

CALIFORNIA LEGISLATURE  
2001-02 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, December 4, 2000**

**FIRST SESSION DAY**

**FIRST CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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NOTE: Official record of roll call votes.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Monday, December 4, 2000

Pursuant to the provisions of the Constitution of the State of California, at the hour of 12 o'clock meridian, the 2001–02 Regular Session of the Legislature was called to order by E. Dotson Wilson, Chief Clerk and Parliamentarian of the Assembly for the 1999–2000 Regular Session.

In conformity with the law, the following officers were also present: Pam Cavileer, Minute Clerk, and Ronald E. Pane, Chief Sergeant-at-Arms for the 1999–2000 Regular Session.

Assistant Clerk Sue Parker reading.

### ROLL CALL

The Chief Clerk directed the clerk to call the roll of the Assembly Members-elect. The roll was called and the following answered to their names:

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	Matthews	Strickland
Campbell, John	Harman	Migden	Strom-Martin
Canciamilla	Havice	Mountjoy	Thomson
Cardenas	Hertzberg	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	

Quorum of Assembly Members-elect present—79.

**REQUEST FOR PHOTOGRAPHER**

Upon request of Assembly Member-elect Hertzberg, photographers and guests were permitted on the Floor of the Assembly.

**PRAYER**

Upon invitation of the Chief Clerk, the following prayer was offered by Rabbi Mona Alfi, from the Congregation B'nai Israel, in Sacramento:

Before this august body commences with the sacred work with which it has been entrusted, it is important for each person to stop and to reflect, and to acknowledge the greatness of this moment. It is important to take the time to appreciate the honor that has been bestowed by the people of California on each and every member of this legislature.

The great American philosopher, Henry David Thoreau taught that "If one advances confidently in the direction of his dreams, and endeavors to live the life which he has imagined, he will meet with a success unexpected in common hours."

Each person here had the courage to advance in the direction of his or her dreams, and as a result you have been rewarded by having the capacity, and the power, to do good. An opportunity to live the life that so many can only imagine.

We ask the Holy One of Blessing to bestow upon us the ability to never take for granted the sacred trust that we have been given. We pray that we shall always find satisfaction in even the most challenging of tasks which lie ahead, and may we continue to advance in the direction of our dreams. May this be God's will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of the Chief Clerk, Assembly Member-elect and Dean of the Assembly, Lou Papan, led the Assembly in the pledge of allegiance to the Flag.

**LEAVES OF ABSENCE FOR THE DAY**

The Chief Clerk announced that the Member-elect of the 65th Assembly District would not take the oath of office today.

**CERTIFICATE OF ELECTION FROM SECRETARY OF STATE**

The following certificate of duly elected Members of the Assembly for the 2001–02 Regular Session of the Legislature of the State of California was deemed read, and ordered printed in the Journal:

**CERTIFICATE OF ELECTION**

State of California

Office of the Secretary of State

I, BILL JONES, Secretary of State of the State of California, hereby certify:

That according to the semi-official canvass filed in my office, the persons whose names are hereinafter set forth were duly elected at the November 7, 2000 General Election as Members of the State Assembly in the Legislature of the State of California for a two-year term beginning on the 4th day of December, 2000;

That set opposite their respective names are the Assembly districts from which they were elected (two-year terms) and the names of the county or counties comprising or forming a portion of said districts, with the name of any county entirely within or comprising the district shown in capital letters.

