. 2254  
Assembly Bill No. 2514  
Assembly Bill No. 2841  
Assembly Bill No. 2903

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 21, 2002

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

Assembly Bill No. 1962  
Assembly Bill No. 2406

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 21, 2002

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

Assembly Bill No. 2624  
Assembly Bill No. 1995  
Assembly Bill No. 2923

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

Assembly Chamber, May 21, 2002

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

Assembly Bill No. 2240  
Assembly Bill No. 2256

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 21, 2002

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

Assembly Concurrent Resolution No. 209

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, May 21, 2002

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

Assembly Concurrent Resolution No. 207

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, May 21, 2002

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

Assembly Concurrent Resolution No. 176

Assembly Concurrent Resolution No. 180

Assembly Concurrent Resolution No. 197

Assembly Joint Resolution No. 31

And reports the same correctly enrolled, and presented to the Secretary of State on the 21st day of May, 2002, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

May 21, 2002

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 2070

With author's amendments with the recommendation: Amend, and re-refer to the committee.

STEINBERG, Chairman

**ASSEMBLY BILL NO. 2070**—An act to add Section 10170 to the Public Contract Code, relating to contractors.

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 Banking and Finance**

May 21, 2002

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:

Senate Bill No. 68

With author's amendments with the recommendation: Amend, and re-refer to the committee.

PAPAN, Chairman

**SENATE BILL NO. 68**—An act to amend Section 53635 of the Government Code, relating to local agency investments.

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. 1872, 1985, 2031, 2218, 2254, 2841, and 2903**, ordered to third reading;

**Assembly Bill No. 2514**, ordered to the Consent Calendar.

**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 Bill No. 1048**, ordered to the Consent Calendar.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1891**—An act to add Section 50843 to the Health and Safety Code, relating to housing.

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. 2255**—An act to add Section 1597.02 to the Health and Safety Code, relating to care facilities.

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. 2330**—An act to amend Sections 1942.5 and 1950.2 of the Civil Code, relating to landlord and tenant.

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

**ASSEMBLY BILL NO. 2472**—An act to add Article 8 (commencing with Section 14717) to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government Code, relating to pesticides.

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

**ASSEMBLY BILL NO. 2418**—An act to add Section 337.17 to the Code of Civil Procedure, relating to construction defect litigation.

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

**ASSEMBLY BILL NO. 2842**—An act to amend Sections 2020, 2025, and 2025.5 of the Code of Civil Procedure, relating to depositions.

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

**ASSEMBLY BILL NO. 2293**—An act relating to credit counseling.

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. 2836**—An act to amend Sections 15815 and 15816 of, and to add Section 15818.5 to, the Government Code, relating to public works finance.

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. 2455**—An act to amend Sections 115922 and 115924 of the Health and Safety Code, relating to public safety.

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. 1776**—An act to amend Section 25060 of the Government Code, relating to county government.

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

**SECOND READING OF SENATE BILLS**

**SENATE CONCURRENT RESOLUTION NO. 43**—Relative to the Deputy Sheriff Eric Jon Telen Memorial Highway.

Resolution read; amendments proposed by the Committee on Appropriations read and adopted, resolution ordered reprinted and to be placed upon the Consent Calendar.

**ADJOURNMENT**

At 4:45 p.m., the Assembly adjourned until 7a.m., Wednesday, May 22, 2002.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 21, 2002**

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

<b>AB</b>	<b>RN</b>
1776	0210223
1891	0210450
2070	0210596
2255	0210571
2293	0210446
2330	0210466
2418	0210540
2455	0210554
2472	0210726
2836	0210455
2842	0210542

<b>SB</b>	<b>RN</b>
68	0206965

<b>SCR</b>	<b>RN</b>
43	0210513

<b>Daily Total:</b>	<b>13</b>
<b>Cumulative Total:</b>	<b>4960</b>

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