

CALIFORNIA LEGISLATURE
2005–06 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, December 6, 2004

FIRST SESSION DAY

FIRST CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, December 6, 2004

Pursuant to the provisions of the Constitution of the State of California, at the hour of 12 o'clock meridian, the 2005–2006 Regular Session of the Legislature was called to order by E. Dotson Wilson, Chief Clerk of the Assembly for the 2003–04 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 2003–04 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:

Aghazarian	Emmerson	Laird	Plescia
Arambula	Evans	Leno	Richman
Baca	Frommer	Leslie	Ridley-Thomas
Bass	Garcia	Levine	Runner
Benoit	Goldberg	Lieber	Ruskin
Bermudez	Gordon	Liu	Saldana
Blakeslee	Hancock	Matthews	Salinas
Bogh	Harman	Maze	Spitzer
Calderon	Haynes	McCarthy	Strickland
Canciamilla	Horton, Jerome	Montanez	Torrico
Chan	Horton, Shirley	Mountjoy	Tran
Chavez	Houston	Mullin	Umberg
Chu	Huff	Nakanishi	Vargas
Cogdill	Jones	Nation	Villines
Cohn	Karnette	Nava	Walters
Coto	Keene	Negrete McLeod	Wolk
Daucher	Klehns	Niello	Wyland
De La Torre	Koretz	Nunez	Yee
DeVore	La Malfa	Parra	
Dymally	La Suer	Pavley	

Quorum of Assembly Members-elect present—78.

REQUEST FOR PHOTOGRAPHER

Upon request of Assembly Member-elect Nunez, and in the absence of objection, photographers and guests were permitted on the Floor of the Assembly and in the Assembly Gallery.

PRAYER

Upon invitation of the Chief Clerk, the following prayer was offered by Rev. Michael Kennedy, S.J., Pastor, Dolores Mission Catholic Church, Boyle Heights:

The reading from the Prophet Isaiah. God's Spirit is on me. He's chosen me to preach the Message of good news to the poor. Sent me to announce pardon to prisoners and recovery of sight to the blind. To set the *burdened and battered* free to announce *this is God's year to act with compassion*. This is God's year to act with compassion. God, may this Spirit of Isaiah blow over our elected Representatives and help them make compassionate decisions. This is God's year to act with compassion. God, may Your Spirit work so powerfully that decisions made really will bring good news to the poor in education, in public safety, and in programs for our children. This is God's year to act with compassion. God, give our leaders Isaiah-prophetic strength to announce pardon to prisoners, sight to the blind, and compassion for the most vulnerable. This is God's year to act with compassion. God, give our leaders the same Spirit of Isaiah even when it is not popular to work for those who are excluded. This is God's year to act with compassion. This is God's year to make this dream of compassion a reality.

Finally, Greater One, we ask You to especially bless these new members present. Give them Your spirit of compassion as they make decisions for this great State of California. This is God's year to act with compassion. May God bless you all.—AMEN.

PLEDGE OF ALLEGIANCE

Upon request of the Chief Clerk, Assembly Members-elect and Deans of the Assembly, Hon. Tim Leslie, 4th Assembly District and Hon. Johan Klehs, 18th Assembly District, and special guest Rachel Koretz, led the Assembly in the pledge of allegiance to the Flag.

LEAVES OF ABSENCE FOR THE DAY

The following Assembly Members-elect were absent for the day:
Because of illness: Assembly Members-elect Berg and Oropeza.

CERTIFICATE OF ELECTION FROM SECRETARY OF STATE

The following certificate of duly elected Members of the Assembly for the 2005–06 Regular Session of the Legislature of the State of California was deemed read, and ordered printed in the Journal:

I, KEVIN SHELLEY, 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 2, 2004 General Election as Members of the State Assembly in the Legislature of the State of California for two-year terms beginning on the 6th day of December, 2004;

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>Member-elect</i>	<i>District</i>	<i>County or Counties</i>
Patty Berg	First	DEL NORTE, HUMBOLDT, LAKE, MENDOCINO, Sonoma, TRINITY
Doug La Malfa	Second	Butte, COLUSA, GLENN, MODOC, SHASTA, SISKIYOU, SUTTER, TEHAMA, Yolo
Rick Keene	Third	Butte, LASSEN, NEVADA, Placer, PLUMAS, SIERRA, YUBA
Tim Leslie	Fourth	ALPINE, El Dorado, Placer, Sacramento
Roger Niello	Fifth	Placer, Sacramento
Joe Nation	Sixth	MARIN, Sonoma
Noreen Evans	Seventh	NAPA, Solano, Sonoma
Lois Wolk	Eighth	Solano, Yolo
Dave Jones	Ninth	Sacramento
Alan Nakanishi	Tenth	AMADOR, El Dorado, Sacramento, San Joaquin
Joe Canciamilla	Eleventh	Contra Costa
Leland Y. Yee	Twelfth	San Francisco, San Mateo
Mark Leno	Thirteenth	San Francisco
Loni Hancock	Fourteenth	Alameda, Contra Costa
Guy S. Houston	Fifteenth	Alameda, Contra Costa, Sacramento, San Joaquin
Wilma Chan	Sixteenth	Alameda
Barbara S. Matthews	Seventeenth	MERCED, San Joaquin, Stanislaus
Johan Klehs	Eighteenth	Alameda
Gene Mullin	Nineteenth	San Mateo
Alberto Torrico	Twentieth	Alameda, Santa Clara
Ira Ruskin	Twenty-First	San Mateo, Santa Clara
Sally J. Lieber	Twenty-Second	Santa Clara
Joe Coto	Twenty-Third	Santa Clara
Rebecca Cohn	Twenty-Fourth	Santa Clara
Dave Cogdill	Twenty-Fifth	CALAVERAS, Madera, MARIPOSA, MONO, Stanislaus, TUOLUMNE
Greg Aghazarian	Twenty-Sixth	San Joaquin, Stanislaus
John Laird	Twenty-Seventh	Monterey, Santa Clara, Santa Cruz
Simon Salinas	Twenty-Eighth	Monterey, SAN BENITO, Santa Clara, Santa Cruz
Mike Villines	Twenty-Ninth	Fresno, Madera, Tulare
Nicole M. Parra	Thirtieth	Fresno, Kern, KINGS, Tulare
Juan Arambula	Thirty-First	Fresno, Tulare
Kevin McCarthy	Thirty-Second	Kern, San Bernardino