<i>Members-elect</i>	<i>District</i>	<i>County or Counties</i>
Virginia Strom-Martin.....	First.....	DEL NORTE, HUMBOLDT, LAKE, MENDOCINO, Sonoma
Dick Dickerson.....	Second.....	Butte, COLUSA, GLENN, SHASTA, SISKIYOU, SUTTER, TEHAMA, TRINITY
Samuel M. Aanestad.....	Third.....	Butte, LASSEN, MODOC, NEVADA, PLUMAS, SIERRA, YUBA
Tim Leslie.....	Fourth.....	ALPINE, AMADOR, CALAVERAS, EL DORADO, MONO, PLACER
Dave Cox.....	Fifth.....	Sacramento
Joe Nation.....	Sixth.....	MARIN, Sonoma
Patricia "Pat" Wiggins.....	Seventh.....	NAPA, Solano, Sonoma
Helen M. Thomson.....	Eighth.....	Sacramento, Solano, Yolo
Darrell Steinberg.....	Ninth.....	Sacramento
Anthony Pescetti.....	Tenth.....	Sacramento, San Joaquin
Joe Canciamilla.....	Eleventh.....	Contra Costa
Kevin Shelley.....	Twelfth.....	San Francisco, San Mateo
Carole Migden.....	Thirteenth.....	San Francisco
Dion Louise Aroner.....	Fourteenth.....	Alameda, Contra Costa
Lynne C. Leach.....	Fifteenth.....	Alameda, Contra Costa
Wilma Chan.....	Sixteenth.....	Alameda
Barbara Matthews.....	Seventeenth.....	San Joaquin
Ellen M. Corbett.....	Eighteenth.....	Alameda
Lou Papan.....	Nineteenth.....	San Mateo
John A. Dutra.....	Twentieth.....	Alameda, Santa Clara
Joe Simitian.....	Twenty-First.....	San Mateo, Santa Clara
Elaine Alquist.....	Twenty-Second.....	Santa Clara
Manny Diaz.....	Twenty-Third.....	Santa Clara
Rebecca Cohn.....	Twenty-Fourth.....	Santa Clara
Dave Cogdill.....	Twenty-Fifth.....	Fresno, Madera, MARIPOSA, Stanislaus, TUOLUMNE
Dennis Cardoza.....	Twenty-Sixth.....	MERCED, San Joaquin, Stanislaus
Fred Keeley.....	Twenty-Seventh.....	Monterey, Santa Cruz
Simon Salinas.....	Twenty-Eighth.....	Monterey, SAN BENITO, Santa Clara, Santa Cruz
Mike Briggs.....	Twenty-Ninth.....	Fresno, Tulare
Dean Florez.....	Thirtieth.....	Fresno, Kern, KINGS, Madera

Sarah Reyes	Thirty-First	Fresno, Tulare
Roy Ashburn	Thirty-Second	Kern, Tulare
Abel Maldonado	Thirty-Third	SAN LUIS OBISPO, Santa Barbara
Phil Wyman	Thirty-Fourth	INYO, Kern, San Bernardino
Hannah-Beth Jackson	Thirty-Fifth	Santa Barbara, Ventura
George C. Runner	Thirty-Sixth	Los Angeles
Tony Strickland	Thirty-Seventh	Ventura
Keith Stuart Richman	Thirty-Eighth	Los Angeles, Ventura
Tony Cardenas	Thirty-Ninth	Los Angeles
Bob Hertzberg	Fortieth	Los Angeles
Fran Pavley	Forty-First	Los Angeles
Paul Koretz	Forty-Second	Los Angeles
Dario J. Frommer	Forty-Third	Los Angeles
Carol Liu	Forty-Fourth	Los Angeles
Jackie Goldberg	Forty-Fifth	Los Angeles
Gil Cedillo	Forty-Sixth	Los Angeles
Herb Wesson	Forty-Seventh	Los Angeles
Roderick "Rod" Wright	Forty-Eighth	Los Angeles
Gloria Romero	Forty-Ninth	Los Angeles
Marco Antonio Firebaugh	Fiftieth	Los Angeles
Jerome E. Horton	Fifty-First	Los Angeles
Carl Washington	Fifty-Second	Los Angeles
George Nakano	Fifty-Third	Los Angeles
Alan Lowenthal	Fifty-Fourth	Los Angeles
Jenny Oropeza	Fifty-Fifth	Los Angeles
Sally Havice	Fifty-Sixth	Los Angeles
Edward "Ed" Chavez	Fifty-Seventh	Los Angeles
Thomas M. Calderon	Fifty-Eighth	Los Angeles
Dennis Mountjoy	Fifty-Ninth	Los Angeles
Robert "Bob" Pacheco	Sixtieth	Los Angeles
Gloria Negrete McLeod	Sixty-First	Los Angeles, San Bernardino
John Longville	Sixty-Second	San Bernardino
Bill Leonard	Sixty-Third	San Bernardino
Rod Pacheco	Sixty-Fourth	Riverside
Jan Leja	Sixty-Fifth	Riverside, San Bernardino
Dennis Hollingsworth	Sixty-Sixth	Riverside, San Diego
Tom Harman	Sixty-Seventh	Orange
Ken Maddox	Sixty-Eighth	Orange
Lou Correa	Sixty-Ninth	Orange
John Campbell	Seventieth	Orange
Bill Campbell	Seventy-First	Orange
Lynn Daucher	Seventy-Second	Orange
Patricia C. "Pat" Bates	Seventy-Third	Orange, San Diego
Mark Wyland	Seventy-Fourth	San Diego
Charlene Zettel	Seventy-Fifth	San Diego
Christine Kehoe	Seventy-Sixth	San Diego
Jay La Suer	Seventy-Seventh	San Diego
Howard Wayne	Seventy-Eighth	San Diego
Juan Vargas	Seventy-Ninth	San Diego
Dave Kelley	Eightieth	IMPERIAL, San Diego

IN WITNESS WHEREOF I hereunto set my hand and affix the Great Seal of the State of California this 30th day of November, 2000.



**BILL JONES**  
Secretary of State

**ROLL CALL BY COUNTIES**

The Chief Clerk requested that as the roll of the counties was called the Assembly Member-elect representing such county or counties should stand at his/her desk, and take and subscribe to the oath of office.

**MEMBERS SWORN IN**

As required by Section 9023 of the Government Code, the Clerk read the roll of counties in alphabetical order, and the following Assembly Members-elect presented their certificates of election and duly qualified by taking and subscribing to the following oath administered by the Honorable Ronald M. George, Chief Justice of California:

**OATH**

*for the Office of Member of the Assembly  
State of California*

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.

**ANNOUNCEMENTS**

The Chief Clerk announced that the next order of business was the nomination and election of officers of the Assembly for the 2001–02 Regular Session of the Legislature, and declared that nominations for Office of Speaker were now in order.

**NOMINATIONS FOR SPEAKER OF THE ASSEMBLY**

**Nominations from the Floor**

Assembly Member Migden nominated Assembly Member Robert Myles Hertzberg for the Office of Speaker of the Assembly for the 2001–02 Regular Session.

Nomination of Assembly Member Hertzberg for the Office of Speaker was seconded by Assembly Member Cardenas, whereupon he addressed the assemblage.

**NOMINATIONS CLOSED**

There being no further nominations, the Chief Clerk declared nominations for Speaker of the Assembly closed.

**MOTION BY ASSEMBLY MEMBER SHELLEY**

Assembly Member Shelley moved that the Rules and precedent be suspended to allow Assembly Member Robert Myles Hertzberg to be elected to the Office of Speaker for the 2001–02 Regular Session by voice vote.

Assembly Member Washington seconded the motion.

Upon request of Chief Clerk Wilson, all Members in favor of electing Assembly Member Robert Myles Hertzberg to the Office of Speaker responded by saying “Aye”, whereupon Chief Clerk Wilson declared Assembly Member Hertzberg the choice of the Assembly for the Office of Speaker.

**APPOINTMENT OF SELECT COMMITTEE**

Chief Clerk E. Dotson Wilson appointed Assembly Members Shelley, Cardoza, Bill Campbell, Leonard, Aroner, Dutra, Nakano, and Wright as a Select Committee on Escort to escort Speaker-elect Robert Myles Hertzberg to the Rostrum.

**OATH OF OFFICE ADMINISTERED**

Speaker-elect Hertzberg appeared at the bar of the Assembly and took and subscribed to the following oath of office administered by the Honorable Ronald M. George, Chief Justice of the Supreme Court:

**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.

**Speaker Presiding**

At 12:40 p.m., the Honorable Robert Myles Hertzberg, Speaker of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

**INTRODUCTION OF SPECIAL GUESTS**

Speaker Hertzberg made the following introductions to the Members of the Assembly: his wife, Dr. Cynthia A. Telles-Hertzberg; Hon. Ronald M. George, Chief Justice of California; Assembly Member Bill Campbell, Minority Leader; Hon. Bill Lockyer, Attorney General; Hon. Phil Angelides, Treasurer; Hon. Bill Jones, Secretary of State; and Board of Equalization Members, Hon. Johan Klehs and Hon. Claude Parrish.

**ADDRESS BY SPEAKER**

Speaker Hertzberg addressed the assemblage.

**ADDRESS BY MINORITY LEADER**

Minority Leader Bill Campbell addressed the assemblage.

**FORMER SPEAKER INTRODUCED**

Speaker Hertzberg introduced former Speaker of the Assembly, Curt Pringle to the Members of the Assembly.

**SPEAKER PRO TEMPORE OF THE ASSEMBLY ANNOUNCED**

Speaker Hertzberg announced that Assembly Member Fred Keeley would serve as Speaker pro Tempore of the Assembly.

**APPOINTMENT OF SELECT COMMITTEE ON ESCORT**

Speaker Hertzberg appointed Assembly Members Dickerson, Salinas, Migden, Wesson, and Kehoe as a Select Committee on Escort to escort Speaker pro Tempore-elect Fred Keeley to the Rostrum.

**OATH OF OFFICE ADMINISTERED**

Speaker pro Tempore-elect Keeley appeared at the bar of the Assembly and took and subscribed to the following oath of office administered by the Honorable Ronald M. George, Chief Justice of California:

**OATH**

*for the Office of Speaker pro Tempore 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.

**ADDRESS BY SPEAKER PRO TEMPORE**

Speaker pro Tempore Keeley introduced his wife Maria Rodriguez-Keeley, his brother Terry Keeley, and his stepmother Carol Keeley.

Speaker pro Tempore Keeley then addressed the assemblage.