Sam Blakeslee	Thirty-Third	SAN LUIS OBISPO, Santa Barbara
Bill Maze	Thirty-Fourth	INYO, Kern, San Bernardino, Tulare
Pedro Nava	Thirty-Fifth	Santa Barbara, Ventura
Sharon Runner	Thirty-Sixth	Los Angeles, San Bernardino
Audra Strickland	Thirty-Seventh	Los Angeles, Ventura
Keith Stuart Richman	Thirty-Eighth	Los Angeles, Ventura
Cindy Montanez	Thirty-Ninth	Los Angeles
Lloyd E. Levine	Fortieth	Los Angeles
Fran Pavley	Forty-First	Los Angeles, Ventura
Paul Koretz	Forty-Second	Los Angeles
Dario Frommer	Forty-Third	Los Angeles
Carol Liu	Forty-Fourth	Los Angeles
Jackie Goldberg	Forty-Fifth	Los Angeles
Fabian Nunez	Forty-Sixth	Los Angeles
Karen Bass	Forty-Seventh	Los Angeles
Mark Ridley-Thomas	Forty-Eighth	Los Angeles
Judy Chu	Forty-Ninth	Los Angeles
Hector De La Torre	Fiftieth	Los Angeles
Jerome E. Horton	Fifty-First	Los Angeles
Mervyn M. Dymally	Fifty-Second	Los Angeles
Mike Gordon	Fifty-Third	Los Angeles
Betty Karnette	Fifty-Fourth	Los Angeles
Jenny Oropeza	Fifty-Fifth	Los Angeles
Rudy Bermudez	Fifty-Sixth	Los Angeles, Orange
Edward "Ed" Chavez	Fifty-Seventh	Los Angeles
Ronald S. Calderon	Fifty-Eighth	Los Angeles
Dennis L. Mountjoy	Fifty-Ninth	Los Angeles, San Bernardino
Robert "Bob" Huff	Sixtieth	Los Angeles, Orange, San Bernardino
Gloria Negrete McLeod	Sixty-First	Los Angeles, San Bernardino
Joe Baca, Jr.	Sixty-Second	San Bernardino
Bill Emmerson	Sixty-Third	Riverside, San Bernardino
John J. Benoit	Sixty-Fourth	Riverside
Russ Bogh	Sixty-Fifth	Riverside, San Bernardino
Ray Haynes	Sixty-Sixth	Riverside, San Diego
Tom Harman	Sixty-Seventh	Orange
Van Tran	Sixty-Eighth	Orange
Tom Umberg	Sixty-Ninth	Orange
Chuck DeVore	Seventieth	Orange
Todd Spitzer	Seventy-First	Orange, Riverside
Lynn Daucher	Seventy-Second	Orange
Mimi Walters	Seventy-Third	Orange, San Diego
Mark Wyland	Seventy-Fourth	San Diego
George A. Plescia	Seventy-Fifth	San Diego
Lori Saldana	Seventy-Sixth	San Diego
Jay La Suer	Seventy-Seventh	San Diego
Shirley Horton	Seventy-Eighth	San Diego
Juan Vargas	Seventy-Ninth	San Diego
Bonnie Garcia	Eightieth	IMPERIAL, Riverside

IN WITNESS WHEREOF I hereunto set my hand
and affix the Great Seal of the State of California
this 30th day of November, 2004.

KEVIN SHELLEY
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 Teresa Sanchez-Gordon, Judge of the Superior Court, County of Los Angeles.

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 2005–06 Regular Session of the Legislature, and declared that nominations for the Office of Speaker of the Assembly were now in order.

**NOMINATIONS FOR SPEAKER OF THE ASSEMBLY
Nominations from the Floor**

Assembly Member Frommer nominated Assembly Member Fabian Nunez for the Office of Speaker of the Assembly for the 2005–06 Regular Session.

Nomination of Assembly Member Nunez for the Office of Speaker of the Assembly was seconded by Assembly Members Plescia, Chu, Hancock, Bass, McCarthy, and Mountjoy, whereupon each addressed the assemblage.

MOTION BY ASSEMBLY MEMBER FROMMER

Assembly Member Frommer moved that the Rules and precedent be suspended to allow Assembly Member Fabian Nunez to be elected to the Office of Speaker for the 2005–06 Regular Session by a voice vote.

Assembly Member McCarthy seconded the motion.

Upon request of Chief Clerk Wilson, all Members in favor of electing Assembly Member Fabian Nunez to the office of Speaker responded by saying “Aye”, whereupon Chief Clerk E. Dotson Wilson declared Assembly Member Fabian Nunez the choice of the Assembly for the Office of Speaker of the California State Assembly for the 2005–06 Regular Session.

APPOINTMENT OF SELECT COMMITTEE

Chief Clerk E. Dotson Wilson appointed Assembly Members Aghazarian, Daucher, De La Torre, Karnette, Matthews, Maze, Parra, Ridley-Thomas, Tran, and Walters as a Select Committee on Escort to escort Speaker-elect Fabian Nunez, accompanied by his children Estaban, Teresa, and Carlos, to the Rostrum.

OATH OF OFFICE ADMINISTERED

Speaker-elect Nunez appeared at the bar of the Assembly and took and subscribed to the following oath of office administered by the Honorable Teresa Sanchez-Gordon, Judge of the Superior Court, County of Los Angeles:

OATH

for the Office of Speaker of the California State 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 12:42 p.m., the Honorable Fabian Nunez, Speaker of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

**INTRODUCTION OF CONSTITUTIONAL OFFICERS
AND SPECIAL GUESTS**

Speaker Nunez introduced Superintendent of Public Instruction Jack O'Connell; Insurance Commissioner John Garamendi; Lieutenant Governor Cruz Bustamante; Attorney General Bill Lockyer; Secretary of State Kevin Shelley; Board of Equalization Members Hon. Bill Leonard (District 2), Hon. Claude Parrish (District 3), and Hon. John Chiang (District 4); Former Speaker of the Assembly Antonio R. Villaraigosa; Congressman Joe Baca and Hon. Alex Padilla, President, Los Angeles City Council.

Speaker Nunez introduced the Honorable Teresa Sanchez-Gordon, Judge of the Superior Court, County of Los Angeles, and Father Michael Kennedy, Pastor of the Dolores Mission Catholic Church, and expressed his special thanks for their participation in today's proceedings.

ADDRESS BY SPEAKER

Members, I am deeply honored by your vote of confidence and grateful for the opportunity to serve you once again as your Speaker. Thank you.

And let me thank especially the people who have given me life and who sustain me: my mother and father, Soledad and Pablo Nunez and my beautiful children Esteban, Teresa and Carlos, and their wonderful mother, Maria.

And to all the family members and friends of my fellow members, who are bursting with pride in the gallery, thank you for coming to share this historic moment.

Let's give them a round of applause.

My friends, that I—one of 12 children from a humble family—should have the good fortune to lead the California Assembly is a tribute to the unlimited opportunity in our Golden State.

It is testimony to the great workshop of democracy that the Assembly itself represents.

If we are, as some say, the “lower house,” that is only because we are down-to-earth, with our feet on the ground, connected to the people.

Here, in the people's house, the vulnerable can have as much impact as the powerful.

Here, average citizens can have the power to persuade and influence.

Here the many voices of California have a real chance to be heard.

Take pride ladies and gentlemen: The most representative body of state government, the closest to the people, and the best reflection of California's vibrant diversity is our great California Assembly.

We are a legislature of 80 elected members with a balance of Democrats and Republicans that reflects the votes cast for each party.

We are 25 women, 19 Latinos, 3 gay and lesbian Members, 4 African-Americans—including the first woman to serve in nearly a decade, Karen Bass of Los Angeles, and 7 Asian-Americans, including California's first Vietnamese-American Assembly member—Orange County's Van Tran, and one active-duty reservist—Colonel Tom Umberg.

To win a seat in this house, many of you had to fight in elections that were tough and, yes competitive.

The voters throughout California chose us to stand for them. And together we represent their collective will—one grand assembly, charged with the hope, trust and aspirations of the people of this great State.

As you have heard me say before, California is a state where hopes and dreams come true. And it is our job, our mission, to transform those hopes and those dreams into reality.

That's why, last year, we protected health care coverage for the children of working families and guaranteed that every child with a catastrophic illness receives adequate care.

That's why we made sure that the aged and disabled can stay in their homes and not be forced into institutions.

That's why we established tough rules to protect our communities from sexual predators when they are released from prison.

That's why we passed significant worker's compensation reforms that cut insurance costs for employers while making sure that injured workers get the care they need to go back to work.