**RESOLUTIONS**

The following resolution was offered:

**House Resolution No. 1**

By Assembly Member Cardoza.

*Relative to the Standing Rules of the Assembly for the 2001–02 Regular Session.*

*Resolved by the Assembly of the State of California,* That the following Rules be, and the same are hereby, adopted as the Standing Rules of the Assembly for the 2001–02 Regular Session; and be it further

*Resolved,* That these rules shall govern the operations of the Assembly.

**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.

**HOUSE RESOLUTION NO. 1 TAKEN UP**

On motion of Assembly Member Cardoza, House Resolution No. 1 was taken up.

**HOUSE RESOLUTION NO. 1**—Relative to the Standing Rules of the Assembly for the 2001–02 Regular Session.

Resolution read, and adopted by the following vote:

**AYES—70**

Alquist	Dickerson	Liu	Runner
Aroner	Dutra	Longville	Salinas
Ashburn	Firebaugh	Lowenthal	Shelley
Bates	Florez	Maddox	Simitian
Calderon	Frommer	Maldonado	Steinberg
Campbell, Bill	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	Papan	Wright
Cohn	Kelley	Pavley	Wyland
Corbett	Koretz	Pescetti	Zettel
Correa	La Suer	Reyes	Mr. Speaker
Daucher	Leonard	Richman	
Diaz	Leslie	Romero	

**NOES—8**

Aanestad	Cox	Mountjoy	Strickland
Campbell, John	Leach	Pacheco, Rod	Wyman

**LEADERSHIP AND COMMITTEE CHAIR ANNOUNCEMENTS**

Speaker Hertzberg announced the following leadership and committee chair appointments:

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.

**RESOLUTIONS**

The following resolution was offered:

**House Resolution No. 2**

By Assembly Member Shelley.

*Relative to election of officers of the Assembly  
 for the 2001–02 Regular Session.*

*Resolved by the Assembly of the State of California,* That the following named persons constitute officers of the Assembly for the 2001–02 Regular 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 2001–02 Regular Session.

Resolution read, and adopted by the following vote:

**AYES—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	

**NOES—None****OATHS OF OFFICE ADMINISTERED**

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 appeared at the bar of the Assembly and took and subscribed to the following oath of office, 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. 3**

By Assembly Member Shelley.

*Relative to the organization of the Assembly for the 2001–02 Regular 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 attaches 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. 3 TAKEN UP**

On motion of Assembly Member Shelley, House Resolution No. 3 was taken up.

**HOUSE RESOLUTION NO. 3**—Relative to the organization of the Assembly for the 2001–02 Regular Session.

Resolution read, and adopted by the following vote:

**AYES—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	

**NOES—None****RESOLUTIONS**

The following resolution was offered:

**House Resolution No. 4**

By Assembly Member Shelley.

*Relative to the placing of bills on the Desk.*

*Resolved by the Assembly of the State of California,* That, during the organizational recess, no bill shall be placed on the Desk for introduction except by a person designated by the author in writing. The designation shall be filed with the Chief Clerk.

**HOUSE RESOLUTION NO. 4 TAKEN UP**

On motion of Assembly Member Shelley, House Resolution No. 4 was taken up.

**HOUSE RESOLUTION NO. 4**—Relative to the placing of bills on the Desk.

Resolution read, and adopted by the following vote:

**AYES—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	

**NOES—None****DELEGATION FROM THE SENATE**

Senators Battin and McClintock appeared at the bar of the Assembly to inform the Assembly that the Senate is organized and ready to proceed with regular business.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS  
PURSUANT TO ASSEMBLY RULE 47**

Pursuant to the provisions of Assembly Rule 47, the following bills were introduced, read the first time, and ordered held at the Desk.

**ASSEMBLY BILL NO. 1—Aanestad.** An act to amend Section 399.8 of the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 2—Alquist.** An act relating to elections.

**ASSEMBLY BILL NO. 3—Ashburn (Coauthor: Bill Campbell).** An act to amend and repeal Section 41204.1 of the Education Code, and to add Section 97.42 to, and to repeal Section 97.43 of, the Revenue and Taxation Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 4—Bates and Pescetti.** An act to amend Section 290 of the Penal Code, relating to sex offenders.

**ASSEMBLY BILL NO. 5—Calderon.** An act to add Section 1861.17 to the Insurance Code, relating to insurance.

**ASSEMBLY BILL NO. 6—Cardenas.** An act to add Section 8483.75 to, and to amend and repeal Section 8484.3 of, the Education Code, relating to before and after instructional day school programs.

**ASSEMBLY BILL NO. 7—Cardoza (Coauthors: Florez, Matthews, Reyes, and Thomson).** An act to add Section 6356.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 8—Cedillo.** An act to amend Section 50898.2 of the Health and Safety Code, relating to housing and community development, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 9—Chavez.** An act to add Section 35021.4 to the Education Code, relating to school safety.

**ASSEMBLY BILL NO. 10—Corbett.** An act to amend Sections 17024.5, 17039, 17052.12, 17275.5, 17279.5, 17560, 17731.5, 17751, 18038.5, 19136, 19147, 19521, 23038.5, 23609, 24424, 24667, and 24872 of, and to add Sections 17132.6, 17321.5, 17507.7, 17552.3, 17563.5, 17570.5, 18173, 19136.7, 24661.3, 24451.5, 24685.5, 24710.5, 24872.6, and 24990.8 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 11—Dickerson.** An act to amend the heading of Part 5.5 (commencing with Section 8760) of Division 4 of, and to amend Sections 8760, 8761, 8762, 8764, 8764.5, 8764.6, 8765, 8766, 8767, 8768, 8769, 8770, 8771, and 8772 of, the Food and Agriculture Code, relating to olive pests.

**ASSEMBLY BILL NO. 12—Firebaugh.** An act to add Chapter 12.7 (commencing with Section 17079.10) to Part 10 of the Education Code, relating to school facilities, and making an appropriation therefor.

**ASSEMBLY BILL NO. 13—Flores.** An act to add Section 15319 to the Government Code, and to add Section 6358.5 to the Revenue and Taxation Code, relating to the San Joaquin Valley Economic Development Corridor, and making an appropriation therefor.

**ASSEMBLY BILL NO. 14—Goldberg.** An act to amend Section 17072.25 of the Education Code, relating to school facilities.

**ASSEMBLY BILL NO. 15—Harman and Bates.** An act to add Sections 13179 and 13180 to the Water Code, relating to water, and making an appropriation therefor.

**ASSEMBLY BILL NO. 16—Hertzberg (Coauthors: Alquist, Aroner, Robert Pacheco, Papan, Reyes, Romero, Shelley, and Strom-Martin) (Coauthor: Senator Vincent).** An act to add Part 68.1 (commencing with Section 100600) to the Education Code, relating to education facilities by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 17—Hollingsworth.** An act to amend Section 17041 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 18—Horton.** An act to add Section 13923 to the Welfare and Institutions Code, relating to public social services.

**ASSEMBLY BILL NO. 19—Jackson.** An act to add Section 45452 to the Education Code, to add Section 1463.21 to the Penal Code, and to add Section 42011 to the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 20—Koretz.** An act to add Chapter 9.5 (commencing with Section 9610) to Division 8.5 of the Welfare and Institutions Code, relating to financing a Senior Center Bond Act 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.

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 1—Leonard (Coauthor: Bill Campbell).** Relative to redistricting.

**ASSEMBLY BILL NO. 21—Leslie.** An act to add Division 10 (commencing with Section 24000) to the Financial Code, relating to financial institutions.

**ASSEMBLY BILL NO. 22—Lowenthal.** An act to amend Section 12071 of the Penal Code, relating to firearms.

**ASSEMBLY BILL NO. 23—Maddox (Coauthors: Robert Pacheco, Pescetti, and Zettel).** An act to amend Section 186.22 of the Penal Code, relating to gangs.

**ASSEMBLY BILL NO. 24—Maldonado.** An act to amend Section 1276 of, and to add Sections 1251.1 and 129908 to, the Health and Safety Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.



**ASSEMBLY BILL NO. 25—Migden and Hertzberg and Senator Kuehl (Coauthors: Goldberg, Kehoe, and Longville) (Coauthor: Senator Burton).** An act to add Section 1714.01 to the Civil Code, to amend Section 377.60 of the Code of Civil Procedure, to amend Sections 297 and 299.5 of the Family Code, to add Sections 1261.1 and 1374.58 to the Health and Safety Code, to add Section 10121.7 to the Insurance Code, to amend Section 233 of the Labor Code, to amend Sections 1460, 1811, 1812, 1820, 1821, 1822, 1829, 1861, 1863, 1871, 1873, 1874, 1891, 1895, 2212, 2213, 2357, 2423, 2430, 2504, 2572, 2580, 2614.5, 2622, 2651, 2653, 2681, 2682, 2687, 2700, 2803, 2805, 6240, 6401, 6402, 8461, 8462, 8463, and 8465 of, and to add Section 37 to, the Probate Code, to add Section 17021.7 to the Revenue and Taxation Code, and to amend Sections 1030, 1032, 1256, and 2705.1 of the Unemployment Insurance Code, relating to domestic partnerships.

**ASSEMBLY BILL NO. 26—Nation.** An act to add Section 17053.60 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 27—Negrete McLeod.** An act relating to community colleges.