That's why we increased support for K-12 students and provided them with thousands of new textbooks.

And it's why we protected our institutions of higher education and honored the promise of a public college education for each and every qualified student.

Our job is doing what is right and good for Californians—being tight-fisted with their money and open-minded toward their needs.

After traveling up and down California as Speaker, after meeting with CEOs from COSTCO to Qualcomm, after discussions with leaders in Silicon Valley and talks with small business owners up and down the state, I am more convinced than ever that we can—we must—foster a successful business climate without lowering the standard of living for our families.

Global interdependence does not mean sacrificing California's economic independence.

We have to protect and nurture The California Advantage—our innovative industries, our entrepreneurial spirit, our research universities, our environmental beauty and our greatest resource—the most productive workers in the world.

A key element in that productivity is health care. Unfortunately, we were unable, last year, to put into place legislation we passed on two fronts: to make prescription drugs more affordable, and to provide basic coverage to the six million Californians without insurance.

Sadly, as a result, millions of Californians are paying more for medications they need. Or simply going without them.

Our health care system is teetering on collapse, as employers, hospitals, and taxpayers are paying billions more to cover the costs of health care for those without insurance.

We cannot allow this to continue.

I offer the Governor a challenge, a challenge met out of a moral obligation we have as leaders, to join us in finding a solution to California's health care crisis.

We don't care whose idea it is, as long as it works.

We need a commitment from you, Governor. A commitment to sign legislation to halt the skyrocketing costs of prescription drugs. A commitment to provide health care to Californians that need—and deserve—insurance to protect their families.

On transportation, we have to resolve the funding crisis created by our budget problems and begin—again—to invest in highways and roads, ports, buses and trains.

We can launch innovative partnerships. Bring private capital to the table. Spur improvements in our transportation systems. Companies large and small throughout the state are counting on us to help make California the best place in the world to do business. Let's put more Californians to work.

We also must build on the historic efforts last session to cut pollution from cars, trucks and industrial equipment that threaten our environment and public health.

Now, it's no secret to anyone that I am passionate about public education. It's personal for me. My devotion to my studies kept me out of gangs and propelled me toward public service. I am living proof that a quality education is the great equalizer. The child of a janitor should have the chance to compete head-to-head with the child of a bank president.

So on my watch in the Assembly, we will not retreat on K-12 education. We will not shrink from our responsibility to our universities. And we will not waiver on our commitment to community colleges.

As we begin our work, we welcome the opportunity to consider recommendations for streamlining government from the California Performance Review. We already have identified dozens of proposals in the CPR that offer promise—from repairing the foster care system, to creating a one-stop business license center.

We, like the Governor, welcome all proposals to make government more efficient, more consumer-friendly and less cumbersome and costly. We favor genuine reform.

We want a government that is lean, but not mean.

And as long as we're thinking about reform, let's hope the governor will join us in sweeping away the loopholes in campaign finance laws that allow partisan political committees to masquerade as non-profit groups.

My friends, there are many political and ideological differences among us. We may disagree, we may struggle and argue. That is what a real democracy is all about.

But regardless of our partisan world views, we are bound together by our respect for our free and democratic process, our love of our country and state, and a common belief that if we work hard, play by the rules and treat one another with civility and respect, we can accomplish great things for California.

Let's dedicate ourselves to honor the oath we took here today. To advance the promise of our Golden State.

Thank you and God bless you. God bless America and the great State of California.

DELEGATION FROM THE SENATE

Senators Alquist, Campbell, Cox, Dutton, Kehoe, Lowenthal, Maldonado, Migden, and Simitian appeared at the rear of the Assembly Chamber to inform the Assembly that the Senate is organized and ready to proceed with regular business.

SPEAKER PRO TEMPORE APPOINTED

Speaker Nunez announced that he had appointed Assembly Member Leland Y. Yee to serve as Speaker pro Tempore of the Assembly.

APPOINTMENT OF SELECT COMMITTEE

Speaker Nunez appointed Assembly Members Arambula, Gordon, Keene, La Suer, Mountjoy, Pavley, and Salinas as a Select Committee on Escort to escort Speaker pro Tempore-elect Leland Y. Yee, accompanied by his wife Maxine, and the Venerable Shi De Ren, Elder of the Songshan Shaolin Temple of China, to the Rostrum.

OATH OF OFFICE ADMINISTERED

Speaker pro Tempore-elect Yee appeared at the bar of the Assembly and took and subscribed to the following oath of office administered by the Honorable Teresa Sanchez-Gordon, Judge of the Superior Court, County of Los Angeles.

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.

RESOLUTIONS

The following resolution was offered:

House Resolution No. 1

By Assembly Member Montanez.

*Relative to the Standing Rules of the Assembly
for the 2005–06 Regular Session*

STANDING RULES OF THE ASSEMBLY

2005–06 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 requires 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 applies only to the matter under immediate consideration, and in no case may it extend beyond an adjournment.

Amending Standing Rules

8. A standing rule of the Assembly may not 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 is the latest edition of Mason's Manual.

III. ORGANIZATION OF COMMITTEES

Standing Committees

11. Twenty-nine standing committees of the Assembly are hereby created, upon the several subjects, and titled respectively, as follows:

Aging and Long-Term Care
Agriculture
Appropriations
Arts, Entertainment, Sports, Tourism, and Internet Media
Banking and Finance
Budget
Business and Professions
Education
Elections and Redistricting
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
Veterans Affairs
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), may 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 is 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. A Member may not 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 consists of the members of the standing committee on the same subject as most recently constituted. The chairperson and vice chairperson is 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, have and may 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, a committee may not 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 acts as the executive committee of the Assembly. 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 has 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 has 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 has 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 created as a subcommittee of the Committee on Rules. The subcommittee is 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 appointment of the membership of this subcommittee.

(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 have and may 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. A Member or committee may not 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.

A Member may not 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 may 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 fact-finding 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, apply to the committee and 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 has 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.

A complaint may not 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) (1) 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.

An Assembly committee report may not 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.

An employee may not 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 possesses the powers and shall 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, including the Committee on Rules, and their respective chairpersons and vice-chairpersons. The Speaker has approval power over the appointment of subcommittees of standing and special committees, except as otherwise provided in Rule 14.5. The Committee on Rules consists of the Chairperson, Vice Chairperson and six other Members who shall be appointed by the Speaker in accordance with the process for appointing the membership of standing committees pursuant to this rule. Two alternate members of the Committee on Rules shall be appointed in accordance with the process for appointing members to the Committee on Rules. Members and alternates so appointed shall remain in office until their successors are selected as provided for in these rules. The Speaker may designate any member in lieu of or in addition to the alternate member to fill a temporary vacancy. An alternate member may serve when a committee member is absent.

(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 and to establish a procedure in accordance with Assembly Rule 118 for admitting employees of the Legislature to the Assembly Chambers, including the lobby in the rear of the chambers and any hallway or area of the floor that is adjacent to the desks occupied by the assistants to the Chief Clerk.

(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 is an 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 is 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 is 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 has the following duties, powers, and responsibilities:

(a) To keep 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 has 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 holds the office until the session reconvenes.

An affirmative recorded vote of a majority of the duly elected and qualified Members is 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 is 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, and is responsible 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, refers it to some other committee. The action to refer a bill is not 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. (a) 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.

(b) 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.

(c) When received at the Chief Clerk's desk each bill 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.

(d) The Committee on Budget may introduce a bill germane to any subject within the jurisdiction of the committee in the same manner as any member. Any other standing committee may introduce a total of five bills in each year of a biennial session that are germane to any subject within the proper consideration of the committee.