**ASSEMBLY BILL NO. 28—Robert Pacheco (Coauthors: Ashburn, Briggs, Maldonado, Rod Pacheco, Runner, Wyman, and Zettel).** An act to add Division 4.5 (commencing with Section 4500) to the Elections Code, relating to elections, and making an appropriation therefor.

**ASSEMBLY BILL NO. 29—Papan.** An act to amend Section 44559.1 of the Health and Safety Code, relating to financial institutions, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 30—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.

**ASSEMBLY BILL NO. 31—Reyes.** An act to amend Section 63050 of, and to add Section 63058 to, the Government Code, relating to economic development, and making an appropriation therefor.

**ASSEMBLY BILL NO. 32—Richman.** An act to add Article 4.6 (commencing with Section 1366.40) to Chapter 2.2 of Division 2 of, and to add Division 99 (commencing with Section 99000) to, the Health and Safety Code, and to add Article 1.8 (commencing with Section 10128.70) to Chapter 1 of Division 2 of, and to add Part 6.25 (commencing with Section 12694) to Division 2 of, the Insurance Code, relating to health insurance.

**ASSEMBLY BILL NO. 33—Romero.** An act to add Section 130051.30 to the Public Utilities Code, relating to transportation.

**ASSEMBLY BILL NO. 34—Runner (Coauthor: Senator Knight).** An act to add Section 1104.1 to the Military and Veterans Code, relating to veterans affairs, and making an appropriation therefor.

**ASSEMBLY BILL NO. 35—Shelley (Coauthors: Alquist, Aroner, and Romero) (Coauthor Senator Kuehl).** An act to amend Sections 12071, 12800, 12802, 12803, 13804, and 12809 of, and to add Article 3.5 (commencing with Section 12060) to Title 2 of Part 4 of, the Penal Code, relating to firearms.

**ASSEMBLY BILL NO. 36—Steinberg.** An act to add Section 188 to the Code of Civil Procedure, relating to confidentiality.

**ASSEMBLY BILL NO. 37—Strickland.** An act to add Section 6389 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 38—Strom-Martin.** An act to amend Section 4 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994 of the Statutes of 1949), relating to the Sonoma County Flood Control and Water Conservation District.

**ASSEMBLY BILL NO. 39—Thomson and Bill Campbell.** An act to add Sections 17053.65 and 23665 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 40—Vargas.** An act to add Chapter 31 (commencing with Section 22945) to Division 8 of the Business and Professions Code, relating to amusement machines.

**ASSEMBLY BILL NO. 41—Washington.** An act to add and repeal Chapter 8.5 (commencing with Section 13875) of Title 6 of Part 4 of the Penal Code, relating to crime prevention, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 42—Wayne.** An act to add Section 1370.7 to the Health and Safety Code, and to add Section 10145.5 to the Insurance Code, relating to health insurance.

**ASSEMBLY BILL NO. 43—Wesson.** An act to add Chapter 3.2 (commencing with Section 8250) to Division 1 of Title 2 of the Government Code, relating to the Commission on Pay Equity.

**ASSEMBLY BILL NO. 44—Wiggins (Principal coauthor: Senator Chesbro).** An act to amend Sections 17207 and 24347.5 of the Revenue and Taxation Code, relating to disaster relief, and declaring the urgency thereof, to take effect immediately.

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 2—Wright.** Relative to electric power rates.

**ASSEMBLY CONCURRENT RESOLUTION NO. 3—Wyman.** Relative to the Tomo-Kahni State Park.

#### RECEPTION ANNOUNCED

Speaker Hertzberg announced that there would be a reception for Members of the Assembly, immediately following today's session, in the Capitol Rotunda.

#### DESK HELD OPEN

Speaker Hertzberg announced that the Assembly Desk would be open until 3 p.m. today and during the Organizational Recess, from 9 a.m. to 3 p.m., for the purpose of introduction of bills.

#### SESSION SCHEDULE ANNOUNCEMENTS

Speaker Hertzberg announced the following session schedule:  
Tuesday, December 5, 2000, Check-in Session 7 a.m.–3 p.m.;  
Wednesday, January 3, 2001, Floor Session, 12 noon.

#### ADJOURN IN MEMORY

Assembly Member Shelley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of the crew of the U.S.S. Cole who were victims of a recent terrorist bombing attack; the "Flying Doctors" American volunteer medical professionals who died in a recent plane crash in Ensenada, Mexico; William Corbett, father of Assembly Member Ellen Corbett; and Charles B. "Gus" Garrigus, the Poet Laureate of California.

(Assembly Rule 45.5 suspended.)

**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 David Commons, of Hollywood.

Assembly Member Aroner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Prudence K. Poppink, of Oakland.

Assembly Member Calderon was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of his brother, Richard Chacon, of Brea.

Assembly Member Cardoza was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of James Vescere, of Patterson; Thomas L. Hallinan, of Oakdale; and Supervisor Robert Cabral, of French Camp.

Assembly Member Shelley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Robert A. Campbell, of Richmond, father of former Assembly Member Bob Campbell.

Assembly Member Papan was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Milton G. Vrionis, of Walnut Creek.

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dianne Hinsz, of Davis; and Robert Templeman, of Sacramento.

**VOTE ADDS**

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

**House Resolution No. 1:** Maldonado—Aye; Cox—No.

**MOTION TO ADJOURN**

At 1:45 p.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Nation seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 1:46 p.m., Speaker Hertzberg declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS (RESUMED)**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 45—Strickland.** An act to amend Sections 6900, 6901, 6902, and 15505 of, and to repeal Sections 7100, 7300, 7578, and 7843 of, the Elections Code, relating to the presidential electors.

**ASSEMBLY BILL NO. 46—Washington.** An act to add and repeal Section 7073.4 of the Government Code, relating to economic development.

**ASSEMBLY BILL NO. 47—Cardenas.** An act to add Section 52052.6 to the Education Code, relating to schoolsite parent centers.

**ASSEMBLY BILL NO. 48—Washington.** An act to add Part 1.5 (commencing with Section 11759.50) to Division 10.5 of the Health and Safety Code, relating to substance abuse.

**ASSEMBLY BILL NO. 49—Washington.** An act to add Article 4.6 (commencing with Section 18736) to Chapter 4 of Part 11 of the Education Code, relating to library services, and making an appropriation therefor.

**ASSEMBLY BILL NO. 50—Hertzberg (Coauthor: Alquist, Aroner, Havice, Keeley, Papan, Reyes, Romero, Shelley, and Strom-Martin) (Coauthor: Senator Vincent).** An act to amend Sections 60451.5 and 60452.5 of, and to repeal Section 60453 of, the Education Code, relating to school finance, and making an appropriation therefor.

**ASSEMBLY BILL NO. 51—Shelley (Principal coauthor: Senator Escutia).** An act relating to school facilities.

**ASSEMBLY BILL NO. 52—Wiggins.** An act to add Division 10.3 (commencing with Section 10300) to the Public Resources Code, relating to land use.

**ASSEMBLY BILL NO. 53—Wiggins. (Principal coauthor: Senator Chesbro).** An act to amend and supplement the Budget Act of 2000 (Chapter 52 of the Statutes of 2000), relating to public resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 54—Wesson.** An act to amend Section 19805 of the Business and Professions Code, and to amend Section 330.11 of the Penal Code, relating to gambling clubs.

**ASSEMBLY BILL NO. 55—Shelley.** An act to add Division 4.5 (commencing with Section 4500) to the Elections Code, relating to elections.

**ASSEMBLY BILL NO. 56—Hertzberg.** An act to add Section 19006 to the Elections Code, relating to elections, and making an appropriation therefor.

**ASSEMBLY BILL NO. 57—Wright.** An act to add Section 390.5 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 58—Keeley (Coauthors: Hertzberg, Kehoe, Leonard, Wesson, and Wright).** An act to amend Sections 335, 337, and 338 of, and to add Section 352 to, the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 59—Cedillo.** An act to add Section 10618.5 to the Welfare and Institutions Code, relating to health.

**ASSEMBLY BILL NO. 60—Cedillo.** An act to amend Sections 1653.5, 12800, 12801, and 12801.8 of, to add Section 15250.1 to, and to repeal Section 12801.5 of, the Vehicle Code, relating to the Department of Motor Vehicles.

## RESOLUTIONS

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 4—Pescetti.** Relative to the Stanley L. Van Vleck Memorial Highway.

**ASSEMBLY CONCURRENT RESOLUTION NO. 5—Nation.** Relative to sudden oak death syndrome.

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

December 4, 2000

*E. Dotson Wilson*

*Chief Clerk*

*California State Assembly*

*State Capitol, Room 3196*

*Sacramento, California*

Dear Dotson: Please be advised that I have made the following appointments to Assembly Standing Committees for the 2001–02 Regular Session:

**Appropriations:** Migden (Chair).

**Banking and Finance:** Papan (Chair).

**Budget:** Cardenas (Chair).

**Budget Subcommittee #1—Health and Human Services:**

Cedillo (Chair).

**Budget Subcommittee #4—State Administration:** Nakano (Chair).

**Budget Subcommittee #5—Information Technology/Transportation:**

Firebaugh (Chair).

**Business and Professions:** Correa (Chair).

**Education:** Strom-Martin (Chair).

**Elections, Reapportionment and Constitutional Amendments:**

Longville (Chair).