(e) No committee, except the Committee on Budget, may introduce or author a House Resolution, Concurrent Resolution, or Joint Resolution.

(f) A committee bill may not 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.

(g) Subdivision (d) or (e) of this rule may be suspended with respect to a particular bill or resolution by approval of the Committee on Rules.

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, an action may not 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 40 bills in the regular session. As used in this rule, "bills" includes constitutional amendments.

(b) Notwithstanding subdivision (a) of this rule, a Member may introduce not more than five resolutions in the regular session. As used in this rule, "resolutions" include House, Concurrent and Joint Resolutions, but do not include resolutions introduced by a Member for the specific purpose of organizing a session that is convened pursuant to Article IV, Section 3 (a) of the State Constitution or resolutions introduced by the Speaker as part of a session honoring a retiring Assembly Member.

(c) This rule may be suspended with respect to a particular bill or resolution 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, refer it to some other committee. A motion to refer a bill is not debatable, except as to the propriety of the motion, and it may 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. A committee or subcommittee may not 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 may 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.

Setting and Hearing Bills in Committee

56.1. All bills referred to a standing committee pursuant to Assembly Rule 51 shall be set and heard, if requested by the author, as specified by the Joint Rules. If the analysis of an author's amendment that is subsequently adopted pursuant to Assembly Rule 68 discloses that the amendment makes a substantial substantive change to the original bill as referred by the Rules Committee, the bill as amended shall either be set and heard by the committee having jurisdiction of the bill as amended or re-referred to the Committee on Rules pursuant to the Assembly Rules.

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 constitutes 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, is 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. An action taken by a committee may not 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 may 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 does 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. A chairperson of a standing committee may not 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 that Rule 58 has been complied with in the order of their listing. 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. A bill may not be considered or acted upon on the floor of the Assembly unless and until a copy of the bill as introduced, and a copy of each amended form of the bill, has been distributed to the desk of each Member in hard copy or in portable document format (PDF) via computer.

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. The Budget Bill may not be voted upon for final passage on the floor of the Assembly unless it complies with subdivision (f) of Section 12 of Article IV and Sections 1.3 and f20 of Article XVI of the California Constitution.

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. A bill, concurrent resolution, or joint resolution may not 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.

Analysis of Conference Committee Amendments

68.7. A report of a conference committee on any bill, other than the Budget Bill, that recommends the substantive amendment of a bill may not 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. A conference report may not 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) A conference committee on any bill, other than the Budget Bill or a bill that is making statutory changes to implement the Budget Bill, may not 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 is 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.

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, are not 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 does 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) A motion to amend a bill on the second or third reading file, other than committee amendments reported pursuant to Rule 57, is not 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 seven 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 (1) or (2) may be suspended temporarily by two-thirds vote of the Members present and voting. This subdivision does not apply to amendments to a bill to add or delete an urgency clause, or to incorporate one or more statutory amendments proposed in another bill to avoid superseding those amendments.

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. Any requirement that bills, conference reports, amendments, or an analysis be placed on the desks of the Members is satisfied by electronic distribution of the same information in portable document format (PDF) via computer 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. A bill may not 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 requires an affirmative recorded vote of 41 or more Members for adoption.

The adoption of any resolution authorizing the expenditure of money requires 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 may 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. Concurrence in any Senate Amendment to an Assembly bill requires the same affirmative recorded vote 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. An appeal is not 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 may not 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 may not be debated when relating to indecorum, the transgression of rules, or the priority of business. A majority vote of the Members present and voting decides 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 may not 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 is 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 may not 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 may not 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 is 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 an “amendment to an amendment” may not be amended. A motion to substitute is deemed to be a motion to amend and is 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. An 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 not 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.

A motion or proposition on a subject different from that under consideration may not be admitted as an amendment.

An amendment is not in order that changes the original number of any bill.

A Member may not be added or deleted as an author or coauthor of a bill or resolution without his or her consent.

Consideration of Motions

93. A motion, whether oral or written, may not 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) A bill or resolution may not 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 requires a majority of those members present and voting. A motion to withdraw a motion to withdraw is not 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 an action may not be rescinded and the record expunged by a vote less than an affirmative recorded vote of 41 or more Members. A motion to rescind the action and expunge the record may not 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. A motion to reconsider may not 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 takes 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 further action may not 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:

A motion to reconsider the vote whereby an Assembly bill is passed to the Senate is not 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 must 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:

A motion to reconsider the vote whereby a bill is passed is not 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:

A motion to reconsider the vote whereby an Assembly bill is passed to the Senate is not 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:

A motion to reconsider the vote whereby a bill is passed is not 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 must 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 requires 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 requires an affirmative vote of a majority vote of the Members present and voting. The motion to take up the reconsideration on the same day takes 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 is 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 requires 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 a person may not 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 a leave of absence has not 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.

A recess or adjournment may not 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.

A Member may not 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.

A Member may not 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 has the right to open and close the debate thereon. A Member may not 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. A Member may not yield to any other Member the time for which he or she is entitled to speak on any matter.

Rules of Decorum

108.1. (a) In accordance with Rule 10, Members of the Assembly shall conduct themselves in accordance with the rules of decorum specified in Sections 120 to 126, inclusive, of Mason's Manual of Legislative Procedure.

(b) Notwithstanding subdivision (a), the Committee on Rules may adopt additional rules of decorum by majority vote of the membership of the committee.

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. A Member may not absent himself or herself from attendance at any session of the Assembly without leave of the Assembly. A Member may not 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. A Member or other person may not 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. A cellular telephone may not be used on the floor of the Assembly during any session of the Assembly.

Meeting of the Assembly: Firearms

117.7. A person, except a peace officer acting within the scope of his or her employment, may not 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. A person other than Members of the Legislature, officers, employees of the Legislature, accredited members of the press, and guests may not 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. A lobbyist, as defined by Section 82039 of the Government

Code, may not, 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.

A 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 not be permitted in the area of the floor of the chamber which is occupied by the desks of the Members.

Business Attire

118.1. Notwithstanding any other provision of these Rules, a Member of the Legislature, officer or employee of the Legislature, accredited member of the press, or any other person may be admitted to the floor of the Assembly during any session only if dressed in appropriate business attire.

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. A motion to disqualify a Member is not 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.

CONSIDERATION OF HOUSE RESOLUTION NO. 1

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

HOUSE RESOLUTION NO. 1—Relative to the Standing Rules of the Assembly for the 2005–06 Regular Session.

Resolution read.

Motion by Assembly Member Cogdill

Assembly Member Cogdill moved that the adoption of the Rules be postponed until the first session in January.

Assembly Member McCarthy seconded the motion.

The roll was opened and the Cogdill motion lost by the following vote:

AYES—33

Aghazarian	Garcia	Leslie	Spitzer
Benoit	Harman	Maze	Strickland
Blakeslee	Haynes	McCarthy	Tran
Bogh	Horton, Shirley	Mountjoy	Villines
Cogdill	Houston	Nakanishi	Walters
Cohn	Huff	Niello	Wyland
Daucher	Keene	Plescia	
DeVore	La Malfa	Richman	
Emmerson	La Suer	Runner	

NOES—44

Arambula	Evans	Leno	Pavley
Baca	Frommer	Levine	Ridley-Thomas
Bass	Goldberg	Lieber	Ruskin
Bermudez	Gordon	Liu	Saldana
Calderon	Hancock	Matthews	Salinas
Chan	Horton, Jerome	Montanez	Torrico
Chavez	Jones	Mullin	Umberg
Chu	Karnette	Nation	Vargas
Coto	Klehs	Nava	Wolk
De La Torre	Koretz	Negrete McLeod	Yee
Dymally	Laird	Parra	Mr. Speaker

**Further Consideration of House Resolution No. 1
Unanimous Consent Granted**

In the absence of objection, Assembly Member Keene spoke in debate on House Resolution No. 1, subsequent to the closing of debate.

The question being on the adoption of the resolution.

The roll was opened and House Resolution No. 1 adopted by the following vote:

AYES—44

Arambula	Dymally	Laird	Pavley
Baca	Evans	Leno	Ridley-Thomas
Bass	Frommer	Levine	Ruskin
Bermudez	Goldberg	Lieber	Saldana
Calderon	Gordon	Matthews	Salinas
Chan	Hancock	Montanez	Torrico
Chavez	Horton, Jerome	Mullin	Umberg
Chu	Jones	Nation	Vargas
Cohn	Karnette	Nava	Wolk
Coto	Klehs	Negrete McLeod	Yee
De La Torre	Koretz	Parra	Mr. Speaker

NOES—33

Aghazarian	Garcia	Leslie	Spitzer
Benoit	Harman	Maze	Strickland
Blakeslee	Haynes	McCarthy	Tran
Bogh	Horton, Shirley	Mountjoy	Villines
Canciamilla	Houston	Nakanishi	Walters
Cogdill	Huff	Niello	Wyland
Daucher	Keene	Plescia	
DeVore	La Malfa	Richman	
Emmerson	La Suer	Runner	

House Resolution No. 1 ordered engrossed immediately.

RESOLUTIONS

The following resolution was offered:

House Resolution No. 2

By Assembly Member Nunez.

*Relative to election of officers of the Assembly for
the 2005–06 Regular Session.*

Resolved by the Assembly of the State of California, That the following named persons constitute officers of the Assembly for the 2005–06 Regular Session:

E. Dotson Wilson, Chief Clerk
 Ronald E. Pane, Chief Sergeant at Arms
 Father Constantine C. Pappademos, Chaplain
 Reverend Ivan L. Williams, Sr., Alternate Chaplain

CONSIDERATION OF HOUSE RESOLUTION NO. 2

On motion of Assembly Member Frommer, House Resolution No. 2 was taken up.

HOUSE RESOLUTION NO. 2—Relative to election of officers of the Assembly for the 2005–06 Regular Session.

Resolution read and adopted by the following vote:

AYES—78

Aghazarian	Emmerson	Laird	Richman
Arambula	Evans	Leno	Ridley-Thomas
Baca	Frommer	Leslie	Runner
Bass	Garcia	Levine	Ruskin
Benoit	Goldberg	Lieber	Saldana
Bermudez	Gordon	Liu	Salinas
Blakeslee	Hancock	Matthews	Spitzer
Bogh	Harman	Maze	Strickland
Calderon	Haynes	McCarthy	Torrico
Canciamilla	Horton, Jerome	Montanez	Tran
Chan	Horton, Shirley	Mountjoy	Umberg
Chavez	Houston	Mullin	Vargas
Chu	Huff	Nakanishi	Villines
Cogdill	Jones	Nation	Walters
Cohn	Karnette	Nava	Wolk
Coto	Keene	Negrete McLeod	Wyland
Daucher	Klehs	Niello	Yee
De La Torre	Koretz	Parra	Mr. Speaker
DeVore	La Malfa	Pavley	
Dymally	La Suer	Plescía	

NOES—None

Whereupon Speaker Nunez declared the following officers elected as the choice of the Assembly for the 2005–06 Regular Session of the Legislature:

E. Dotson Wilson, Chief Clerk; Ronald E. Pane, Sergeant-at-Arms; Father Constantine C. Pappademos, Chaplain; and Rev. Ivan L. Williams, Sr., Alternate Chaplain.

OATHS OF OFFICE ADMINISTERED

Chief Clerk-elect E. Dotson Wilson, Chief Sergeant-at-Arms-elect Ronald E. Pane, Chaplain-elect Father Constantine C. Pappademos and Alternate Chaplain-elect Rev. Ivan L. Williams, Sr., appeared at the bar of the Assembly and took and subscribed to the following oath of office, administered by the Honorable Teresa Sanchez-Gordon, Judge of the Superior Court, County of Los Angeles:

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 Montanez.

Relative to the organization of the Assembly for the 2005–06 Regular Session.

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; and be it further

Resolved, That the Chief Clerk or the Sergeant at Arms is authorized to receive from the Controller all warrants for the payment of Members, officers, and attachés of the Assembly; and be it further

Resolved, That the Chief Clerk shall provide copies of the Assembly Weekly Histories to the Legislative Counsel, Governor, Attorney General, and accredited newspaper representatives.

CONSIDERATION OF HOUSE RESOLUTION NO. 3

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

HOUSE RESOLUTION NO. 3—Relative to the organization of the Assembly for the 2005–06 Regular Session.

Resolution read and adopted by the following vote:

AYES—78

Aghazarian	Emmerson	Laird	Richman
Arambula	Evans	Leno	Ridley-Thomas
Baca	Frommer	Leslie	Runner
Bass	Garcia	Levine	Ruskin
Benoit	Goldberg	Lieber	Saldana
Bermudez	Gordon	Liu	Salinas
Blakeslee	Hancock	Matthews	Spitzer
Bogh	Harman	Maze	Strickland
Calderon	Haynes	McCarthy	Torrico
Canciamilla	Horton, Jerome	Montanez	Tran
Chan	Horton, Shirley	Mountjoy	Umberg
Chavez	Houston	Mullin	Vargas
Chu	Huff	Nakanishi	Villines
Cogdill	Jones	Nation	Walters
Cohn	Karnette	Nava	Wolk
Coto	Keene	Negrete McLeod	Wyland
Daucher	Klehs	Niello	Yee
De La Torre	Koretz	Parra	Mr. Speaker
DeVore	La Malfa	Pavley	
Dymally	La Suer	Plescia	

NOES—None

COMMUNICATIONS

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

December 6, 2004

E. Dotson Wilson

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed the following members to the Democratic Leadership for the 2005–06 Regular Session:

Speaker pro Tempore	Hon. Leland Yee
Assistant Speaker pro Tempore	Hon. Sally Lieber
Majority Floor Leader	Hon. Dario Frommer
Assistant Majority Floor Leader	Hon. Rebecca Cohn
Majority Whip	Hon. Karen Bass
Assistant Whip	Hon. Lori Saldana
Democratic Caucus Chair	Hon. Mark Ridley-Thomas
Rules Committee Chair	Hon. Cindy Montanez
Member of Rules	Hon. Betty Karnette
Member of Rules	Hon. Mervyn Dymally
Member of Rules	Hon. Joe Baca Jr.
Member of Rules	Hon. Joe Coto
Member of Rules—Alternate	Vacant
Budget Committee Chair	Hon. John Laird
Appropriations Committee Chair	Hon. Judy Chu

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

December 6, 2004

E. Dotson Wilson

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: This is to advise you that I have made the following appointments to Assembly Standing and Subcommittees, effective today, December 6, 2004:

Aging and Long-Term Care

I have appointed Assemblymember Patty Berg as Chair of the committee.

Agriculture

I have appointed Assemblymember Barbara Matthews as Chair of the committee.

Appropriations

I have appointed Assemblymember Judy Chu as Chair of the committee.

Arts, Entertainment, Sports, Tourism and Internet Media

I have appointed Assemblymember Ed Chavez as Chair of the committee.

Banking and Finance

I have appointed Assemblymember Ron Calderon as Chair of the committee.

Budget

I have appointed Assemblymember John Laird as Chair of the committee.

Budget Subcommittee #1—Health and Human Services

I have appointed Assemblymember Hector De La Torre as Chair of the subcommittee.

Budget Subcommittee #2—Education Finance

I have appointed Assemblymember Mervyn Dymally as Chair of the subcommittee.

Budget Subcommittee #3—Resources

I have appointed Assemblymember Fran Pavley as Chair of the subcommittee.

Budget Subcommittee #4—State Administration

I have appointed Assemblymember Rudy Bermudez as Chair of the subcommittee.

Budget Subcommittee #5—Information Technology/Transportation

I have appointed Assemblymember Pedro Nava as Chair of the subcommittee.

Business and Professions

I have appointed Assemblymember Gloria Negrete McLeod as Chair of the committee.

Education

I have appointed Assemblymember Jackie Goldberg as Chair of the committee.

Elections and Redistricting

I have appointed Assemblymember Tom Umberg as Chair of the committee.

Environmental Safety and Toxic Materials

I have appointed Assemblymember Ira Ruskin as Chair of the committee.

Governmental Organization

I have appointed Assemblymember Jerome Horton as Chair of the committee.

Health

I have appointed Assemblymember Wilma Chan as Chair of the committee.

Higher Education

I have appointed Assemblymember Carol Liu as Chair of the committee.

Housing and Community Development

I have appointed Assemblymember Gene Mullin as Chair of the committee.

Human Services

I have appointed Assemblymember Noreen Evans as Chair of the committee.

Insurance

I have appointed Assemblymember Juan Vargas as Chair of the committee.

Jobs, Economic Development and the Economy

I have appointed Assemblymember Juan Arambula as Chair of the committee.

Judiciary

I have appointed Assemblymember Dave Jones as Chair of the committee.

Labor and Employment

I have appointed Assemblymember Paul Koretz as Chair of the committee.

Local Government

I have appointed Assemblymember Simon Salinas as Chair of the committee.

Natural Resources

I have appointed Assemblymember Loni Hancock as Chair of the committee.

Public Employees, Retirement and Social Security

I have appointed Assemblymember Alberto Torrico as Chair of the committee.

Public Safety

I have appointed Assemblymember Mark Leno as Chair of the committee.

Revenue and Taxation

I have appointed Assemblymember Johan Klehs as Chair of the committee.

Transportation

I have appointed Assemblymember Jenny Oropeza as Chair of the committee.

Utilities and Commerce

I have appointed Assemblymember Lloyd Levine as Chair of the committee.

Veterans Affairs

I have appointed Assemblymember Mike Gordon as Chair of the committee.

Water, Parks and Wildlife

I have appointed Assemblymember Lois Wolk as Chair of the committee.

Joint Legislative Audit Committee

I have appointed Assemblymember Nicole Parra as Chair of the committee.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

The following communications were presented by the Chief Clerk and ordered printed in the Journal:

December 6, 2004

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

Dear Mr. Wilson,

I am submitting this letter to inform you that the Republican Caucus has again elected me to serve as the Republican Leader. This election was held on Thursday, November 4, 2004.

I am honored to serve as the Republican Leader.

Sincerely,

KEVIN MCCARTHY

Per Diem Waiver

December 6, 2004

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

Dear Mr. Wilson: This letter is to state for the record that I choose to waive my in session per diem for the 2004–05 legislative session.

Thank you for your assistance.

Sincerely,

DAVE JONES, Assembly Member
Ninth District

Per Diem Waiver

December 2, 2004

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

Dear Mr. Wilson: This is to notify you that I do not wish to receive any per diem payments.

Thank you for your assistance in this matter.

Sincerely,

ROGER NIELLO, Assembly Member-elect
Fifth District

Per Diem Waiver

December 6, 2004

*The Honorable E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Mr. Wilson: This is to state for the Assembly Journal record that I have decided to decline per diem for the 2004–05 legislative session.

Thank you for your attention to this matter.

Sincerely,

LOIS WOLK, Assembly Member
Eighth District

**At 12:32 p.m., Speaker pro Tempore Leland Y. Yee,
12th District, presiding**

ANNOUNCEMENTS

Speaker pro Tempore Yee announced the following schedule:

Floor Session, Monday, January 3, 2005, 12 Noon

State of the State Address by the Governor, Wednesday, January 5, 2005, 5 p.m.

DESK HELD OPEN

Speaker pro Tempore Yee announced that the Assembly Desk would be open until 4 p.m. today for the purpose of introduction of bills.

ADJOURN IN MEMORY

Assembly Member Frommer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of former state Senator Alfred H. Song, who served in the Assembly from 1963–1966 and in the Senate from 1967–1978; Bion Gregory, who served as the Legislative Counsel of California from 1976 to 2001; and Jeff Arthur, Chief Consultant for the Committee on Natural Resources.

ADJOURN IN MEMORY

Assembly Member Benoit was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Thomas Lee Rindels, of Palm Desert.

Assembly Member Hancock was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Richard C. Trudeau, of Lafayette.

Assembly Member Runner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tannis Brower, of Sacramento, and Lesley Peavey, of Antelope Valley.

Assembly Member Wolk was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Phoebe Ellen McGowan, of West Sacramento.

VOTE ADDS

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

House Resolution No. 1, Cogdill Motion: Cohn—Aye.

House Resolution No. 1: Canciamilla and Maze—No.

House Resolution No. 2: Mountjoy—Aye.

MOTION TO ADJOURN

At 1:26 p.m., Assembly Member Frommer moved that the Assembly do now adjourn.

Assembly Member McCarthy seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 1:27 p.m., Speaker pro Tempore Yee declared the quorum call of the Assembly dispensed with.

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—Baca Jr. An act to amend Section 51008 of the Education Code, relating to instruction.

ASSEMBLY BILL NO. 2—Benoit and Harman. 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 presidential electors.

ASSEMBLY BILL NO. 3—Blakeslee. An act to add Section 17208 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 4—Bogh and Garcia. An act to amend Sections 13352, 23546, 23550, 23550.5, and 23566 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 5—Canciamilla (Coauthors: Richman and Wolk). An act to amend Sections 10, 334, and 8125 of the Elections Code, relating to the Office of the Secretary of State.

ASSEMBLY BILL NO. 6—Chan and Vargas. An act to amend Sections 17041 and 17062 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 7—Cogdill (Principal coauthor: Maze) (Principal coauthor: Senator Cox) (Coauthor: La Malfa). An act to add Section 13007 to the Fish and Game Code, relating to sport fishing, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 8—Cohn. An act to amend Section 1367.635 of the Health and Safety Code and to amend Section 10123.86 of the Insurance Code, relating to health coverage.

ASSEMBLY BILL NO. 9—Coto. An act relating to education.

ASSEMBLY BILL NO. 10—Daucher. An act relating to health facilities.

ASSEMBLY BILL NO. 11—De La Torre. An act to add Section 36516.3 to the Government Code, relating to city councils.

ASSEMBLY BILL NO. 12—DeVore. An act to amend Section 5000 of, and to add Part 6 (commencing with Section 5800) to Division 5 of, the Probate Code, relating to nonprobate transfers.

ASSEMBLY BILL NO. 13—Goldberg (Coauthors: Bermudez, Chan, Chavez, Chu, Cohn, Coto, Hancock, Koretz, Laird, Lieber, Montanez, Pavley, and Ridley-Thomas). An act to add Article 3.5 (commencing with Section 221.2) to Chapter 2 of Part 1 of the Education Code, relating to schools.

ASSEMBLY BILL NO. 14—Harman. An act to amend Section 1352 of the Civil Code and to add Section 71.5 to the Revenue and Taxation Code, relating to common interest developments.

ASSEMBLY BILL NO. 15—Jerome Horton. An act to amend Section 51221.4 of the Education Code, relating to curriculum.

ASSEMBLY BILL NO. 16—Huff. An act to add Section 85305.5 to the Government Code, relating to the Political Reform Act of 1974.

ASSEMBLY BILL NO. 17—Koretz. An act to add Section 516 to the Public Resources Code, relating to coastal resources.

ASSEMBLY BILL NO. 18—La Malfa. An act to amend Section 8686 of the Government Code, and to amend Sections 195.89, 17207, and 24347.5 of the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 19—Leno, Nunez, Goldberg, Koretz, Laird, and Lieber (Principal coauthors: Senators Kehoe, Kuehl, and Migden) (Coauthors: Calderon, Chan, Chu, Dymally, Evans, Hancock, Jones, Levine, Montanez, Nation, Ridley-Thomas, Ruskin, Saldana, and Yee) (Coauthors: Senators Cedillo and Simitian). An act to amend Sections 300, 301, and 302 of, and to add Section 403 to, the Family Code, relating to marriage.

ASSEMBLY BILL NO. 20—Leslie. An act to amend Section 54.3 of the Civil Code, relating to disabled persons.

ASSEMBLY BILL NO. 21—Levine. An act to add Section 4069 to the Business and Professions Code, relating to pharmacy.

ASSEMBLY BILL NO. 22—Lieber, Liu, and Senator Kuehl (Coauthors: Goldberg, Hancock, Matthews, Pavley, and Runner). An act to amend Section 14023 of, to add the heading of Chapter 7.5 (commencing with Section 181) to Title 7 of Part 1 of, and to add Sections 181.1, 181.2, 181.3, 181.4, 181.5, 181.6, 181.7, 13519.13, 13823.17, and 13823.18 to, the Penal Code, relating to human trafficking.

ASSEMBLY BILL NO. 23—Liu. An act to amend Section 66010.4 of, to amend and repeal Sections 84750 and 84751 of, and to add Article 1 (commencing with Section 84700) to Chapter 5 of Part 50 of, the Education Code, relating to community college finance.

ASSEMBLY BILL NO. 24—Maze. An act to add Section 4810 to the Fish and Game Code, relating to mountain lions.

ASSEMBLY BILL NO. 25—McCarthy. An act relating to elections.

ASSEMBLY BILL NO. 26—Mountjoy. An act to amend Section 1810.2 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 27—Mullin. An act to amend Sections 15202 and 30053 of, and to add Section 68502.6 to, the Government Code, and to amend Section 1037 of the Penal Code, relating to trial costs.

ASSEMBLY BILL NO. 28—Nakanishi. An act to add Article 8 (commencing with Section 390) to Chapter 4 of Division 1 of the Business and Professions Code, relating to health care.

ASSEMBLY BILL NO. 29—Nava (Coauthor: Chavez). An act to amend Section 17052.2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 30—Negrete McLeod. An act to amend Sections 20069, 20282, 20303, 20305, 20822, 20894, 20896, 21023, 21024, 21027, 21029, 21117, and 31649 of, and to add Sections 20772.5, 20823, 20935, 20992, and 21029.5 to, the Government Code, and to amend Sections 215, 228, and 256 of the Military and Veterans Code, relating to public employees' retirement, and making an appropriation therefor.

ASSEMBLY BILL NO. 31—Parra. An act relating to economic development.

ASSEMBLY BILL NO. 32—Pavley (Coauthors: Chan and Laird) (Coauthor: Senator Simitian). An act to amend Sections 42801 and 42823 of the Health and Safety Code, relating to air pollution.

ASSEMBLY BILL NO. 33—Runner. An act to amend Section 272 of the Penal Code, relating to crime.

ASSEMBLY BILL NO. 34—Ruskin. An act to amend Section 25110 of the Revenue and Taxation Code relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 35—Spitzer. An act to amend Section 290.46 of the Penal Code, relating to sex offenders.

ASSEMBLY BILL NO. 36—Strickland. An act to add Article 6 (commencing with Section 36000) to Chapter 4 of Part 21 of the Education Code, relating to school district reorganization.

ASSEMBLY BILL NO. 37—Torrico. An act relating to taxation.

ASSEMBLY BILL NO. 38—Tran and Strickland. An act to amend Section 11564.5 of, and to add Section 11564.7 to, the Government Code, relating to state boards and commissions.

ASSEMBLY BILL NO. 39—Walters. An act to add and repeal Section 47605.4 of the Education Code, relating to charter schools.

ASSEMBLY BILL NO. 40—Wolk and Frommer (Coauthors: Canciamilla, Daucher, Garcia, Richman, and Salinas). An act to amend Section 86205 of, and to add Sections 84211.5 and 86119 to, the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 41—Yee. An act to add the heading of Chapter 7.5 (commencing with Section 181) to Title 7 of Part 1 of, and to add Sections 181.1, 181.2, 181.3, 181.4, 181.5, and 181.6 to, the Penal Code, relating to human trafficking.

**FURTHER INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 42—Nunez, McCarthy, and Senators Perata and Ackerman (Coauthors: Aghazarian, Arambula, Benoit, Bermudez, Bogh, Calderon, Canciamilla, Cohn, Coto, Daucher, De La Torre, DeVore, Emmerson, Evans, Garcia, Goldberg, Jerome Horton, Shirley Horton, Karnette, Levine, Liu, Matthews, Maze, Nava, Niello, Parra, Pavley, Plescia, Richman, Ridley-Thomas, Sharon Runner, Spitzer, Tran, and Wolk) (Coauthors: Senators Escutia, Figueroa, Kehoe, Kuehl, Maldonado, Ortiz, George Runner, Speier, and Vincent). An act to repeal Section 12174 of the Government Code, relating to the California History Center, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 43—Vargas. An act to amend Section 15342 of the Elections Code, relating to elections.

ASSEMBLY BILL NO. 44—Cohn. An act to add and repeal Section 129771 of the Health and Safety Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 45—Maze. An act to amend Sections 6906 and 15505 of the Elections Code, relating to presidential electors.

ASSEMBLY BILL NO. 46—Walters. An act to amend Sections 11054 and 11056 of the Health and Safety Code, relating to controlled substances.

ASSEMBLY BILL NO. 47—Cohn. An act to amend Section 104900 of the Health and Safety Code, relating to pneumonia vaccines.

ASSEMBLY BILL NO. 48—Lieber (Principal coauthor: Senator Dunn). An act relating to employment.

ASSEMBLY BILL NO. 49—Benoit. An act to repeal and add Sections 45103.1, 45103.5, 88003.1, and 88004.5 of the Education Code, and to add Section 3562.3 to the Government Code, relating to public education.

ASSEMBLY BILL NO. 50—Leno. An act to amend Section 667 of the Penal Code, relating to sentencing.

ASSEMBLY BILL NO. 51—Koretz. An act to amend Section 8152 of the Education Code, relating to apprenticeships.

ASSEMBLY BILL NO. 52—Jerome Horton. An act to amend Section 19577 of the Business and Professions Code, relating to horse racing.

ASSEMBLY BILL NO. 53—Negrete McLeod. An act relating to state government.

ASSEMBLY BILL NO. 54—Negrete McLeod. An act to amend Section 11011.15 of the Government Code, relating to state property.

ASSEMBLY BILL NO. 55—Mullin. An act to add Section 22955.1 to, and to repeal and add Section 22954.1 of, the Education Code, relating to state teachers' retirement, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 56—Wolk. An act to amend Sections 21456.2 and 21456.3 of, and to amend and repeal Section 21450 of, the Vehicle Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 57—Levine. An act to amend Section 1773.1 of the Labor Code, relating to public works.

ASSEMBLY BILL NO. 58—Nunez. An act to add Part 69 (commencing with Section 101000) to the Education Code, relating to education facilities, and 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.

ASSEMBLY BILL NO. 59—Cohn. An act to add Section 273.55 to the Penal Code, relating to domestic violence.

ASSEMBLY BILL NO. 60—Nunez. An act to add Section 42238.47 to the Education Code, relating to school finance.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 1—Calderon. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 12 of Article IV thereof, relating to the state budget.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 2—Hancock. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 19 of Article IV thereof, relating to gaming.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 3—Haynes. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 7.5 to Article I of the California Constitution, relating to marriage.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 4—Plescia and Harman (Coauthor: Bogh). A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XIX B thereof, relating to transportation.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5—Richman. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 8 to Article XX thereof, relating to public pension or retirement benefits.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 6—Wyland. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 26 to Article XX thereof, relating to public benefits.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 7—Nation. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of Article XIII A thereof, by amending Section 2 of Article XIII C thereof, and by amending Section 3 of Article XIII D thereof, relating to taxation.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 8—Maze. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of, and adding Sections 2, 3, and 4 to, Article XXI thereof, relating to elections.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 1—Negrete McLeod. Relative to Proposition 71 the California Stem Cell Research and Cures Initiative.

ASSEMBLY CONCURRENT RESOLUTION NO. 2—Cohn. Relative to Domestic Violence Awareness Month.

ASSEMBLY CONCURRENT RESOLUTION NO. 3—Cohn. Relative to California Holocaust Memorial Week.

ASSEMBLY JOINT RESOLUTION NO. 1—Bermudez and Tran (Coauthors: Chan, Liu, Matthews, Nakanishi, Negrete McLeod, Torrico, Umberg, and Yee). Relative to commemorative stamps.

ASSEMBLY JOINT RESOLUTION NO. 2—Evans. Relative to the full benefits of Filipino-American veterans of the United States Armed Forces.

ASSEMBLY JOINT RESOLUTION NO. 3—Cohn. Relative to the 32nd anniversary of Roe v. Wade.

REPORTS

The following reports were presented by the Chief Clerk:

**2003 California Beach Advisory Report
(Pursuant to Health and Safety Code Section 115910 (e))**

Above transmitted report, together with letter of transmittal from Celeste Cantu, Executive Director, Water Resources Control Board, referred by the Speaker to the Committee on Natural Resources.

Annual Contracting Activity Report (STD 810)

Above transmitted report, together with letter of transmittal from Tom DiGrazia, Secretary-Manager, Silver Dollar Fair, dated November 24, 2004, referred by the Speaker to the Committee on Utilities and Commerce.

**Legislative Analyst's Office (LAO) Study Report
on Certain Asset Transfers by Health Care Districts to
Nonprofit and For-profit Corporations
(Pursuant to Senate Bill 1508, Chapter 169, Statutes of 2000)**

Above transmitted report, together with letter of transmittal from Elizabeth G. Hill, Legislative Analyst, Legislative Analyst's Office, dated November 18, 2004, referred by the Speaker to the Committee on Health.

**Consultant Services Contract Annual Report
(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated November 29, 2004, referred by the Speaker to the Committee on Business and Professions.

**California Public Utilities Commission Annual Report
Fiscal Year July 1, 2003–June 30, 2004
(Pursuant to Public Utilities Code Section 316)**

Above transmitted report, together with letter of transmittal from Steve Larson, Executive Director, Public Utilities Commission, dated December 1, 2004, referred by the Speaker to the Committee on Utilities and Commerce.

**CSU Employment, Enrollment, Class Size, Course Section
and Expenditure Data
(Pursuant to Supplemental Report to the 2003 Budget Act)**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated November 29, 2004, referred by the Speaker to the Committee on Budget.

**Drug Manufacturing, Medical Device Manufacturing
and Home Medical Device Retailer Licensing
Costs and Fee Analysis
(Pursuant to Health and Safety Code Section 111656.1 (e))**

Above transmitted report, together with letter of transmittal from Jennifer Kent, Deputy Director, Legislative and Governmental Affairs, Department of Health Services, dated November 1, 2004, referred by the Speaker to the Committee on Health.

**Underground Storage Tank Cleanup Fund Report
(Pursuant to Health and Safety Code Section 25299-81 (d))**

Above transmitted report, together with letter of transmittal from Celeste Cantu, Executive Director, Water Resources Control Board, dated November 30, 2004, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

The following letters of transmittal were presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2004-010
December 2, 2004

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As required by Chapter 310, Statutes of 1995, the Bureau of State Audits presents its audit report concerning the Department of Transportation's (department) revenues and expenditures authorized by the Seismic Retrofit Bond Act of 1996 (Bond Act). This report concludes that the department has ensured that seismic retrofit projects funded with bond proceeds are consistent with the purpose of the Bond Act. As of June 30, 2004, the department had spent \$1.93 billion of the \$2 billion authorized by the Bond Act. In addition, the department has nearly completed its reimbursement of the State Highway Account and the Consolidated Toll Bridge Fund for expenditures incurred during fiscal years 1994-95 and 1995-96 as required by the Bond Act. As of June 30, 2004, the department had reimbursed the two funding sources \$95.7 million of the \$114 million that is owed to them.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Transportation.

California State Auditor

2004-117
December 7, 2004

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning our review of the city of Richmond (city) with a focus on the factors that contributed to its financial crisis. This report concludes that the city drained its financial assets and jeopardized its financial stability because it failed to control spending while its revenues decreased. Between 1998 and 2003, the city entered into agreements with its six employee unions that significantly increased salaries and improved

retirement benefits. Unreasonable budget estimates in fiscal years 2002–03 and 2003–04, some of which were intentional, and ineffective budget monitoring masked Richmond’s overspending and the city did not take timely action to reduce its costs.

In March 2004 the city introduced a corrective action plan to rectify the city’s deficit and build long-term financial health. Since that time, the city has taken steps to reduce its costs by renegotiating certain benefits in its labor agreements and increase its revenues by placing a half-cent sales tax increase on the November 2004 ballot that voters approved. Although the city is moving in the right direction, it is too soon to tell whether the actions the city has already taken and plans to take in the future will be sufficient to restore its financial health.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Local Government.

ADJOURNMENT

At 4 p.m., pursuant to the motion by Assembly Member Frommer, the Assembly adjourned until 12 noon, Monday, January 3, 2005, out of respect to the memory of former Senator Alfred H. Song, former Legislative Counsel Bion M. Gregory, and Jeff Arthur, on motion of Assembly Member Frommer; out of respect to the memory of Thomas Lee Rindels, on motion of Assembly Member Benoit; out of respect to the memory of Richard C. Trudeau, on motion of Assembly Member Hancock; out of respect to the memory of Tannis Brower and Lesley Peavey, on motion of Assembly Member Runner; and out of respect to the memory of Phoebe Ellen McGowan, on motion of Assembly Member Wolk.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