**Environmental Safety and Toxic Materials:** Jackson (Chair).

**Governmental Organization:** Wesson (Chair).

**Health:** Thomson (Chair).

**Higher Education:** Alquist (Chair).

**Housing and Community Development:** Lowenthal (Chair).

**Human Services:** Aroner (Chair).

**Insurance:** Calderon (Chair).

**Jobs, Economic Development and the Economy:** Reyes (Chair).

**Judiciary:** Steinberg (Chair).

**Labor and Employment:** Romero (Chair).

**Local Government:** Wiggins (Chair).

**Natural Resources:** Wayne (Chair).

**Public Employees, Retirement and Social Security:** Havice (Chair).

**Public Safety:** Washington (Chair).

**Revenue and Taxation:** Corbett (Chair).

**Rules:** Cardoza (Chair).

**Transportation:** Dutra (Chair).

**Utilities and Commerce:** Wright (Chair).

**Water, Parks and Wildlife:** Florez (Chair).

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

December 4, 2000

*E. Dotson Wilson*  
*Chief Clerk*  
*California State Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I have appointed Assemblymember Darrell Steinberg as Chair of the Select Committee on Low Performing Schools.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

December 4, 2000

*E. Dotson Wilson*  
*Chief Clerk*  
*California State Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I have appointed Assemblymembers Elaine Alquist and Lou Correa to the Joint Legislative Sunset Review Committee.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

December 4, 2000

*E. Dotson Wilson*  
*Chief Clerk*  
*California State Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I have appointed Assemblymember Elaine Alquist as Vice Chair, Higher Education Issues, and Assemblymember Virginia Strom-Martin as Vice Chair, K-12 Issues, to the Joint Committee to Develop a Master Plan for Education—Kindergarten through University.

Sincerely,

ROBERT M. HERTZBERG  
Speaker of the Assembly

**COMMUNICATIONS**

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

December 4, 2000

*E. Dotson Wilson, Chief Clerk  
California State Assembly  
State Capitol  
Sacramento, California*

Mr. Wilson: I am pleased to inform you that Assemblymember Bill Leonard is Assembly Republican Floor Manager and second ranking Republican Member of the Assembly. Should you have any questions, please contact either myself or Richard Costigan III, my Chief of Staff.

Sincerely,

**BILL CAMPBELL**  
Assembly Republican Leader

**JOINT RULE 62(a) WAIVED**

Unanimous consent was granted that Joint Rule 62(a) be waived for the purpose of permitting the Select Committee on Low Performing Schools to meet on December 7, 2000, at 12 noon, in Room 447.

**MESSAGES FROM THE GOVERNOR**

The following message from the Governor was received and ordered printed in the Journal:

December 4, 2000

*The Honorable Robert Hertzberg  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Hertzberg,

I hereby designate John Stevens, Mike Gotch, Linda Adams, Terry Myrrdin, Christene McAdara, Pam Oto, Pam Gibbs and Casey Elliott as persons on my staff who may sign for enrolled bills pursuant to Section 9509 of the Government Code.

Sincerely,

**GRAY DAVIS**

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committees were permitted to meet:

The Joint Committee to Develop a Master Plan for Education, on December 6, 2000, at 10 a.m.; January 10, 2001, at 1:30 p.m.; January 30, 2001, at 1:30 p.m.; February 27, 2001, at 9 a.m.; and March 6, 2001, at 9:30 a.m.;

Budget Subcommittee No. 1 on Health and Human Services, on December 6, 2000 at 1 p.m., in Los Angeles;

The Joint Legislative Sunset Review Committee, on December 5 and 6, at 9:30 a.m., in Room 3191.

**INTRODUCTION OF GUESTS**

Assembly Member Koretz, of the 42nd Assembly District, introduced Gail and Rachel Koretz, of West Hollywood.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 7 a.m., Tuesday, December 5, 2001, out of respect to the memory of the crew of the U.S.S. Cole, the "Flying Doctors" volunteer medical professionals, William Corbett, and Charles B. "Gus" Garrigus, on motion of Assembly Member Shelley; out of respect to the memory of David Commons, on motion of Assembly Member Alquist; out of respect to the memory of Prudence K. Poppink, on motion of Assembly Member Aroner; out of respect to the memory of Richard Chacon, on motion of Assembly Member Calderon; out of respect to the memory of James Vescere, Thomas L. Hallinan, and Supervisor Robert Cabral, on motion of Assembly Member Cardoza; out of respect to the memory of Milton G. Vrionis, on motion of Assembly Member Papan; out of respect to the memory of Robert A. Campbell, on motion of Assembly Member Shelley; and out of respect to the memory of Dianne Hinsz and Robert Templeman, on motion of Assembly Member Thomson.

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ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk