

Volume 6

Journal of the Assembly

Legislature of the State of California

2003–04 Regular Session

December 2, 2002 to November 30, 2004

2003–04 First Extraordinary Session

December 9, 2002 to July 29, 2003

2003–04 Second Extraordinary Session

January 23, 2003 to February 18, 2003

2003–04 Third Extraordinary Session

November 18, 2003 to January 15, 2004

2003–04 Fourth Extraordinary Session

November 18, 2003 to November 30, 2004

2003–04 Fifth Extraordinary Session

November 18, 2003 to November 30, 2004



HON. FABIAN NUÑEZ
Speaker

HON. LELAND Y. YEE
Speaker pro Tempore

HON. SALLY J. LIEBER
Assistant Speaker pro Tempore

HON. DARIO FROMMER
Majority Floor Leader

HON. KEVIN MCCARTHY
Republican Leader

E. DOTSON WILSON
Chief Clerk of the Assembly

PAM CAVILEER
Minute Clerk

Volume 6

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CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 15

FINAL RECESS

Assembly Chamber, Sacramento
Friday, October 1, 2004

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 2003–04 Regular Session was printed while the Assembly was in Final Recess:

COMMUNICATIONS

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

September 8, 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 Joint Legislative Committee on Emergency Services and Homeland Security:

Assemblymember Christine Kehoe, Chair
Assemblymember Bob Dutton
Assemblymember Jerome Horton
Assemblymember Doug La Malfa
Assemblymember Jay La Suer
Assemblymember Alan Lowenthal
Assemblymember Gloria Negrete McLeod

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

September 24, 2004

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

RE: Appointment of David R. Field and Adrian Tatum
to Bureau of Naturopathic Medicine Advisory Council

Dear Mr. Wilson: Please be advised I have appointed Dr. David R. Field and Mr. Adrian Tatum to the Bureau of Naturopathic Medicine Advisory Council. Dr. Field's term appointment starts September 24, 2004 and the expiration date is June 1, 2007. Mr. Tatum's term appointment starts September 24, 2004 and ends June 1, 2008.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

October 1, 2004

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

RE: Appointment of Katharine B. Duhamel
to California Film Commission

Dear Mr. Wilson: Please be advised I have appointed Mrs. Katharine B. Duhamel to the California Film Commission. This is a pleasure appointment starting October 1, 2004 and the expiration date is October 1, 2006. Mrs. Duhamel will be replacing Mr. Mark Whitlock.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

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

September 2, 2004

Senator Don Perata
Majority Leader, State Senate
State Capitol, Room 313
Sacramento, California

Dear Senator Perata: On behalf of the state Assembly, I want to personally thank you for the lovely pen and ink set you have donated (valued at \$395.95) to the Assembly. I agree that it will make a wonderful accessory and I would like to let you know that it will be displayed in the Speaker's historical office in the west wing of the capitol.

I will be forwarding a copy of this letter to the Chief Clerk of the Assembly for inclusion in the Journal.

Sincerely,

JON WALDIE
Chief Administrative Officer
California State Assembly

September 14, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Nunez: The Senate Rules Committee has appointed the following members to serve on the Joint Legislative Committee on Emergency Services and Homeland Security (Res. Ch. 144, 2004): Senators McPherson (Vice Chair), Aanestad, Ashburn, Chesbro, Ducheny, Perata and Soto.

Sincerely,

JOHN L. BURTON
Chairman

Jeannie Oropeza, Program Budget Manager, Department of Finance, dated August 31, 2004, submitting letter of transmittal relative to the Outdoor Environmental Education Program (pursuant to Assembly Bill 1330, Chapter 663, Statutes of 2003). Referred by the Speaker to the Committee on Education.

Proposed Initiatives

The following communications were presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiative, pursuant to Elections Code, Section 9007:

**Waiting Period and Parental Notification
Before Termination of Minor's Pregnancy.**

Initiative Constitutional Amendment. SA 2004RF0024

Referred by the Speaker to the Committees on Judiciary and Health.

Car Decal Program. Initiative Statute. SA2004RF00225

Referred by the Speaker to the Committee on Transportation.

**Driver's Licenses. College Expenses. Public Benefits.
Eligibility of Illegal Aliens.**

Initiative Constitutional Amendment. SA2004RF0026, Amdt. #1-NS

Referred by the Speaker to the Committees on Judiciary.

REPORTS

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

California State Auditor

2004-106
August 26, 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 California's enhanced program for wireless 911 calls (wireless E911), which would communicate to emergency response dispatchers the locations and callback numbers of callers from mobile phones.

This report concludes that, under the leadership of the Department of General Services' 911 Office (General Services), California has addressed many of the concerns raised by two federal reports on the nationwide implementation of wireless E911. The implementation is a cooperative effort among various key players, including the California Highway Patrol (CHP), which currently answers most wireless 911 calls in the State; local answering points, some of which are opting to accept wireless E911 calls in their areas; and private wireless carriers and local exchange carriers. Although much work remains to be done, General Services expects to have wireless E911 implemented in most of the State by December 2005.

The CHP currently cannot determine if all its communications centers (centers) answer wireless calls promptly because it lacks a system to track wait times in 15 of its 24 centers. However, six of the nine centers that do collect wait-time information did not meet the state goal of answering 911 calls within 10 seconds. Wait times were high, in part, because dispatchers at CHP centers answered significantly more 911 calls per dispatcher than did the local answering points we contacted. Unfilled dispatcher positions at CHP centers contributed not only to longer wait times, but also to significant overtime costs for the CHP. To establish a benchmark for the number of staff to answer calls, the CHP needs a more reliable system to track the number of calls. The CHP does not expect the number of wireless E911 calls diverted to local answering points to exceed 20 percent statewide.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Utilities and Commerce.

California State Auditor

2003-124
August 31, 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 the Department of Health Services' (department) Medical Therapy Program (MTP).

This report concludes that some of the department's policies and practices result in higher state costs for the MTP. During fiscal year 2002-03, the department expended \$7.2 million from the State's General Fund to fully support certain county personnel associated with the MTP without the express statutory authority to do so. Under statute, the department is required to share in MTP costs equally with the counties, which should have resulted in the department expending only \$3.6 million for these costs. Moreover, we noted that the department could further reduce state costs by accurately identifying all revenue to the State's Medicaid program, the California Medical Assistance Program (Medi-Cal), and by using a greater proportion of this revenue to offset its costs. We estimate that the State's MTP costs could have been reduced by an additional \$1 million during fiscal year 2002-03 based on these Medi-Cal payments.

The audit also revealed that a majority of MTP claims are denied for Medi-Cal payment due to a child's lack of eligibility. In addition, the department improperly allows Medi-Cal to pay claims for services to MTP children who are not in special education without requiring that their other health care insurers, if any, be billed first. Further, the department's limits on the number of times Medi-Cal will pay for certain therapy procedures are a barrier to obtaining Medi-Cal reimbursement for MTP services and may be overly restrictive for children in the MTP. We also found that most counties we visited took reasonable steps to follow up on MTP claims denied for Medi-Cal payment. Finally, the relatively low dollar value of MTP claims in fiscal year 2003-04, payable by the Healthy Families Program, casts doubt on whether these payments will significantly reduce MTP costs in the future.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Health.

The following reports were presented by the Chief Clerk:

**Child Care Facilities Revolving Fund Program
2003–04 Annual Report**

(Pursuant to Assembly Bill 1578, Chapter 299, Statutes of 1997)

Above transmitted report, together with letter of transmittal from Jack O’Connell, State Superintendent of Public Instruction, Department of Education, dated August 5, 2004, referred by the Speaker to the Committee on Budget.

**Quarterly Hazardous Waste Fee Revenue Report
April 1, 2004 through June 30, 2004**

(Pursuant to Health and Safety Code Section 25178.1)

Above transmitted report, together with letter of transmittal from Ramon J. Hirsig, Executive Director, Board of Equalization, dated August 11, 2004, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Approved Blended and Integrated Teacher Preparation Programs:
A Report to the Legislature**

(Pursuant to Assembly Bill 1307, Chapter 565, Statutes of 2001)

Above transmitted report, together with letter of transmittal from Dr. Sam W. Swofford, Executive Director, Commission on Teacher Credentialing, dated August 12, 2004, referred by the Speaker to the Committee on Education.

**Use and Cost of References in General Civil Cases
(Pursuant to Code of Civil Procedure Sections 638(c), 639(e), and 640.5)**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated August 13, 2004, referred by the Speaker to the Committee on Judiciary.

**Mental Health Treatment Facilities
(Pursuant to Supplemental Report to the 2003 Budget Act
Item 5460-301-001)**

Above transmitted report, together with letter of transmittal from Walter Allen III, Director, Department of the Youth Authority, dated August 11, 2004, referred by the Speaker to the Committee on Budget.

**Property Tax Apportionments Report 2003
(Pursuant to Government Code Section 12468)**

Above transmitted report, together with letter of transmittal from Steve Westly, State Controller, dated August 11, 2004, referred by the Speaker to the Committee on Revenue and Taxation.

**Gas-Fired Power Plant NOx Emission Controls
and Related Environmental Impacts
(Pursuant to Supplemental Report of the 2003–04 Budget Act
Item 3900-001-0001)**

Above transmitted report, together with letter of transmittal from Alan C. Lloyd, Ph.D., Chairman, Air Resources Board, dated August 12, 2004, referred by the Speaker to the Committee on Budget.

**Accelerated Light-Duty Vehicle Retirement Program
(Pursuant to Health and Safety Code
Sections 44100(e)(10), 44104.5(b), and 44104.5(c))**

Above transmitted report, together with letter of transmittal from Alan C. Lloyd, Ph.D., Chairman, Air Resources Board, dated August 11, 2004, referred by the Speaker to the Committee on Transportation.

**Report to the Senate Committee on Environmental Quality and
the Assembly Committee on Natural Resources
(Pursuant to Public Resources Code Section 21080.5(k))**

Above transmitted report, together with letter of transmittal from Sandra S. Ikuta, Deputy Secretary and General Counsel, Resources Agency, dated August 9, 2004, referred by the Speaker to the Committee on Natural Resources.

**Franchise Tax Board Daily Compound Interest Rate Table
from 1/1/2005 through 6/30/2005
(Pursuant to Revenue and Taxation Code Section 19521)**

Above transmitted report, together with letter of transmittal from Larry Gilbert, Manager, Statistical Research Section, Economic and Statistical Research Bureau, Franchise Tax Board, dated August 17, 2004, referred by the Speaker to the Committee on Revenue and Taxation.

**Joint Enforcement Strike Force on the Underground Economy
(Pursuant to Unemployment Insurance Code Section 329)**

Above transmitted report, together with letter of transmittal from Herb K. Schultz, Acting Director, Employment Development Department, dated August 17, 2004, referred by the Speaker to the Committee on Labor and Employment.

**2004 Annual Report to the Legislature
(Pursuant to Welfare and Institutions Code, Section 14165)**

Above transmitted report, together with letter of transmittal from J. Keith Berger, Executive Director, California Medical Assistance Commission, dated August 19, 2004, referred by the Speaker to the Committee on Health.

**2004 Judicial Council Annual Report
(Pursuant to California Constitution, Article VI, Section 6)**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated August 16, 2004, referred by the Speaker to the Committee on Judiciary.

**CalPERS Commitment to Diversity Report, June 15, 2004
(Pursuant to Supplemental Report of the 2004 Budget Act)**

Above transmitted report, together with letter of transmittal from Fred Buenrostro, Chief Executive Officer, California Public Employees' Retirement System, dated August 17, 2004, referred by the Speaker to the Committee on Budget.

**2003 Utility Procurement of Goods, Services and Fuel
from Women, Minority, and Disabled Veteran-Owned Business Enterprises
(Pursuant to Public Utilities Code Section 8283(e))**

Above transmitted report, together with letter of transmittal from Steve Larson, Executive Director, Public Utilities Commission, dated August 30, 2004, referred by the Speaker to the Committee on Utilities and Commerce.

**Report on Actions Taken in 2003 to
Implement Government Code Section 12812.2
(Pursuant to Government Code Section 12812.2(c))**

Above transmitted report, together with letter of transmittal from Terry Hamminen, Secretary, California Environmental Protection Agency, dated August 11, 2004, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Consulting Services Contract Report
(Pursuant to Public Contracts Code, Section 10359)**

Above transmitted report, together with letter of transmittal from Herb K. Schultz, Acting Director, Employment Development Department, dated August 17, 2004, referred by the Speaker to the Committee on Labor and Employment.

**Private Industry Partners Report
(Pursuant to Vehicle Code Section 1685(g))**

Above transmitted report, together with letter of transmittal from Chon Gutierrez, Director, Department of Motor Vehicles, dated August 20, 2004, referred by the Speaker to the Committee on Transportation.

**2004 Evaluation of People with Developmental Disabilities
Moving from Developmental Centers into the Community
(Pursuant to Lanterman Act Section 4418.1)**

Above transmitted report, together with letter of transmittal from Dorothy M. Place, Ph.D., Project Director, California State University, dated, referred by the Speaker to the Committee on Human Services.

**Report on Use of Harbors and Watercraft Revolving Fund
(Pursuant to Harbors and Navigation Code Section 85.2 (b)(2))**

Above transmitted report, together with letter of transmittal from Ruth Coleman, Director, Department of Parks and Recreation, dated August 19, 2004, referred by the Speaker to the Committee on Budget.

**Annual Report CalVet Insurance Plans
(Pursuant to Military and Veterans Code Sections 987.2 and 989.7)**

Above transmitted report, together with letter of transmittal from Tom Johnson, FACHE, Secretary, Department of Veterans Affairs, dated September 1, 2004, referred by the Speaker to the Committee on Veterans Affairs.

**Second Semiannual Report on
Energy Settlements and Energy Litigation and Investigation Expenses
(Pursuant to Government Code Section 16428.6)**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated September 10, 2004, referred by the Speaker to the Committee on Judiciary.

**Consulting Services Contract Report for
Fiscal Year 2003–04
(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated September 10, 2004, referred by the Speaker to the Committee on Business and Professions.

**Implementation of Chapter 704, Statutes of 2000, SB 1703 (Escutia)
September 1, 2004 Report
(Pursuant to Senate Bill 1703, Chapter 704, Statutes of 2000)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated September 1, 2004, referred by the Speaker to the Committee on Human Services.

**Mentally Ill Offender Crime Reduction Grant Program
Annual Report
(Pursuant to Penal Code Section 6045.8)**

Above transmitted report, together with letter of transmittal from William J. Crout, Acting Executive Director, Board of Corrections, dated September 1, 2004, referred by the Speaker to the Committee on Public Safety.

**Actuarial Valuation Reports as of June 30, 2003 for
the California State Teachers Retirement System
(Pursuant to Education Code Section 22311)**

Above transmitted report, together with letter of transmittal from Jack Ehnes, Chief Executive Officer, State Teachers' Retirement System, dated August 31, 2004, referred by the Speaker to the Committee on Banking and Finance.

**Crime in California 2003
(Pursuant to Penal Code Section 13010(g))**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated September 20, 2004, referred by the Speaker to the Committee on Public Safety.

**Comprehensive Annual Financial Report
for the Fiscal Year Ended June 30, 2003**

Above transmitted report, together with letter of transmittal from Patricia Eberhart, Director, Finance and Administration Division, California Lottery, dated September 21, 2004, referred by the Speaker to the Committee on Governmental Organization.

**Peace Officer Training
on Mental Illness and Developmental Disabilities
(Pursuant to Penal Code Section 13515.25)**

Above transmitted report, together with letter of transmittal from Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, dated September 23, 2004, referred by the Speaker to the Committee on Public Safety.

**2003 Progress Report on the Phasedown of Rice Straw Burning in the
Sacramento Valley Air Basin
(Pursuant to Health and Safety Code Section 41865(n))**

Above transmitted report, together with letter of transmittal from Alan C. Lloyd, Ph.D., Chairman, Air Resources Board, dated September 23, 2004, referred by the Speaker to the Committee on Natural Resources.

**Legislation Necessary to Maintain the Codes
(Pursuant to Government Code Section 10242)**

Above transmitted report, together with letter of transmittal from Diane Boyer-Vine, Legislative Counsel of California, dated September 27, 2004, referred by the Speaker to the Committee on Judiciary.

**Reimbursable State Transportation Improvement Program (STIP)
Projects Implemented Prior to Allocation
(Pursuant to Assembly Bill 872, Chapter 572, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Janet S. Dawson, Assistant Deputy Director, Division of Legislative and Local Government Affairs, Department of Transportation, dated September 9, 2004, referred by the Speaker to the Committee on Transportation.

**Expenditure Plan: Agnews Transition
(Pursuant to Senate Bill 1113, Chapter 208, Statutes of 2004)**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Director, Department of Developmental Services, dated September 10, 2004, referred by the Speaker to the Committee on Budget.

**Homicide in California 2003
(Pursuant to Penal Code Section 13014)**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated September 20, 2004, referred by the Speaker to the Committee on Public Safety.

**Certified Disabled Veteran Business Enterprise (DVBE)
Small Business Contracting Activity**

and/or Race, Ethnicity, and Gender Business Ownership Reports from:

Business, Transportation and Housing Agency, Glenn Stober, Manager, Small Business Loan Guarantee Program, dated August 24, 2004;

California Energy Commission, Robert L. Therkelsen, Executive Director, dated August 26, 2004;

Gambling Control Commission, Nancy E. Bither, Deputy Director, Support Services, dated August 31, 2004;

Coastal Conservancy, Anna Schneider, Office Technician, dated September 3, 2004;

California State Teachers' Retirement System, Jack Ehnes, Chief Executive Officer, dated September 7, 2004;

Department of Insurance, Ronald J. Lucero, Chief, Business Management Bureau, dated September 7, 2004;

California Unemployment Insurance Appeals Board, Jennifer Burkhart, Procurement Analyst, dated September 8, 2004;

State Board of Equalization, Ramon J. Hirsig, Executive Director, dated September 16, 2004.

Referred by the Speaker to the Committee on Utilities and Commerce.

**2002-03 Emergency Medical Services Fund (EMS) Reports
(Pursuant to Health and Safety Code Section 1797.98b(a)) from:**

San Joaquin County, Elaine L. Hatch, EMS Director, dated August 11, 2004;

Trinity County, Angela C. Bickle, Deputy Auditor, dated August 20, 2004.

Referred by the Speaker to the Committee on Health.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 30, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 59 | Assembly Bill No. 1520 |
| Assembly Bill No. 649 | Assembly Bill No. 1586 |
| Assembly Bill No. 745 | Assembly Bill No. 1794 |
| Assembly Bill No. 854 | Assembly Bill No. 1825 |
| Assembly Bill No. 1222 | Assembly Bill No. 1841 |
| Assembly Bill No. 1298 | Assembly Bill No. 1873 |
| Assembly Bill No. 1324 | Assembly Bill No. 1897 |
| Assembly Bill No. 1432 | Assembly Bill No. 1914 |
| Assembly Bill No. 1493 | Assembly Bill No. 2032 |
| Assembly Bill No. 1504 | Assembly Bill No. 2148 |

And reports the same correctly enrolled, and presented to the Governor on the 30th day of August, 2004, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 30, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 2234 | Assembly Bill No. 2850 |
| Assembly Bill No. 2504 | Assembly Bill No. 2893 |
| Assembly Bill No. 2558 | Assembly Bill No. 2994 |
| Assembly Bill No. 2684 | Assembly Bill No. 3029 |
| Assembly Bill No. 2716 | Assembly Bill No. 3046 |

And reports the same correctly enrolled, and presented to the Governor on the 30th day of August, 2004, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 31, 2004

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

- Assembly Concurrent Resolution No. 193
- Assembly Concurrent Resolution No. 242
- Assembly Joint Resolution No. 85

And reports the same correctly enrolled, and presented to the Secretary of State on the 31st day of August, 2004, at 10 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 31, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 488 | Assembly Bill No. 2581 |
| Assembly Bill No. 1670 | Assembly Bill No. 2626 |
| Assembly Bill No. 1821 | Assembly Bill No. 2665 |
| Assembly Bill No. 1931 | Assembly Bill No. 2687 |
| Assembly Bill No. 1944 | Assembly Bill No. 2705 |
| Assembly Bill No. 2055 | Assembly Bill No. 2758 |
| Assembly Bill No. 2373 | Assembly Bill No. 2927 |
| Assembly Bill No. 2430 | Assembly Bill No. 2941 |
| Assembly Bill No. 2462 | Assembly Bill No. 3024 |
| Assembly Bill No. 2554 | |

And reports the same correctly enrolled, and presented to the Governor on the 31st day of August, 2004, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 1, 2004

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

Assembly Concurrent Resolution No. 148
 Assembly Concurrent Resolution No. 149
 Assembly Concurrent Resolution No. 152
 Assembly Concurrent Resolution No. 224
 Assembly Concurrent Resolution No. 225
 Assembly Concurrent Resolution No. 251
 Assembly Concurrent Resolution No. 253
 Assembly Concurrent Resolution No. 257
 Assembly Concurrent Resolution No. 258
 Assembly Joint Resolution No. 88

And reports the same correctly enrolled, and presented to the Secretary of State on the 1st day of September, 2004, at 10 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 1, 2004

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

Assembly Bill No. 30	Assembly Bill No. 2240
Assembly Bill No. 214	Assembly Bill No. 2295
Assembly Bill No. 252	Assembly Bill No. 2436
Assembly Bill No. 471	Assembly Bill No. 2485
Assembly Bill No. 939	Assembly Bill No. 2527
Assembly Bill No. 1876	Assembly Bill No. 2632
Assembly Bill No. 1959	Assembly Bill No. 2686
Assembly Bill No. 1979	Assembly Bill No. 2846
Assembly Bill No. 2054	Assembly Bill No. 2856
Assembly Bill No. 2056	Assembly Bill No. 2894

And reports the same correctly enrolled, and presented to the Governor on the 1st day of September, 2004, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 1, 2004

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

Assembly Bill No. 2916	Assembly Bill No. 3079
Assembly Bill No. 3034	Assembly Bill No. 3096
Assembly Bill No. 3047	

And reports the same correctly enrolled, and presented to the Governor on the 1st day of September, 2004, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 2, 2004

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

Assembly Bill No. 594	Assembly Bill No. 2342
Assembly Bill No. 736	Assembly Bill No. 2387
Assembly Bill No. 1431	Assembly Bill No. 2404
Assembly Bill No. 1846	Assembly Bill No. 2476
Assembly Bill No. 1898	Assembly Bill No. 2477
Assembly Bill No. 1910	Assembly Bill No. 2529
Assembly Bill No. 1946	Assembly Bill No. 2536
Assembly Bill No. 2040	Assembly Bill No. 2572
Assembly Bill No. 2201	Assembly Bill No. 2585
Assembly Bill No. 2317	Assembly Bill No. 2637

And reports the same correctly enrolled, and presented to the Governor on the 2nd day of September, 2004, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 2, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 2086 | Assembly Bill No. 2742 |
| Assembly Bill No. 2268 | Assembly Bill No. 3076 |
| Assembly Bill No. 2406 | Assembly Bill No. 3083 |
| Assembly Bill No. 2673 | Assembly Bill No. 3085 |
| Assembly Bill No. 2678 | Assembly Bill No. 3094 |

And reports the same correctly enrolled, and presented to the Governor on the 2nd day of September, 2004, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 2, 2004

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

Assembly Concurrent Resolution No. 234

And reports the same correctly enrolled, and presented to the Secretary of State on the 2nd day of September, 2004, at 4 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 3, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 50 | Assembly Bill No. 2028 |
| Assembly Bill No. 502 | Assembly Bill No. 2064 |
| Assembly Bill No. 710 | Assembly Bill No. 2075 |
| Assembly Bill No. 1199 | Assembly Bill No. 2093 |
| Assembly Bill No. 1408 | Assembly Bill No. 2168 |
| Assembly Bill No. 1592 | Assembly Bill No. 2208 |
| Assembly Bill No. 1723 | Assembly Bill No. 2213 |
| Assembly Bill No. 1845 | Assembly Bill No. 2222 |
| Assembly Bill No. 1875 | Assembly Bill No. 2304 |
| Assembly Bill No. 1881 | Assembly Bill No. 2395 |

And reports the same correctly enrolled, and presented to the Governor on the 3rd day of September, 2004, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 7, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 6 | Assembly Bill No. 2158 |
| Assembly Bill No. 107 | Assembly Bill No. 2170 |
| Assembly Bill No. 113 | Assembly Bill No. 2191 |
| Assembly Bill No. 263 | Assembly Bill No. 2205 |
| Assembly Bill No. 382 | Assembly Bill No. 2311 |
| Assembly Bill No. 955 | Assembly Bill No. 2316 |
| Assembly Bill No. 1721 | Assembly Bill No. 2409 |
| Assembly Bill No. 1857 | Assembly Bill No. 2533 |
| Assembly Bill No. 1950 | Assembly Bill No. 2600 |
| Assembly Bill No. 1964 | Assembly Bill No. 2681 |

And reports the same correctly enrolled, and presented to the Governor on the 7th day of September, 2004, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 7, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 2691 | Assembly Bill No. 2834 |
| Assembly Bill No. 2693 | Assembly Bill No. 2942 |
| Assembly Bill No. 2718 | Assembly Bill No. 3010 |
| Assembly Bill No. 2748 | Assembly Bill No. 3015 |
| Assembly Bill No. 2750 | Assembly Bill No. 3040 |
| Assembly Bill No. 2752 | Assembly Bill No. 3095 |
| Assembly Bill No. 2761 | |

And reports the same correctly enrolled, and presented to the Governor on the 7th day of September, 2004, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 8, 2004

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

Assembly Bill No. 32	Assembly Bill No. 1874
Assembly Bill No. 662	Assembly Bill No. 1878
Assembly Bill No. 675	Assembly Bill No. 1988
Assembly Bill No. 1012	Assembly Bill No. 2193
Assembly Bill No. 1127	Assembly Bill No. 2216
Assembly Bill No. 1299	Assembly Bill No. 2248
Assembly Bill No. 1470	Assembly Bill No. 2289
Assembly Bill No. 1643	Assembly Bill No. 2312
Assembly Bill No. 1696	Assembly Bill No. 2330
Assembly Bill No. 1701	Assembly Bill No. 2428

And reports the same correctly enrolled, and presented to the Governor on the 8th day of September, 2004, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 8, 2004

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

Assembly Bill No. 2531	Assembly Bill No. 2782
Assembly Bill No. 2611	Assembly Bill No. 2805
Assembly Bill No. 2702	Assembly Bill No. 2813
Assembly Bill No. 2713	Assembly Bill No. 2837
Assembly Bill No. 2724	Assembly Bill No. 2871

And reports the same correctly enrolled, and presented to the Governor on the 8th day of September, 2004, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 9, 2004

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

Assembly Bill No. 20	Assembly Bill No. 2015
Assembly Bill No. 466	Assembly Bill No. 2024
Assembly Bill No. 1079	Assembly Bill No. 2318
Assembly Bill No. 1383	Assembly Bill No. 2498
Assembly Bill No. 1489	Assembly Bill No. 2565
Assembly Bill No. 1655	Assembly Bill No. 2647
Assembly Bill No. 1812	Assembly Bill No. 2709
Assembly Bill No. 1960	Assembly Bill No. 2820
Assembly Bill No. 1963	Assembly Bill No. 2878
Assembly Bill No. 1994	Assembly Bill No. 2901

And reports the same correctly enrolled, and presented to the Governor on the 9th day of September, 2004, at 2 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 9, 2004

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

Assembly Bill No. 2950	Assembly Bill No. 3100
Assembly Bill No. 3008	Assembly Bill No. 3102
Assembly Bill No. 3056	Assembly Bill No. 3118

And reports the same correctly enrolled, and presented to the Governor on the 9th day of September, 2004, at 2 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 10, 2004

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

Assembly Joint Resolution No. 56

And reports the same correctly enrolled, and presented to the Secretary of State on the 10th day of September, 2004, at 2:15 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 10, 2004

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

- Assembly Bill No. 105
- Assembly Bill No. 2923

And reports the same correctly enrolled, and presented to the Governor on the 10th day of September, 2004, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 10, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 653 | Assembly Bill No. 2275 |
| Assembly Bill No. 824 | Assembly Bill No. 2283 |
| Assembly Bill No. 1362 | Assembly Bill No. 2286 |
| Assembly Bill No. 1465 | Assembly Bill No. 2303 |
| Assembly Bill No. 2030 | Assembly Bill No. 2306 |
| Assembly Bill No. 2035 | Assembly Bill No. 2343 |
| Assembly Bill No. 2072 | Assembly Bill No. 2412 |
| Assembly Bill No. 2079 | Assembly Bill No. 2435 |
| Assembly Bill No. 2080 | Assembly Bill No. 2446 |
| Assembly Bill No. 2233 | Assembly Bill No. 2514 |

And reports the same correctly enrolled, and presented to the Governor on the 10th day of September, 2004, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 10, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 2100 | Assembly Bill No. 2868 |
| Assembly Bill No. 2104 | Assembly Bill No. 2955 |
| Assembly Bill No. 2176 | Assembly Bill No. 2962 |
| Assembly Bill No. 2455 | Assembly Bill No. 3033 |
| Assembly Bill No. 2631 | Assembly Bill No. 3044 |
| Assembly Bill No. 2706 | |

And reports the same correctly enrolled, and presented to the Governor on the 10th day of September, 2004, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 10, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 338 | Assembly Bill No. 1711 |
| Assembly Bill No. 384 | Assembly Bill No. 1895 |
| Assembly Bill No. 890 | Assembly Bill No. 2855 |
| Assembly Bill No. 1338 | |

And reports the same correctly enrolled, and presented to the Governor on the 10th day of September, 2004, at 3:45 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 13, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 1510 | Assembly Bill No. 2288 |
| Assembly Bill No. 1829 | Assembly Bill No. 2384 |
| Assembly Bill No. 1860 | Assembly Bill No. 2628 |
| Assembly Bill No. 1886 | Assembly Bill No. 2744 |
| Assembly Bill No. 1982 | Assembly Bill No. 2790 |
| Assembly Bill No. 1990 | Assembly Bill No. 2867 |
| Assembly Bill No. 2004 | Assembly Bill No. 2956 |
| Assembly Bill No. 2007 | Assembly Bill No. 3050 |
| Assembly Bill No. 2128 | Assembly Bill No. 3090 |
| Assembly Bill No. 2132 | |

And reports the same correctly enrolled, and presented to the Governor on the 13th day of September, 2004, at 4 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 14, 2004

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

Assembly Concurrent Resolution No. 67
 Assembly Concurrent Resolution No. 252
 Assembly Joint Resolution No. 45
 Assembly Joint Resolution No. 60
 Assembly Joint Resolution No. 96

And reports the same correctly enrolled, and presented to the Secretary of State on the 14th day of September, 2004, at 10:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 14, 2004

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

Assembly Bill No. 269	Assembly Bill No. 1684
Assembly Bill No. 358	Assembly Bill No. 1733
Assembly Bill No. 366	Assembly Bill No. 1852
Assembly Bill No. 606	Assembly Bill No. 1867
Assembly Bill No. 658	Assembly Bill No. 2136
Assembly Bill No. 711	Assembly Bill No. 2285
Assembly Bill No. 857	Assembly Bill No. 2377
Assembly Bill No. 1119	Assembly Bill No. 2413
Assembly Bill No. 1126	Assembly Bill No. 2431
Assembly Bill No. 1155	Assembly Bill No. 2445

And reports the same correctly enrolled, and presented to the Governor on the 14th day of September, 2004, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 14, 2004

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

Assembly Bill No. 1227	Assembly Bill No. 2783
Assembly Bill No. 1353	Assembly Bill No. 2874
Assembly Bill No. 1369	Assembly Bill No. 2883
Assembly Bill No. 1558	Assembly Bill No. 2922
Assembly Bill No. 2587	Assembly Bill No. 3020
Assembly Bill No. 2657	Assembly Bill No. 3021
Assembly Bill No. 2666	Assembly Bill No. 3087

And reports the same correctly enrolled, and presented to the Governor on the 14th day of September, 2004, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 15, 2004

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

Assembly Bill No. 1796	Assembly Bill No. 2144
Assembly Bill No. 1896	Assembly Bill No. 2146
Assembly Bill No. 1957	Assembly Bill No. 2151
Assembly Bill No. 1958	Assembly Bill No. 2152
Assembly Bill No. 1975	Assembly Bill No. 2348
Assembly Bill No. 1987	Assembly Bill No. 2358
Assembly Bill No. 2042	Assembly Bill No. 2633
Assembly Bill No. 2066	Assembly Bill No. 2638
Assembly Bill No. 2127	Assembly Bill No. 2661
Assembly Bill No. 2129	Assembly Bill No. 2710

And reports the same correctly enrolled, and presented to the Governor on the 15th day of September, 2004, at 2 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 15, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 2722 | Assembly Bill No. 2943 |
| Assembly Bill No. 2821 | Assembly Bill No. 3018 |
| Assembly Bill No. 2838 | Assembly Bill No. 3065 |
| Assembly Bill No. 2884 | Assembly Bill No. 3088 |
| Assembly Bill No. 2895 | Assembly Bill No. 3098 |

And reports the same correctly enrolled, and presented to the Governor on the 15th day of September, 2004, at 2 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 16, 2004

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

- Assembly Concurrent Resolution No. 209
- Assembly Concurrent Resolution No. 248

And reports the same correctly enrolled, and presented to the Secretary of State on the 16th day of September, 2004, at 9:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 16, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 164 | Assembly Bill No. 1075 |
| Assembly Bill No. 578 | Assembly Bill No. 1077 |
| Assembly Bill No. 664 | Assembly Bill No. 1417 |
| Assembly Bill No. 671 | Assembly Bill No. 1782 |
| Assembly Bill No. 825 | Assembly Bill No. 2155 |
| Assembly Bill No. 864 | Assembly Bill No. 2165 |
| Assembly Bill No. 1010 | Assembly Bill No. 2466 |
| Assembly Bill No. 1020 | Assembly Bill No. 2596 |
| Assembly Bill No. 1068 | Assembly Bill No. 2891 |
| Assembly Bill No. 1074 | Assembly Bill No. 3017 |

And reports the same correctly enrolled, and presented to the Governor on the 16th day of September, 2004, at 10:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 16, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 95 | Assembly Bill No. 1367 |
| Assembly Bill No. 135 | Assembly Bill No. 1394 |
| Assembly Bill No. 242 | Assembly Bill No. 1486 |
| Assembly Bill No. 379 | Assembly Bill No. 1550 |
| Assembly Bill No. 421 | Assembly Bill No. 1839 |
| Assembly Bill No. 712 | Assembly Bill No. 1906 |
| Assembly Bill No. 780 | Assembly Bill No. 2103 |
| Assembly Bill No. 1009 | Assembly Bill No. 2120 |
| Assembly Bill No. 1253 | Assembly Bill No. 2122 |
| Assembly Bill No. 1297 | Assembly Bill No. 2682 |

And reports the same correctly enrolled, and presented to the Governor on the 16th day of September, 2004, at 4 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 16, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 1588 | Assembly Bill No. 3089 |
| Assembly Bill No. 2121 | Assembly Bill No. 3092 |
| Assembly Bill No. 3041 | |

And reports the same correctly enrolled, and presented to the Governor on the 16th day of September, 2004, at 4 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 17, 2004

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

Assembly Bill No. 923	Assembly Bill No. 2328
Assembly Bill No. 1148	Assembly Bill No. 2519
Assembly Bill No. 1426	Assembly Bill No. 2532
Assembly Bill No. 1629	Assembly Bill No. 2598
Assembly Bill No. 1650	Assembly Bill No. 2683
Assembly Bill No. 1858	Assembly Bill No. 2701
Assembly Bill No. 2251	Assembly Bill No. 2727
Assembly Bill No. 2252	Assembly Bill No. 3001
Assembly Bill No. 2277	Assembly Bill No. 3049

And reports the same correctly enrolled, and presented to the Governor on the 17th day of September, 2004, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 17, 2004

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

Assembly Bill No. 2115

And reports the same correctly enrolled, and presented to the Governor on the 17th day of September, 2004, at 4 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 20, 2004

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

Assembly Concurrent Resolution No. 235
 Assembly Concurrent Resolution No. 236
 Assembly Concurrent Resolution No. 243
 Assembly Concurrent Resolution No. 254
 Assembly Concurrent Resolution No. 255

And reports the same correctly enrolled, and presented to the Secretary of State on the 20th day of September, 2004, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 20, 2004

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

Assembly Bill No. 389	Assembly Bill No. 2006
Assembly Bill No. 1240	Assembly Bill No. 2807

And reports the same correctly enrolled, and presented to the Governor on the 20th day of September, 2004, at 2 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 20, 2004

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

Assembly Bill No. 2525

And reports the same correctly enrolled, and presented to the Governor on the 20th day of September, 2004, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 21, 2004

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

Assembly Concurrent Resolution No. 238

And reports the same correctly enrolled, and presented to the Secretary of State on the 21st day of September, 2004, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

MESSAGES FROM THE GOVERNOR

The following veto messages from the Governor were received and ordered printed in the Journal and the bills ordered to the unfinished business file:

Veto Message—Assembly Bill No. 2549

Governor's Office, Sacramento
August 27, 2004

To the Members of the California State Assembly:

I am returning AB 2549 without my signature.

While I understand the arguments behind this measure, I believe the nuances of the changes proposed may be too complex for many Californians who hire contractors to perform private works of improvement on their homes and private property.

Existing law, including lien protections and other "prompt pay" requirements, afford most contractors with sufficient protection to ensure payment on disputed payments. Additionally, I believe this bill will only further complicate the various disparate statutes regarding disputed payments between contractors and owners. This area of law that is very important to both the consumer and contractor has been amended piecemeal for far too long.

I am asking the Legislature to work on crafting a measure that would, not only simplify existing law, but ensure that California consumers are adequately protected and that contractors continue to be treated fairly while providing a consolidation and reform of this entire body of law.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1884

Governor's Office, Sacramento
August 27, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1884 without my signature.

I strongly support the need to provide law enforcement with as many tools as necessary to adequately protect the citizens of California. The process in current law ensures that if a prosecutor decides there is a need to broach a person's privacy in an investigation there is a process in place which balances the need of the investigation against a person's right to privacy. If an investigation is of sufficient importance as to merit electronic eavesdropping, a city attorney may seek the cooperation and assistance of those agencies which presently have the authority to do so.

City attorneys who prosecute misdemeanor cases are a vital component in the criminal justice system. While this bill would eliminate one extra step they currently must go through to obtain permission to record and use communications in an investigation, it is not a process that should be streamlined.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2370

Governor's Office, Sacramento

August 27, 2004

To the Members of the California Assembly:

I am returning Assembly Bill 2370 without my signature.

This bill establishes a new statutory evaluation for teachers and places unnecessary restrictions on the use of the student evaluations. Nothing in current law restricts teachers from voluntarily distributing non-binding student evaluations as proposed by this bill.

Furthermore, current law already requires teachers to go through a rigorous process of certification, re-certification, and professional development. Codifying this authorization in statute could conflict with existing teacher accountability protocols that adjudicate teacher quality.

Therefore I am unable to support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1822

Governor's Office, Sacramento

August 27, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1822 without my signature.

While I support the policy objective of conforming California's school enrollment policy to national immunization enrollment guidelines, I am concerned that the proposal would result in a reimbursable state-mandated local program with annual Proposition 98 costs of \$1.4 million. The budget does not provide funding for this purpose.

This bill would prohibit the admission of pupils transferring from other states who have not been immunized against either mumps or hepatitis B regardless of age or grade level. Most California students and all that enter in kindergarten have been immunized against these diseases and there is little risk of transmission of these diseases at school. I encourage schools to recommend to parents of students coming from other states and nations that have not already been immunized to do so and provide information on the availability of such immunizations through publicly supported medical programs.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1818

Governor's Office, Sacramento

August 27, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1818 without my signature.

Providing appropriate training for the safe operation of snowmobiles is good for public safety, however, AB 1818 fails to specify the elements necessary to complete a training course as required in the bill. If a training course is to be mandated it is important that there is statewide consistency provided through a program developed with safety experts and state agencies responsible for recreation and transportation. In addition, the bill does not clearly identify an appropriate state agency to enforce safety training requirements.

This bill attempts to regulate those businesses that provide snowmobile rental opportunities to the public. Specifically, this bill would require rental companies to provide safety training courses to renters, and provide equipment such as helmets, flashlights and shovels to renters, require guides to have cardiopulmonary resuscitation (CPR) training, and require adult supervision for persons under 16 years of age.

Although I am not signing this bill, I am directing the Department of Parks and Recreation to work with other appropriate state agencies to develop a program for safe snowmobiling to be offered to the public that is more comprehensive and enforceable by the state.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2408

Governor's Office, Sacramento

August 27, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2408 without my signature.

I fully support our state government serving the needs of our diverse population in an effective and comprehensive way. One way California does this is by hiring bilingual employees who are able to speak to the public in their own languages.

The Dymally-Alatorre Bilingual Services Act (Act) established clear guidelines for state agencies to recruit and retain bilingual staff for public contact positions. All state agencies are monitored by the State Personnel Board (SPB) for compliance with the guidelines and procedures of the Act and has the authority to ensure compliance. State agencies are currently required to submit an implementation plan every other year to report on their progress towards complying with the Act.

AB 2408 is duplicative of existing law and unnecessarily alters current reporting requirements that will not accurately reflect an agency's progress in complying with the Act. These additional requirements will increase the workload for all state agencies, including SPB, and could result in significant delays in the filling of critical

positions by prolonging the hiring process when vacancies need to be filled in various state departments and agencies.

Additionally, this bill will add a cumbersome and potentially costly exemption process to hire candidates for specified jobs and prolong the current hiring process which may jeopardize the successful and timely implementation of programs designed to improve services to all Californians.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2085

Governor's Office, Sacramento
August 27, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2085 without my signature.

While the intent of this bill is laudable, to reduce the number of rail crossing accidents, the approach is unlikely to achieve the goal. If drivers do not understand that dangerous driving at rail crossing is in itself dangerous, it is doubtful that expanding the list of related violations will have the hoped for deterrence the author seeks.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1466

Governor's Office, Sacramento
August 27, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1466 without my signature.

Litter prevention and recycling messages have proven to be an effective tool for conservation. While I believe it is important to utilize litter prevention and recycling messages throughout the State, I do not see it as good policy to place slogans into statute. In order for slogans to be effective, they need to include cultural and regional elements, as well as retain the ability to evolve with changing times. Placing a slogan in statute does not provide the necessary flexibility.

This bill establishes "Don't Trash California" and "California es tu casa. No hagas de ella un basurero," as the unified litter prevention and recycling slogan for California. This bill authorizes agencies to incorporate the unified message into all litter prevention and recycling messages, signs and advertisements.

Litter prevention is a priority for the State and there is preliminary data illustrating that pilot projects using these slogans have proven to be effective. Therefore, I am directing Agencies to incorporate these messages into signage and educational materials where appropriate.

For the aforementioned reasons, I am unable to sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 30th day of August at 9:33 a.m., of AB 2549, AB 1884, AB 2370 AB 1822, AB 1818, AB 2408, AB 2085, and AB 1466 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1707

Governor's Office, Sacramento

August 27, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1707 without my signature.

This bill reveals the next lawsuit abuse problem in California that is likely to drive businesses out of the state. By quadrupling the minimum fines associated with unintentional violations under the Disabled Persons Act (DPA), the bill will have the effect of extorting money from state and local governments much the same way violations under the Unruh Act extort money from small businesses. Instead of providing incentives to correct violations in buildings and facilities to assist the disabled community this bill will cause the focus to revolve around litigation.

Businesses are often faced with a lawsuit that has a potential to be financially damaging in defending or paying increased fines for mistakes such as the height of a sign that can be easily corrected.

It is unfortunate that legislation, such as AB 209 (Leslie) that would reform the system did not make it through the legislative process. I would welcome legislation that would provide an avenue for businesses or governments to correct potential violations prior to being subjected to fines or civil liability. The public policy goal should be to ensure public and private facilities are open to those with disabilities, not to penalize businesses financially for unintended violations that can easily be corrected once put on notice.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1790

Governor's Office, Sacramento

August 27, 2004

To the Members of the California Assembly:

I am returning Assembly Bill No. 1790 without my signature.

I see no reason for the Legislature to pass a bill stating its intention to consider an idea in the future.

The protection of students must be among our highest priorities and I am in full support of efforts to continue to do so. However, the enactment of this bill would not result in any substantive benefit or make any meaningful progress toward achieving that goal of enhancing the safety of school facilities.

Therefore I am unable to support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1885

Governor's Office, Sacramento
August 27, 2004

To the Members of the California Assembly:

I am returning Assembly Bill 1885 without my signature.

Although this measure correctly notes that biotechnology represents one of the most promising growth industries of this era and that industry-oriented bioscience training to address the workforce needs of the industry in the East Bay region is a laudable goal, legislation is not needed to create the East Bay Biotechnology Center at California State University, Hayward.

I encourage the California State University system, as well as other educational institutions, to work with the industry as well as the appropriate governmental agencies to address the workforce needs of this growing industry.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2655

Governor's Office, Sacramento
August 27, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2655 without my signature.

The Secretary of the California Department of Food and Agriculture has broad discretion to implement accurate weights and measures standards to assure consumer protection and confidence.

Submetering of water in multi-family housing units may assist in promoting water conservation. If consumers are to be charged based on volumetric consumption, accurate measurement is paramount. This bill authorizes the Secretary to enter into agreements with organizations certifying water submeters. This bill is unnecessary as there are currently no prohibitions on the Secretary to enter into any agreement with an organization to provide testing standards or services.

For these reasons I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2776

Governor's Office, Sacramento
August 27, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2776 without my signature.

It is inappropriate to bias the deliberations of the Quality Education Commission (QEC) by directing it to consider specific approaches and proposals. If enacted, this measure would send a message to the QEC that both the Legislature and the Administration already give special consideration to the particular approach outlined in the bill.

While I recognize that the Commission may study and recommend any changes to the existing school financing structure under its current authority, I do not want to prejudice the hearing debate of such important issues one way or another.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2973

Governor's Office, Sacramento

August 27, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2973 without my signature.

This bill would authorize hospitals to retain Independent Plan Reviewers (IPR), approved by the Office of Statewide Health Planning and Development (OSHPD), to review and certify plans for hospital construction or alteration, when such plans have projects costing more than \$50 million. The OSHPD would be allowed to delegate authority to a given hospital to retain an IPR for projects costing between \$20 million and \$50 million, if the OSHPD determines an undue delay may occur. AB 2973 would also establish a negotiable objective of 90 days for review and approval by the OSHPD. Additionally, this bill would provide that the State hiring freeze does not apply to positions supported by the Hospital Building Fund and would also exempt these positions from provisions of law requiring the abolition of vacant positions.

Although AB 2973 attempts to address the potential for delays of hospital construction projects, I am unable to agree with the proposed exemptions to future, potential hiring freezes and position vacancy management. Such personnel management flexibility is necessary given the current significant fiscal constraints of the State and these provisions would create a precedent that could hamper the ability of my Administration to address such fiscal concerns in the future.

Therefore, I am unable to support AB 2973 at this time, and I am returning this bill unsigned. However, I would be willing to consider a version of this bill that provides for IPRs, approved by the OSHPD, if such future legislation does not include the aforementioned exemptions to hiring freezes and vacancy management practices.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 31st day of August at 5:20 p.m., of AB 1707, AB 1790, AB 1885 AB 2655, AB 2776, and AB 2973 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

PAMELLA J. CAVILEER

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 2849

Governor's Office, Sacramento
September 10, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2849 without my signature.

I find no compelling reason for increasing the membership of the California State University Board of Trustees specifically to appoint a non-faculty union employee. Under current law, the Governor is authorized to appoint 16 at-large members to the Board, one of whom may be a non-faculty employee. Therefore, this bill is unnecessary.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1846

Governor's Office, Sacramento
September 10, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1846 without my signature.

This bill would only create more confusion of governance in the existing education system, if the Office of the Superintendent of Public Instruction (SPI) is the authority for provisions related to the No Child Left Behind (NCLB) Act and the State Board of Education (SBE) is the authority for all other federal programs. In addition, this bill would undermine the authority of the SBE.

Moreover, California has already submitted applications for various programs and received funding under the NCLB Act. This bill may force California to revise and resubmit current applications in order to meet the provisions of this bill, potentially jeopardizing receipt of federal funding.

This shift in authority proposed by the bill would also limit statewide public input. Although the SPI is an elected official, I believe it is important for education stakeholders—parents, students, teachers, administrators, and community members—to have an official venue for public testimony. The SBE holds public hearings on various K–12 education issues throughout the state for issues to be appropriately heard and considered.

For these reasons, I am unable to support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2373

Governor's Office, Sacramento
September 10, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill No. 2373 without my signature.

The Quality Education Commission (QEC) is charged with evaluating education financing models for the state to consider. It is inappropriate to bias the deliberations of the QEC, by directing it to consider specific approaches and proposals.

While I recognize that the Commission may study and recommend any changes to the existing school financing structure under its current authority, I do not want to prejudice the debate of such important issues one way or another.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1431

Governor's Office, Sacramento
September 10, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1431 without my signature because it would result in duplicative and inconsistent regulation of medical group claims.

While I support effective regulation of California's managed care delivery system, this bill would result in overlapping oversight of claims paid by medical groups that contract with HMO's. AB 1431 could require some medical groups that contract with HMOs to register with the Department of Insurance as third party administrators even though the Department of Managed Health Care also regulates their contracts.

Having two different agencies oversee medical group payment activity would lead to inconsistent regulatory requirements and confusion among provider groups. Instead, California government should be uncomplicated to facilitate an appropriate and straightforward regulatory climate which protects our health care delivery system.

For these reasons, I am returning AB 1431 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 10th day of September at 4 p.m., of AB 2849, AB 1846, AB 2373 and AB 1431 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 3083

Governor's Office, Sacramento
September 13, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 3083 without my signature.

This bill has the commendable goal of clarifying horseracing law. However, it adds a second definition of "Advance Deposit Wagering," that is slightly different to the existing definition in Business and Professions Code 19604. While the meaning is probably the same, I see no need to update the law in a potentially confusing manner.

"Takeout" is a commonly used term in the industry, but is not used in current law. There is no need to codify it at this time.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 13th day of September at 4:20 p.m., of AB 3083 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

LAWRENCE A. MURMAN
Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 2637

Governor's Office, Sacramento
September 15, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2637 without my signature.

This bill would require the California State University (CSU) to unnecessarily incur costs to hire independent investigators to examine all employee complaints of reprisal, retaliation, threats or coercion.

The California State University (CSU) employees are currently protected from retaliation for disclosing improper activities under the California Whistleblower Protection Act. Furthermore, in 2002 the CSU Chancellor issued Executive Order 882, establishing procedures for responding to complaints filed by CSU employees or applicants. The complaint review process includes an investigation and an opportunity for the complainant to present evidence and witnesses in support of the complaint.

The existing statutory and CSU Executive Order frameworks provide adequate protection for those that believe that they have been retaliated against for having reported improper activities. It is unclear how requiring CSU to employ an external investigator will provide a better process.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 745

Governor's Office, Sacramento
September 15, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 745 without my signature.

School district finances, including personnel salaries and related compensation, should receive thorough public scrutiny; however, this bill essentially duplicates existing reporting requirements.

Currently, the School Accountability Report Card, an annual school assessment, includes fiscal and expenditure data including the percent of the budget spent on teacher and administrative salaries. This report card is available to the public via district or county websites, and if not available by the Internet, can be obtained from the district upon request.

To the extent that the bill also creates another reimbursable state mandate with an estimated cost in excess of a half million dollars to provide information already available, this creates an unnecessary expenditure of already scarce education dollars that could be better used in the classroom.

Therefore, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2504

Governor's Office, Sacramento
September 15, 2004

To the Members of the California State Assembly:

I am returning AB 2504 without my signature.

The health and well-being of our children is a very important personal issue to me and I am supportive of the author's efforts to provide healthy food alternatives to California's schools. Unfortunately this bill includes language that would make its provisions contingent upon the enactment of SB 1566 (Escutia), which failed passage in the Assembly. As a result, even if signed, this bill would never become operative.

For this reason, I am unable to sign the bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2686

Governor's Office, Sacramento
September 15, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2686 without my signature.

This bill is unnecessary because school districts currently have the ability to implement a school lunch program that offers more low-fat options along with nutritional posting without the enactment of this measure.

I have long been committed to the physical health and fitness for kids and adults alike for many years and am concerned that childhood obesity rates have increased dramatically. Every child should be encouraged to pursue a healthy and active lifestyle. However, simply providing parents and students with nutritional information can only make a marginal change in behavior, unless it is coupled with more enforceable mechanisms.

The State should tackle important child obesity and health issues in a comprehensive manner, instead of the piecemeal approach to regulating nutrition in schools, as this bill contemplates.

For these reasons, I am unable to sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 15th day of September at 1:20 p.m., of AB 2637, AB 745, AB 2504, and AB 2686 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 2923

Governor's Office, Sacramento

September 15, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2923 without my signature.

When I signed the Executive Order in February of 2004 creating the California Performance Review, its mission was to make fundamental changes in state government, establish new procedures to create greater efficiencies, prioritize government functions, create true accountability over the fiscal management of state. CPR reviews government functions at all levels when there is interaction with state government.

Among its recommendations, the California Performance Review advocates for a more comprehensive approach to higher education governance restructuring. This bill may have merit in its intent to basically revitalize the California Postsecondary Education Commission, but we need to continue the work begun by the California Performance Review before enacting a measure like this.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2673

Governor's Office, Sacramento

September 15, 2004

To members of the California State Assembly:

I am returning Assembly Bill 2673 without my signature.

Coordinating efforts to protect federal wildlife areas, refuges, and national parks with all levels of government is important to assure these resources are protected and available for all to enjoy. The United States Department of Interior has an established procedure for disclaiming its interests in transportation and utility corridors maintained and controlled by county governments. This process includes general public and government participation, a 90 day comment period, and requirements on environmental review if the proposed use of the corridor is altered or intensified.

This bill requires local governments, prior to applying for transfer of a qualified recordable disclaimer of interest, to submit to the Secretary of Resources a statement of how the property will be used and certify compliance with applicable state environmental laws. This bill then requires the Secretary to refer these requests to appropriate state agencies for review. This additional layer of bureaucratic review will

likely not lead to additional protections, may prove as a disincentive for these transfers to occur, and will add additional unnecessary costs without identifying a pressing need.

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2593

Governor's Office, Sacramento
September 15, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2593 without my signature.

This bill is not necessary. The Public Utilities Commission (PUC) has been successfully administering the Self-Generation Incentive Program, offering financial incentives to utility customers that install new equipment to meet all or a portion of their facilities' electric energy needs. The PUC through Public Utilities Code Section 379.5, 379.6 and 701 grants authority to adjust that program. Therefore, this bill duplicates the PUC's existing authority.

The PUC already has the authority to rescind their collection of funds for the SGIP. Southern California Edison, the sponsor of this measure, is the only one of the investor-owned utilities whose SGIP program is over-funded. For example, Pacific Gas & Electric Company has transferred over \$15 million into this fund to meet program demand. The issue here may be over collection or it may be program implementation, however this is an issue that the PUC can resolve. This bill would duplicate existing PUC authority.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2893

Governor's Office, Sacramento
September 15, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2893 without my signature.

The Public Safety Officer Procedural Bill of Rights Act was intended to provide an additional layer of protection to peace officers due to the unique circumstances that they face while enforcing California's laws. Their job leads to a variety of public interactions and requires split-second decision making that could mean life or death for the officer or members of the community. While I recognize the vital service that coroners provide to the citizens of California, their job duties do not generally place them in situations that would necessitate the protections provided in this Act.

In addition, as public employees, coroners already have significant civil service protections. Mandating that they be covered by the Act would simply remove local decision making and increase State costs without providing a significant benefit to the public.

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2281

Governor's Office, Sacramento
September 15, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2281 without my signature.

AB 2281 would relocate the Rural Health Policy Council (RHPC) to the California Health and Human Services Agency and make technical changes to the law related to the RHPC.

While the proposal to relocate the RHPC from the Office of Statewide Health Planning and Development may have merit, these changes can be made administratively.

Furthermore, the report on the reorganization of state government by the California Performance Review (CPR) recommended the elimination of the RHPC. If after review and vetting of the CPR's recommendations the work of the RHPC is deemed to be vital to the rural healthcare constituents of California, then the decision will be made of whether it should be relocated.

For these reasons, I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 15th day of September at 4:45 p.m., of AB 2923, AB 2673, AB 2593, AB 2893 and AB 2281 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Jake Parnell.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 2462

Governor's Office, Sacramento
September 16, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2462 without my signature.

This bill would require an automatic annual cost-of-living and growth adjustment in State funding for home-to-school transportation commencing in the 2006-07 fiscal year. When I signed the 2004-05 Budget, it included \$14 million in growth and COLA for home-to-school transportation. However, I am concerned that this bill creates new General Fund cost pressures, constraining the state's ability to prioritize school funding. While I fully intend to honor my agreement with the education community to fund COLA and growth on education programs as appropriate, it would be irresponsible for me to restrict a future Administration's fiscal flexibility by requiring automatic spending increases on this program every year.

For the reasons stated above, I cannot sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2678

Governor's Office, Sacramento
September 16, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2678 without my signature.

I support the author's intention to lower textbook costs to college students, and am generally supportive of textbook rental programs as one means to make the overall cost of college attendance more affordable. However, I am opposed to provisions in the bill that would allow additional fees to be assessed to all students, even those not using the program, in order to keep a textbook rental service financially self sustaining.

Therefore, since nothing in current statute prohibits a California university or college from establishing and maintaining a textbook rental program, without these objectionable provisions, I cannot sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2311

Governor's Office, Sacramento
September 16, 2004

To Members of the California State Assembly:

I am returning Assembly Bill 2311 without my signature.

In the beginning of my administration I directed Secretary Tamminen to establish a working group to develop green building bank initiatives for both public and private buildings. Members of the working group include public sector decision makers, commercial real estate business owners and managers, energy experts and financial mangers. The group is currently developing recommendations for a comprehensive program to dramatically advance energy conservation as well as incorporate other green building principles into commercial buildings.

This bill is largely identical to an executive order passed in the prior administration. This order has not been rescinded and is still in effect. Since this bill would codify much of an existing executive order, it would not improve upon existing efforts to increase adoption of sustainable building practices in California.

For these reasons, I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1898

Governor's Office, Sacramento
September 16, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1898 without my signature.

This bill would change the composition of the Emergency Medical Services Commission (Commission) and add a new member.

The report on the reorganization of state government by the California Performance Review (CPR) recommended the elimination of the Commission. If after review and vetting of the CPR's

recommendations the work of the Commission is deemed to be vital to the emergency medical services system of California, then the decision will be made of whether its composition should be changed.

For this reason I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1362

Governor's Office, Sacramento

September 16, 2004

To Members of the California State Assembly:

I am returning Assembly Bill 1362 without my signature.

I have a strong respect for our State firefighters and for the hard work and sacrifices they perform daily to protect California and its citizens from harm. Nevertheless, I have been entrusted by the people of California to be prudent regarding our State's fiscal condition.

This bill requires the State and Members of Bargaining Unit 8 that are employed by the Department of Forestry and Fire Protection to enter into binding arbitration when negotiations have reached an impasse over economic issues. The third party arbitrator would have authority to mandate cost increases without any regard to revenue sources or streams, and without any accountability to taxpayers.

This bill would effectively require the Governor and the Legislature to surrender control of budget impacts to an outside arbitrator. This bill also removes the State's ability to manage the contract negotiation process with their employees and increases costs at a time when the State is recovering from a fiscal crisis.

This bill would eliminate any leverage the State has at the bargaining table to complete negotiation and reach agreement. With binding interest arbitration in effect, the parties would necessarily bargain solely to "position" for arbitration rather than to reach agreement. There would be no incentive whatsoever for the exclusive representative to attempt to reach agreement.

For these reasons, I cannot sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 16th day of September at 11:44 a.m., of AB 2462, AB 2678, AB 2311, AB 1898 and AB 1362 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1988

Governor's Office, Sacramento
September 16, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1988 without my signature.

While we always want to keep parents informed of a variety of issues, imposing the additional administrative duties proscribed in this bill would increase the cost on school districts by an estimated \$5.3 million annually. Since information concerning irradiated food is already available from a variety of sources, these funds would be better spent in the classroom.

Therefore, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 824

Governor's Office, Sacramento
September 16, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 824 without my signature.

Providing the five counties that opted to maintain administration of their In-Home Supportive Services (IHSS) program with increased State participation in wages and benefits is not feasible at this time. The estimated annual State General Fund cost increase of this bill is in excess of \$400,000. However, I do understand the need to re-evaluate whether these counties should be penalized for the choice they made. This issue is worthy of consideration in future budget discussions, but the state cannot afford to add additional costs to the current budget.

For this reason I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 649

Governor's Office, Sacramento
September 16, 2004

To the Members of the Assembly:

I am returning Assembly Bill 649 without my signature.

This bill would require the State to reinvest into the community-based services program for the developmentally disabled any General Fund savings that result from the State receiving increased federal financial participation (FFP) for those services. The bill requires the Department of Developmental Services (DDS) to consult stakeholders in developing budget proposals to reinvest these funds. The bill also requires the Department of Health Services (DHS) to make every effort to secure the maximum amount of federal funds for community-based services.

This bill will limit the State's flexibility to manage the budget by preventing the State from offsetting General Fund expenditures for community-based services to the developmentally disabled with increased federal funds. Receipt of additional federal funds gives the State flexibility to continue General Fund investments in services or to offset General Fund expenditures according to fiscal and policy

priorities. This flexibility to manage resources is particularly important during times of fiscal crisis. Given the current fiscal challenges facing California, it is critical that the State maintain all potential options for balancing the budget.

This Administration is committed to increasing California's share of federal funding, and our State agencies and departments continue to explore ways to maximize federal funds. The DDS and the DHS have been working on several projects to maximize federal funds for the developmental services system. The 2004 Budget continues to provide resources to the DDS to increase federal funds in several areas.

For the reason stated above I cannot sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 16th day of September at 3:52 p.m., of AB 1988, AB 824 and AB 649 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 2339

Governor's Office, Sacramento

September 16, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2339 without my signature.

The bill is unnecessary. I see no reason why a bill needs to be enacted into law that dictates the coordination of meeting schedules.

Nothing in current law would cause the State Board of Education, the California State University Board of Trustees, and the University of California Board of Regents to meet on the same day.

Therefore, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 17th day of September at 10:10 a.m., of AB 2339 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 2168

Governor's Office, Sacramento

September 18, 2004

To the Members of the California State Assembly:

I am returning AB 2168 without my signature.

When the Board of Barbering and Cosmetology was reviewed by the Joint Legislative Sunset Review Committee in 2002, the Committee originally recommended to repeal the voluntary license for instructors of barbering and cosmetology as these licenses are voluntary and the

standards and requirements to obtain them are flawed and outdated. However, the recommendation was amended to allow the Board one year to study and address this issue; to date the Board has failed to complete those guidelines.

This bill extends the repeal date of provisions related to barber and cosmetology instructor licenses and provides for the reinstatement of fees for instructor licenses.

The need for these licenses has not been demonstrated as both public and private schools have standards in place for barber and cosmetology instructors. Additionally, schools will still have the option of implementing additional standards to assure the competency of these instructors.

This bill does not provide additional consumer protection as it simply allows the Board to continue to study the issue of a voluntary license.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2035

Governor's Office, Sacramento
September 18, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2035 without my signature.

This bill would set a precedent for "double counting" some students in the School Facilities Program by allowing Regional Occupational Centers/Programs (ROC/Ps) and school districts to both receive funding for the same student. While I am supportive of the services provided by ROC/Ps, I cannot support this kind of funding mechanism.

For this reason, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2710

Governor's Office, Sacramento
September 18, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2710 without my signature.

This bill establishes a resident student fee policy that is inconsistent with the student fee policy provisions of the higher education Compact that I reached with the University of California and California State University systems. Therefore, I cannot sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2446

Governor's Office, Sacramento
September 18, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2446 without my signature.

This bill creates new funding pressures for limited bond funds at a time when existing bond funds for new school construction and modernization projects are insufficient to meet existing known needs.

Under current law, if demand for joint-use projects is less than existing available bond funds, those funds can be redirected for new school construction and modernization projects. Instead of expanding the projects eligible for joint-use funding, it is more important that the funds are available to ensure that sufficient school buildings are available for existing student needs.

The state's commitment to eliminate overcrowded classrooms, such as those used for Concept 6 school calendars is a high priority, and I believe the state should make that a higher priority than to expand the use of existing school bond funds for parks and preschool facilities.

For these reasons, I cannot sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1126

Governor's Office, Sacramento
September 18, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1126 without my signature.

Adjusting the per-pupil grant award for modernization projects on a monthly basis, rather than annually, as currently required by law, will add another level of administrative bureaucracy, and may create inequities in the level of funding received by districts for comparable projects that are progressing within months of each other.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 3010

Governor's Office, Sacramento
September 18, 2004

To the Members of the California State Assembly:

I am returning AB 3010 without my signature because I believe that it is unnecessary.

Working with the community colleges on a collaborative basis to modify the current plan review and approval process is a commendable goal, but this can be achieved more effectively and efficiently if addressed administratively, rather than statutorily. In fact, a great deal of work has already been done with stakeholders to identify the problems and successes of the existing process, timelines, schedules, responsibilities and goals.

I am directing the Department of General Services' Division of the State Architect to continue working with the Chancellor's Office of the community colleges to ensure a viable design, plan, and review process is in place, so that our community colleges are designed and built in a timely, efficient and cost-effective manner that serves the best interests of the State of California.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2832

Governor's Office, Sacramento
September 18, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2832 without my signature.

This bill would raise California's minimum wage to a level that would be the highest in the nation. According to the Employment Development Department, this will increase the costs to California employers by at least \$3 billion, and as much as \$4.4 billion.

In recent years, the high cost of doing business in California has driven away jobs, businesses, and opportunity. We have launched California's recovery by making our state a more attractive place to do business, so that employers will stay in our state, expand in our state, and create more jobs here.

Now is not the time to create barriers to our economic recovery or reverse the momentum we have generated. I want to create more jobs and make every California job more secure.

For these reasons, I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 18th day of September at 10:54 a.m., of AB 2168, AB 2035, AB 2710, AB 2446, AB 1126, AB 3010 and AB 2832 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 2871

Governor's Office, Sacramento
September 20, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill (AB) 2871 without my signature.

AB 2871 would eliminate the continuous requirement that a local government declare a state of emergency to authorize the operation of a syringe exchange program.

I am committed to the public health goal of reducing the transmission of HIV and Hepatitis C among injection drug users through syringe exchange programs. Current law requires that local governments renew their declaration of a local emergency due to a critical local public health crisis every two to three weeks. While cumbersome, this reauthorization ensures that local government and local public health officials review the status of the syringe exchange program when deciding to continue the program.

I am willing to reconsider the concept of this bill in the future if there are appropriate local control measures in place. It is imperative that local communities, public health officials and local law enforcement are

provided the opportunity to provide input to local leaders to ensure that the health benefits of a syringe exchange program outweigh any potential adverse impact on the public welfare.

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 20th day of September at 3:55 p.m., of AB 2871 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 858

Governor's Office, Sacramento

September 21, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 858 without my signature.

Existing statute already affords local school boards general control over all aspects of their interscholastic athletic policies, programs, and activities. Decisions regarding athletic teams names, nicknames or mascots should be retained at the local level.

At a time when we should all be working together to increase the academic achievement of all California's students, adding another non-academic state administrative requirement for schools to comply with takes more focus away from getting kids to learn at the highest levels.

For these reasons, I am unable to support this legislation.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1253

Governor's Office, Sacramento

September 21, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1253 without my signature.

This bill directs the Superintendent of Public Instruction to conduct a study, regarding home-to-school transportation, but identifies no funding for its completion. Currently, legislative members can request the Legislative Analyst's Office to conduct studies on their behalf, without any additional statutory authority. Therefore, this bill is unnecessary.

For this reason, I cannot sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1810

Governor's Office, Sacramento
September 21, 2004

To the Members of the California Assembly:

I am returning Assembly Bill 1810 without my signature.

Existing federal law adequately protects consumers from ATM fraud by limiting their liability for an unauthorized electronic funds transfer to \$50. Because consumers rarely lose money as a result of ATM fraud, it is unnecessary to place additional regulatory requirements on ATM operators.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1944

Governor's Office, Sacramento
September 21, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1944 without my signature.

This bill would allow schools to receive funding for time when students are volunteering as an elections precinct board member. While civic and other volunteer activities can offer many educational opportunities to students, these activities should be in addition to, and not in place of, valuable classroom learning time with a teacher.

For this reason, I am unable to sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2080

Governor's Office, Sacramento
September 21, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2080 without my signature.

Funding for a new cohort pursuant to the Academic Improvement and Achievement Act (AIAA) was not included in the final budget for 2004–05. I deleted the \$5 million augmentation because this small competitive grant program helps only 12 districts out of over 1,000 school districts in the state. The program has sufficient funding to complete the existing cohort. As previously stated, these funds should be spent for educational priorities agreed to with the education community to provide more flexible funding so local schools can fund their most important needs.

Therefore, I am unable to support this legislation.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2191

Governor's Office, Sacramento
September 21, 2004

To the members of the California State Assembly:

I am returning Assembly Bill 2191 without my signature.

I support the author's goal of giving the victim notice prior to the release of a person committed to a state hospital because they were found Not Guilty by Reason of Insanity. Victim's participation in the criminal justice process should be protected and that is why I have signed Assembly Bill 1504 to ensure proper notice of the release is provided by the local district attorney after being notified by the state.

AB 2191 would require the director of a State hospital to try and notify the victim. The local courts currently maintain case files with victim notification requests and contact information. It is inefficient to have the state try and duplicate this process versus having the courts and district attorney notify the victim.

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2330

Governor's Office, Sacramento
September 21, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2330 without my signature.

Volunteer Firefighters' Length of Service Award System (VFLSAS) is a local program that has historically been financed through local government participants. The program was established to provide an incentive and recruitment tool for local fire departments and districts that utilize volunteer firefighters by offering lifetime awards to their volunteer firefighters.

This bill requires that the administrative costs, now being paid by the local agencies for the VFLSAS program, be shifted to the State. This bill mandates funding from the General Fund at a time when the State is unable to absorb additional costs.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2536

Governor's Office, Sacramento
September 21, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2536 without my signature as the intent of this bill can be done administratively through the regulatory process and does not require legislation.

This bill requires the Department of Housing and Community Development (HCD) to establish building standards by January 1, 2006 regarding the installation of grab bars and non-skid flooring or mats in hotel bathrooms.

While the goals of the bill are laudable, they can be better accomplished through the building standards adoption process.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2850

Governor's Office, Sacramento
September 21, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2850 without my signature.

This bill requires private security service contractors to retain employees employed by the previous contractor for a period of at least 90 days. Since security concerns, particularly in California's high rises and government buildings, are higher than ever before, it is imperative that security service contractors are able to make the necessary staffing decisions that best provide the security their clients demand.

In many cases, a new contractor will call upon the knowledge and expertise of the existing employees in order to provide that protection. This is even more likely considering the amount of training required for private security guards under current law. Retaining current employees would not only provide the contractor this expertise but also save the contractor the costs of the training. A statutory mandate is not needed for contractors to appreciate these incentives.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2883

Governor's Office, Sacramento
September 21, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2883 without my signature.

The residents within the Santa Clara Valley Water District (District) are burdened with significant water quality challenges due to historic pollution from specific sites. These challenges may justify the District obtaining extraordinary powers for mitigation and cost recovery. However, the bill lacks the necessary parameters to ensure adequate due process for all.

This bill grants the district unprecedented responsibilities that more properly should be under the oversight of a Regional Water Quality Board. The District would have no obligation to follow applicable state water quality policies or plans, thereby leaving it to the District to determine water quality standards and remediation actions, rather than using scientifically established statewide standards.

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 3017

Governor's Office, Sacramento
September 21, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 3017 without my signature.

The \$1.25 million appropriation in this bill for the Advancement Via Individual Determination program (AVID) was not included in the 2004–05 Budget Act. I recognize the role that the AVID program has served in increasing underrepresented student access to advanced placement courses and higher education. Unfortunately, the State's limited resources do not allow for the continued level of support for the program. As I stated in my line-item reduction message, districts currently participating in the AVID program are encouraged to utilize existing staff development dollars to supplement AVID teacher training funding.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 3090

Governor's Office, Sacramento
September 21, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 3090 without my signature.

I agree with the author's intent to clarify the use of initiatives with regard to the California Environmental Quality Act (CEQA). However, the Secretary of Resources has already finalized the adoption of revisions to the CEQA Guidelines that include the court case referenced in this bill; therefore it is already a moot issue. If adopted, this bill will then cost additional taxpayer dollars to remove this obsolete provision in follow-up legislation.

This bill would require, on or before July 1, 2006, the Office of Planning and Research (OPR) to recommend proposed changes, and the Secretary of the Resources Agency (Resources) to certify and adopt, revisions to OPR's CEQA Guidelines in order to reflect the California Supreme Court's holding as specified.

For these reasons I am returning this measure without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 3102

Governor's Office, Sacramento
September 21, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 3102 without my signature.

The bill is unnecessary. Current law requires the chairs of the Legislature's elections committees to meet with the Secretary of State. This bill deletes that requirement and instead, requires the Secretary of State to meet with chairs and vice-chairs of the committee to report on

electronic voting systems. Who meets with whom and how often will have no effect on the integrity of the election process.

Sounds like a school yard fight to me.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 21st day of September at 1:19 p.m., of AB 858, AB 1253, AB 1810, AB 1944, AB 2080, AB 2191, AB 2330, AB 2536, AB 2850, AB 2883, AB 3017, AB 3090, and AB 3102 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

SUE PARKER

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1074

Governor's Office, Sacramento

September 21, 2004

To Members of the California State Assembly:

I am returning Assembly Bill 1074 without my signature.

This bill mandates that if a boxer is suspended for 30 days for their medical protection, due to a hard fight, a knockout or a technical decision, they must also take an additional neurological examination.

Currently, the physicians and surgeons on site have discretion to require boxers to have additional tests after boxers are knocked out or seriously injured. The medical community, involved with the profession of boxing, currently makes recommendations and takes necessary precautionary measures that will ensure the health and safety of these boxers.

Under current law, these types of special examinations require the boxer and the California Athletic Commission to share the cost of these types of examination. This bill mandates requirements on the Commission at a time when the Commission is facing financial difficulties to meet its current mandates.

Finally, the Commission states that over 10,000 boxers have taken the exam and only one has failed it. The Commission, along with the neurologists who have conducted over 80% of the examinations, believe the test is not an accurate measure of damage to the brain and therefor provides little safety protection for the boxer.

For the above reasons I cannot sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1075

Governor's Office, Sacramento
September 21, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1075 without my signature.

This bill is inoperative due to the failure of the Legislature to pass Senate Bill 592 (Denham), thus this bill would just place inoperative statutes in law.

I am therefore returning AB 1075 without my signature and without consideration of the policy it promotes.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2377

Governor's Office, Sacramento
September 21, 2004

To the members of the California State Assembly:

I am returning Assembly Bill 2377 without my signature.

This bill is another example of expanding state bureaucracy without demonstrating a need. It is a waste of taxpayer money to require the Department of Motor Vehicles to expend significant funds to provide for licensing of traffic violator schools that are currently approved at the local level by the courts.

I am signing Senate Bill 1269 which would have the Judicial Council consider all the issues involving traffic violator schools, including the use of traffic violator fees. It is sound fiscal policy to assess the current model prior to increasing regulation.

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2403

Governor's Office, Sacramento
September 21, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2403 without my signature.

This bill would create a misdemeanor offense of installing hidden video or photo equipment in a residence, without the resident knowing or consenting, in order to invade the privacy of the subject.

Our homes are where we enjoy the greatest expectation of privacy. Voyeurism in the home cannot be tolerated by the law, especially when the unwelcome looker is a roommate or someone with ready access to the whole house. For this reason I signed Senate Bill 1484 to specifically protect one's bedroom from intrusive acts of peeking or video recording. SB 1484 adequately addresses the specific problem of abusing the privilege of access to invade another's privacy.

However, AB 2403 is more broad and potentially criminalizes otherwise innocent video recording within the home if the subject unexpectedly engages in private or embarrassing conduct. Additionally,

AB 2403 creates confusion and redundancy in the statutes by adding a whole new section of law. SB 1484 is drafted tighter and better addresses the problem of voyeurism in the home.

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2647

Governor's Office, Sacramento
September 21, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2647 without my signature.

This bill is unnecessary. While I am a strong supporter of maintaining a quality academic assessment and school accountability system, of which the California High School Exit Exam (CAHSEE) is an important part, school districts currently receive uncapped supplemental instruction funding for any pupil who does not demonstrate sufficient progress toward passing the exit examination.

Therefore, I am unable to support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2841

Governor's Office, Sacramento
September 21, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2841 without my signature.

This bill would significantly change authority for proposing and approving school district reorganizations statewide without first having tested such reforms on a more limited basis. The proposed changes would increase the authority of individual school districts to petition for reorganization, and reduce the role of the State Board of Education in reviewing and approving certain types of district reorganizations.

While I am supportive of streamlining the process for school district reorganizations, I would rather test such changes on a pilot basis before permitting the authority statewide.

For these reasons, I cannot sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2956

Governor's Office, Sacramento
September 21, 2004

To Members of the California State Assembly:

I am returning Assembly Bill 2956 without my signature.

This bill increases the time period for members to move between retirement systems with reciprocity from six (6) months to 36 months.

I find no compelling policy reason why the existing mobility under the current system of reciprocity is not sufficient. Additionally, in the haste of last minute amendments, the bill actually creates an unfair advantage for only one group of members in the retirement system.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 3087

Governor's Office, Sacramento
September 21, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 3087 without my signature.

While I support the intent of the bill to accomplish recommendations of the Blue Ribbon Fire Commission, I have tasked the Resources Agency to strategize and prioritize the recommendations. Accordingly, it is premature to legislatively address a study of the State Emergency Plan and Mutual Aid System at this time. In addition, the Office of Emergency Services prepared an After Action Report for the 2003 Southern California Fires, which also contains specific recommendations that will be pursued. Finally, the study prescribed in this bill will require costs that are not identified in the current Budget Act.

For these reasons, I am returning Assembly Bill 3087 without my signature. However, I want to assure all Californians that public safety is a top priority of my Administration. Therefore, I am directing the Office of Emergency Services to continue working with the Resources Agency to implement the recommendations of the Blue Ribbon Fire Commission.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 21st day of September at 4:55 p.m., of AB 1074, AB 1075, AB 2377, AB 2403, AB 2647, AB 2841, AB 2956 and AB 3087 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

SUE PARKER

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 95

Governor's Office, Sacramento
September 22, 2004

To Members of the California State Assembly:

I am returning Assembly Bill 95 without my signature.

The Cemetery and Funeral Bureau currently has sufficient oversight authority to enable it to detect any problem with a licensed cemetery's endowment care fund. Additionally, since 1996, laws have provided the Bureau with more regulatory and enforcement authority to ensure that licensed cemeteries employ prudent business management practices to protect the financial and personal interests of consumers.

This bill raises the minimum amount required to be deposited into a cemetery's endowment care fund per plot. Currently, cemetery owners are able to increase the amounts they can collect to maintain their grounds and to guarantee future care of the property.

There is no demonstrated need for this bill and does not provide any greater consumer protection or industry safeguards that are not available under current law.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1918

Governor's Office, Sacramento
September 22, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1918 without my signature.

This bill would require school districts to provide additional disability compensation benefits to school employees, without requiring employees to contribute for the cost of those benefits. These benefits are currently subject to collective bargaining and are appropriately determined at the local level. Requiring all districts to provide this benefit could increase benefit costs and may not be of the highest priority for districts or their employees.

For these reasons, I cannot sign this bill, but would encourage school districts to work with their collective bargaining representatives to determine the need for this benefit.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2015

Governor's Office, Sacramento
September 22, 2004

To the Members of the California Assembly:

I am returning Assembly Bill 2015 without my signature.

This bill is unnecessary. While I appreciate the author's intent to provide foster youth with exceptional needs a voice in their individualized education program, I believe that current law already responsibly addresses this issue. This bill mandates that the foster youth with exceptional needs over the age of 13 be included on the individual education program team. Current law already requires the individual

education program team to include the individual with exceptional needs, whenever appropriate.

For this reason, I am unable to support this legislation.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2644

Governor's Office, Sacramento
September 22, 2004

To the members of the California State Assembly:

I am returning Assembly Bill 2644 without my signature.

Improving the quality of our air is a priority of my administration. Through the budget and other legislative efforts we have committed millions of dollars towards clean air programs that are assured to make significant improvements in air quality, including upgrading our aging school bus fleet to new cleaner burning less polluting busses.

However, AB 2644 is duplicative of existing state regulations for idling school buses and is unnecessary. This bill will limit the California Air Resources Board's discretionary authority to modify the program. Future refinements, such as changes to reporting and training provisions and other substantive and nonsubstantive amendments would need to go thorough the legislative process and be approved by the Governor. This is an unnecessary level of micro-management that the states regulatory system is designed to address.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2810

Governor's Office, Sacramento
September 22, 2004

To the Members of the California Assembly:

I am returning Assembly Bill 2810 without my signature.

This bill requires the California Department of Forestry and Fire Protection (CDF) to include in its enforcement report information on the costs of civil actions to recover administrative costs or impose a lien on real property and the amount of penalties imposed but not yet collected or adjusted.

The additional information required by this bill is already collected by CDF and available to the public, including the Legislature, upon request. Therefore, it is not necessary to increase staff workload to mandate additional information to be included in a report to the Legislature.

For this reason I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2813

Governor's Office, Sacramento
September 22, 2004

To the Members of California State Assembly:

I am returning Assembly Bill 2813 without my signature.

The bill is unnecessary because it is duplicative of federal efforts to notify employees that may be eligible for the federal earned income credit.

For this reason, I cannot sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2837

Governor's Office, Sacramento
September 22, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2837 without my signature.

This bill is unnecessary. The Labor & Workforce Development Agency and Division of Apprenticeship Standards has recently created a Quality Standards Committee, composed of both union and non-union apprenticeship program sponsors, to work with interested parties on the development of apprenticeship standards. Furthermore, requiring the withholding of reimbursements to apprenticeship programs for supplemental instruction may have the adverse effect on programs in migratory trades, slow-growth trades and highly technical or dangerous trades.

All apprenticeship programs already undergo an approval and oversight process through the Division of Apprenticeship Standards that is responsible for ensuring that these programs function effectively. Students or others who are concerned about the quality of any specific programs should bring their concerns to the Division.

Therefore, I am unable to sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2532

Governor's Office, Sacramento
September 22, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2532 without my signature.

A number of well-intentioned mandates have been placed upon California hospitals in recent years, including nurse-to-patient staffing ratios and seismic retrofit requirements. Hospitals will be spending billions of dollars in the coming years in order to comply with these mandates. As such, I believe we must carefully weigh additional mandates on hospitals in order to ensure the financial burden does not become too great or interfere with their ability to offer quality health care.

Because I am concerned about the financial burden hospitals are already under, I cannot support the costly mandate imposed on them by AB 2532. Although the goal of having all hospitals implement a standardized lift policy that includes lift teams and modern equipment is

laudable, it need not be mandated in statute. Procedures to limit injuries caused by the lifting patients should already be a part of a hospital's mandatory Injury and Illness Prevention Program (IIPP). If an individual believes a hospital's IIPP is insufficient, they may file a claim with the Division of Occupational Safety and Health. I believe this existing statutory protection and the accompanying workplace safety standards adopted by the Occupational Safety and Health Standards Board are sufficient to protect health care workers from injury.

Although I cannot support AB 2532, I encourage hospitals to review their lift policies to determine the extent to which they can develop lift teams and purchase machinery to assist in lifting patients. I also encourage hospitals to consider incorporating modern lift technologies into new construction and significant renovation projects, including their seismic retrofit activities.

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2289

Governor's Office, Sacramento
September 22, 2004

To The Members of the California State Assembly:

I am returning Assembly Bill 2289 without my signature.

The value of this mandate is questionable as this information is widely documented through studies written by private foundations and is readily available to individual consumers through health insurance agents and brokers.

Additionally, the Department of Managed Health Care already has access to the information mandated by this bill as health plans are currently required to submit the full premium cost of the health plan, copayment, coinsurance or deductible requirements and lifetime and annual maximums.

This bill adds to the existing regulatory morass thereby increasing the cost of doing business in California without adding any health and safety protections for Californians.

AB 2289 requires health plans and insurers to report to the Department of Managed Health Care and the Department of Insurance, on a one-time basis, a written statement describing what enrollees pay out-of-pocket for benefits.

For these reasons, I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 320

Governor's Office, Sacramento
September 22, 2004

To Members of the California State Assembly:

I am returning Assembly Bill 320 without my signature as it further erodes the ability to do business in California by creating more uncertainty regarding litigation and litigation costs.

This bill prohibits all businesses and professions licensed under the Department of Consumer Affairs (DCA) from inserting "gag clauses" in civil suits settled with customers.

When parties who are in dispute agree to settle, there should be some assurances that the dispute has been resolved in a satisfactory and final manner for both parties. Often settlements are reached when the cost of settlement is less than the cost of defense—even if a party believes they have not erred, it often makes economic sense to settle.

Under this bill a party who agrees to a civil settlement, could still file a complaint with a regulatory agency subjecting the licensee to double jeopardy. Even after the resolution of a civil suit, this bill could still require a licensee to a second adjudication before a regulatory body.

The policy implications of this bill does not further the goal of making California more business friendly, therefore, I cannot support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 671

Governor's Office, Sacramento

September 22, 2004

To Members of the California State Assembly:

I am returning Assembly Bill 671 without my signature as the requirements would be premature to the recommendations being considered by the California Performance Review (CPR).

This bill would require the Governor to annually submit a newly defined five-year workforce infrastructure plan to the Legislature in conjunction with his proposed budget. Currently, a five-year report is submitted regarding infrastructure on real and personal property, generally known as “hardscape.”

The bill defines and broadens the report to include “workforce infrastructure” for public instruction and libraries. Because there is a lack of clarity in the definition, the bill expands the report to include any item needed to support the school’s workforce, such as information or computer systems, equipment, supplies and requires the estimated costs. It would also require that a funding source be identified to pay for these items, including books and supplies for libraries.

This bill may require the State to engage in a planning process for identifying infrastructure needs for schools and libraries that are the responsibility of local government. Further, it is not clear how this bill would improve the State’s infrastructure planning process. Finally, this bill is not consistent with the CPR.

When I signed the Executive Order in February of 2004 establishing the CPR, its mission was to make fundamental changes in state government, establish new procedures to create greater efficiencies, prioritize government functions, create true accountability over the fiscal management of state resources. Further exposure of government must be fully reviewed and consolidated against existing state entities and programs.

The recommendations of this bill warrant careful review and consideration through the CPR process before enacting any legislation that makes substantial changes to the state’s infrastructure plan.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2891

Governor's Office, Sacramento
September 22, 2004

To Members of the California State Assembly:

I am returning Assembly Bill 2891 without my signature.

This bill would permit fellows who have completed one of the four Capital Fellows Programs to compete in promotional State civil service exams.

While I believe fellows who have completed and served in one of the four programs, are skilled, intelligent and knowledgeable, this bill is unfair by allowing these fellows to compete in exams under circumstances not available to State civil service employees or their fellow CSUS employees.

Employees of the State Legislature are only able to participate in promotional state civil service exams if they have served two or more consecutive years of employment. This bill would create an unfair standard by allowing fellows, who only serve a term of eleven months, the same eligibility.

There is no demonstrated need to warrant this bill as fellows currently interested in state employment currently have many opportunities for State employment through competition in the open State civil service exam system.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2752

Governor's Office, Sacramento
September 22, 2004

To Members of the California State Assembly:

I am returning Assembly Bill 2752 without my signature as it places a new, unnecessary filing requirement on California business.

This bill requires domestic and foreign corporations to file a copy of their corporate election procedures with the California Secretary of State. The bill would also make a copy of the procedures available to the companies' shareholders upon request.

This bill is unnecessary, as any corporation's bylaws and articles of incorporation, including its elections procedures, are available to the public through the Securities and Exchange Commission (SEC).

I encourage the author and sponsor to work with the SEC to make this information easier for investors to find, without placing a new filing requirement on companies seeking to do business in California.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2874

Governor's Office, Sacramento
September 22, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2874 without my signature.

I am concerned about hospitals and emergency rooms closing, but the Department of Health Services cannot mandate hospitals, who are likely struggling financially, to stay open for up to nine months to allow the

local governments to form local health care districts. Furthermore, requiring insolvent private hospitals to remain open, without county financial assistance during that time, could result in lower patient care standards due to rapid attrition of medical staff, hospital staff and suppliers during that time.

Mandating the sales price of a failing private facility to reflect the price of its use as a general acute care hospital is onerous regulation of the private marketplace. Instead, proper communication between a failing hospital and the community should provide the local government with first right of refusal of the facility at appropriate market rates.

This bill addresses the symptom of hospital closures and not the illness: the cost of providing care in California. Instead, the Legislature should focus on measures that foster success and solvency such as improving the regulatory environment, reducing the number of unfunded mandates that divert resources away from care and making health insurance premiums more affordable for our uninsured patients.

I encourage hospitals and counties to coordinate with one another with respect to hospital closures, but for the reasons stated above I am unable to sign this legislation.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2895

Governor's Office, Sacramento
September 22, 2004

To Members of the California State Assembly:

I am returning Assembly Bill 2895 without my signature.

One of the most important duties of the Governor of a state is to protect its citizens. Determining the true identity and history of an individual is a key component of that protection. This bill does not adequately address the security concerns that my Department of Homeland Security and I have and I cannot support it.

Receipt of Bills

I acknowledge receipt this 22nd day of September at 5:10 p.m., of AB 95, AB 1918, AB 2015, AB 2644, AB 2810, AB 2813, AB 2837, AB 2532, AB 2289, AB 320, AB 671, AB 2891, AB 2752, AB 2874 and AB 2895 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

SUE PARKER

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 2406

Governor's Office, Sacramento
September 23, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2406 without my signature.

This bill requires the State Fire Marshall to develop state regulations and statistical protocols requiring local firefighting agencies' to provide information to the state about local fire response times.

While I fully support ways of improving firefighting agencies' ability to respond quickly to fire incidents, this bill imposes an unnecessary and costly mandate without demonstrating any improvement in fire safety.

Fire protection service standards are directly dependent on the local decision-making process. Local agencies are in the best position to evaluate their conditions to match community needs with available resources.

For these reasons I cannot support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2146

Governor's Office, Sacramento
September 23, 2004

To the Members of the California Assembly:

I am returning Assembly Bill 2146 without my signature.

I share the author's concern for our marine resources and the safety of our State's fishing fleet. However, I am concerned that the significant changes this bill mandates in the Dungeness crab fishery should be considered and addressed through the Fish and Game Commission following its thorough review and open public hearing process.

One of the principal tasks of the Fish and Game Commission is the regulation and management of our State's fisheries. This bill enacts statutory changes to management of the Dungeness crab fishery that will complicate the Commission's ability to respond to fishery dynamics and render the fishery inflexible. Such an effort to preference one segment of the fishery over another should not be made without significant scientific and biological analysis, public discussion and consideration of alternatives. That is the role of the Fish and Game Commission.

I encourage the Legislature to vest the Commission with fishery management responsibility for Dungeness crab and then let the Commission proceed with the dozens of complex decisions necessary to effect sustainable fishery management.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1841

Governor's Office, Sacramento
September 23, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1841 without my signature.

This bill could weaken the accountability provisions of the Immediate Intervention for Underperforming Schools Program and the High Priority Schools Grant Program (IIUSP/HP). The IIUSP/HP program was designed to provide support for the development and implementation of action plans designed to improve the academic achievement of pupils in schools that have been designated as underperforming.

By allowing reorganized high schools to receive a share of incentive funding, this bill would limit the state's ability to track the programs of students originally enrolled at the participating high schools. Moreover, extending the timeframes to meet required performance growth targets

by an additional year would postpone state interventions at schools that have failed to meet their API growth target, and undermine the intent of the program.

For these reasons, I am unable to sign the bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2724

Governor's Office, Sacramento
September 23, 2004

To the Members of the California State Assembly:

I am returning AB 2724 without my signature.

I support the provisions of this bill that expand and streamline the existing Golden State Scholarshare program. Unfortunately, this bill also includes unrelated provisions that expand the powers of the California Educational Facilities Authority (CEFA) to allow financing of entities that can already be funded through the California Infrastructure and Economic Development Bank. Therefore, expanding that authority to CEFA is duplicative and unnecessary.

I encourage the Legislature to pass a consensus measure that includes only the provisions related to the Golden State Scholarshare Program.

For these reasons, I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 23rd day of September at 11:12 a.m., of AB 2406, AB 2146, AB 1841 and AB 2724 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Jake Parnell.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 366

Governor's Office, Sacramento
September 24, 2004

To The Members of the California State Assembly:

I am returning Assembly Bill 366 without my signature.

This bill requires the Department of Social Services to operate the Child Care Substitute Employee Registry Pilot Program until January 1, 2008. It would clarify that child care workers would be registered by the Substitute Employee Registry, rather than by the individual child care facility and that all substitute employee records would be maintained at the Substitute Employee Registry's regional office. This measure would take effect immediately as an urgency statute.

This bill provides that the Substitute Employee Registries are to be funded by a combination of licensing fees charged to participating registries and the reallocation of unearned child care contract funds, pursuant to Section 8278 of the Education Code. Despite the commendable negotiations between the author and the Department of Social Services, the licensing fees are not adequate for implementation

and the additional funding from Proposition 98 monies cannot be used for this purpose. The Education Code Section 8278 funds were intended for the provision of direct child care services.

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 517

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 517 without my signature.

Serious questions have arisen regarding the integrity of automated enforcement systems and so I am reluctant to support any effort to lengthen the period in which confidential records may be retained. I believe that the people of California have a reasonable expectation that any case arising from these systems will be handled promptly and any record quickly destroyed. Furthermore, this bill would not cut waste, but encourage inefficiency by more than doubling the amount of time permitted to complete a task.

For these reasons I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 711

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 711 without my signature.

I fully support the concept of streamlining and improving the oversight of California's private postsecondary and vocational education. However, this bill does not achieve that goal and could harm consumers, as it is unclear what authority the Bureau of Private Postsecondary and Vocational Education (Bureau) would have to sanction institutions that fail to comply with state laws. AB 711 falls short of its objective to streamline functions of the Bureau.

Therefore, I am unable to sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 736

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 736 without my signature.

This bill is premature, in that it places conditions on school districts' use of funding of school facilities bond measures passed after January 1, 2006. While I am very supportive of efforts to improve the environment

of California's classrooms, as well as promoting energy efficiency and conservation, this policy discussion more appropriately should be considered within the context of a comprehensive environmental policy involving energy efficient housing, schools and commercial properties.

Therefore, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 750

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 750 without my signature.

Although my Administration conceptually supports the framework and intent of AB 750, the bill would include speech language pathologists as qualified rehabilitation professionals. Speech language pathologist's training focuses on communication disorders, not neuromuscular and musculoskeletal systems, which most custom durable medical equipment (DME) is designed to accommodate. Including this professional group as qualified rehabilitation professionals will prevent the Department of Health Services (DHS) from establishing stringent criteria in their upcoming contractual agreements because DHS' requirements cannot be more restrictive than law.

Because this measure, as written, would undermine DHS' efforts to contain inappropriate Medi-Cal expenditures, I am returning AB 750 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1383

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1383 without my signature.

My Administration is committed to keeping Californians safe from those who want to harm us through acts of terror. This bill would arbitrarily appropriate specified amounts of money in the Antiterrorism Fund to listed cities and counties without establishing fair and neutral selection criteria. Allocating funds without strategically assessing where the greatest needs exist, will not improve our ability to prevent, deter or respond to acts of terrorism.

While I support local efforts to combat terrorism, the limited dollars in the Antiterrorism Fund should remain competitive among all political subdivisions of the state.

For this reason I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1486

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1486 without my signature.

I am supportive of using a competitive process for public works projects and understand that this bill is needed to clarify that process. However, this bill imposes restrictions on lease-leaseback contracts that could limit competition, inadvertently limit schools' flexibility, and drive higher administrative costs; thereby potentially increasing the overall cost of school facility construction.

For this reason, I cannot sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1897

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1897 without my signature.

The State Board of Education includes a student member whose participation brings a vibrant dynamic to the statewide policy debate. I am especially pleased with the contributions that the student member I recently appointed has brought to the current State Board. However, mandating that school districts appoint a preferential voting student member to local school board is unnecessary since existing law already provides a mechanism for student representation on local school boards. As such, I encourage all interested students to pursue the wonderful opportunity of being appointed to their local school board, under the provisions of current law.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1946

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1946 without my signature.

This bill could result in the release of prisoners convicted of serious and violent felonies. Additionally, medically incapacitated prisoners could be released, and this bill does not provide any mechanism to return these prisoners to custody in the event they somehow would become a threat to public safety, or the prisoner's condition were to improve to the point that they no longer were medically incapacitated.

This bill would modify the Department of Corrections (CDC) Compassionate Release program by allowing medically incapacitated inmates to be considered for release or resentencing. This bill would allow that the court may resentence or recall a sentence if the court finds that the conditions under which the prisoner would be released or

receive treatment do not pose a threat to public safety, and the prisoner is incapacitated by a medical condition that renders him or her permanently disabled.

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1963

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1963 without my signature because the bill is unnecessary.

I support the use of culturally competent models of service delivery that can improve health outcomes by reducing cultural and linguistic barriers to accessing the health care system. In particular, Promotores de Salud represent an effective means of serving California's increasingly diverse population. Indeed, several state-supported public health programs already use Promotores de Salud.

The Department of Health Services (DHS) can further promote this model of service through administrative action. Moreover, we should not single out in statute a specific model of outreach for a specific community, when we live in the most racially and ethnically diverse state in the nation.

Finally, this bill also has an indeterminate fiscal impact associated with requiring DHS to revise its standards related to funding for local programs.

For these reasons I am unable to sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2086

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2086 without my signature.

This bill would exempt specific county providers from the continuing enrollment process in the Medi-Cal program and thus would undermine the Administration's Medi-Cal Anti-Fraud Program and jeopardize the fiscal integrity of the program. Federal Medicaid statute requires all providers, including counties, to provide up-to-date, factual information to support their continuing eligibility as Medi-Cal providers. If a federal audit reveals that the Department of Health Services (DHS) did not obtain the required information, the consequence could be the loss of Federal Financial Participation.

The bill's language that exempts county-owned Federally Qualified Health Centers from the requirement to submit re-enrollment documentation to the state is contrary to federal law. The DHS is the single state agency for the Medicaid program and is charged with implementing program controls for the Medi-Cal program, including

the maintenance of accurate records for all providers. If these controls are not in place the state risks the loss of millions of dollars in federal program funds.

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2106

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2106 without my signature.

Under existing law, the Department of Finance already is required to provide an annual tax expenditure report to the Legislature containing specific information. This bill changes the type of information that is provided in the annual report. However, some of the information that Department of Finance would be required to report is not available. For example, the original intent of a given tax expenditure is often not clearly defined in the enabling statute. In addition, the number and income distribution of taxpayers benefiting from sales tax exemptions would not be known because this information is not required to be reported by retailers when filing their tax returns. Furthermore, some of the information might not be available for reporting to the Legislature because of existing confidentiality requirements.

Therefore, I cannot sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2189

Governor's Office, Sacramento
September 24, 2004

To Members of the California State Assembly:

I am returning Assembly Bill 2189 without my signature. This bill shifts the responsibility for ensuring immigration consultants file and maintain a bond from the Secretary of State to local city and district attorneys.

This bill requires a corporate surety to notify the local city attorney or district attorney of the county when an immigration consultant has cancelled their surety bond—bonds that immigration consultants are required to have under current law. Additionally, the bill sets forth a \$10,000 civil penalty for a corporate surety company's failure to comply and allows for a private cause of action against a corporate surety if they fail to notify.

Currently, the Secretary of State is responsible for administering the law requiring the filing and maintenance of bonds by immigration consultants. Corporate sureties already notify the Secretary of State when a bond is cancelled.

This bill does little to protect consumers against unscrupulous consultants, and instead subjects corporate surety companies to penalties and lawsuits for failure to notify.

This bill creates new exposures to penalties and litigation to an industry supplying protection to the consumer by bonding immigration consultants.

For these reasons I cannot support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2295

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2295 without my signature.

While I am generally very supportive of increasing student awareness of career opportunities and guidance in career technical education so that they can be better prepared in workforce competencies, no additional statutory authority is necessary for school districts to provide the services outlined in the bill. Therefore, this bill is unnecessary.

Furthermore, the California Performance Review (CPR) taskforce report will provide a more appropriate venue for consideration of these goals in concert with other components of a more preferable systemic approach to workforce preparation and career technical education.

Therefore, I am unable to support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2416

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2416 without my signature.

This bill is inconsistent with the State Board of Education's policy to ensure that classroom curriculum is rigorous, standards-aligned and research-based. Authorizing local districts to determine which supplemental instruction materials are scientifically based and standards-aligned does not necessarily provide that assurance. Furthermore, this bill could jeopardize the more than \$144 million in Reading First program funding that is provided to the State, if the supplemental instructional materials chosen by local educational agencies were found not to be based on scientifically based reading research. The United States Department of Education's policy guidance for Reading First programs requires that the state educational agency, California's State Board of Education, be responsible for ensuring that only programs based on scientifically based research can be funded through the Reading First program.

For these reasons, I cannot sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2705

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2705 without my signature.

This bill would increase the threshold that distinguishes petty theft from grand theft.

The threshold is a minimum value that allows district attorneys to charge a defendant with a greater offense and greater punishment if the value is exceeded. In practice, district attorneys use their discretion when reviewing theft cases to determine the severity of the crime, so that the charge matches the offense. The increase in the threshold would make it more difficult to appropriately charge a defendant for a theft that deserved a greater punishment.

For this reason I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2742

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2742 without my signature.

While I am supportive of the author's goal of providing adequate medical treatment and proper notification to inmates and wards, this measure would result in an increase in costs and bureaucracy while decreasing the time physicians spend with patients.

AB 2742 diverts the attention of prison doctors away from concerted efforts to improve medical care by requiring unnecessary procedural paperwork. This bill will not improve inmate health care as the author intends, but instead redirects resources and attention away from implementing the enhancements to the Inmate Medical Services Program.

For these reasons I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2744

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2744 without my signature.

The State's entire K-12 educational system: standards, textbooks, teacher training, assessments, accountability and intervention are built on the content standards as the foundation. The State Board of Education currently has the authority to review and revise the content and performance standards as the Board deems appropriate. The original standards were adopted through a public and inclusive process involving teachers, educators and content experts from around the state. Having the development under the authority of the State Board ensures that the public has access to all deliberations around the standards since the State Board is subject to the requirements of the Bagley-Keene

Opening Meeting Act. Therefore, I see no compelling reason to shift the duties for standards development from the State Board of Education to the State Superintendent of Public Instruction.

For these reasons, I cannot sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2868

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2868 without my signature.

This bill establishes an additional registration program for an industry that is already regulated. Creating a new program for the registration and oversight of these persons is an unnecessary bureaucratic solution. Consumer protections may be built in to the existing programs regulating tax preparers and others who may be providing these loans to consumers, without establishing a new government program.

For these reasons I am cannot sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2930

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2930 without my signature.

As currently written, this bill would place a significant barrier for law enforcement to discipline its officers who violate its policies and procedures.

Specifically, this bill would provide that information received during a criminal investigation from a union representative could not be used against the offending officer in a disciplinary action even though the same information could be used to discipline an officer if it came to light through a non-criminal investigation. For example, if during a criminal investigation of an officer information surfaces from the union representative that the officer has violated significant policies of the department but do not rise to a criminal action, the chief of police, sheriff, or warden would not be able to utilize that information to discipline the officer.

By creating such a loophole in the law, the possibility increases that a select few bad actors could perpetuate a code of silence or other actions that would jeopardize law enforcement's ability to police their own. The majority of our peace officers work very hard to protect the integrity of our justice system and the citizens of California. Providing an avenue for a small minority to escape discipline in appropriate situations will disparage the entire profession.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 24th day of September at 2:27 p.m., of AB 366, AB 517, AB 711, AB 736, AB 750, AB 1383, AB 1486, AB 1897, AB 1946, AB 1963, AB 2086, AB 2106, AB 2189, AB 2295, AB 2416, AB 2705, AB 2742, AB 2744, AB 2868 and AB 2930 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 113

Governor's Office, Sacramento

September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 113 without my signature.

The Off-Highway Vehicle Stakeholders Roundtable is a successful stakeholder advisory utility that has been able to develop consensus-based off-highway vehicle legislation and recommendations. I support balancing the priorities of the Off-Highway Motor Vehicle (OHV) Recreation Division between recreation and conservation. The best way to achieve balance is through the collaborative stakeholder process of the OHV Roundtable. This bill circumvents that process.

This bill requires the Off-Highway Motor Vehicle Recreation Commission to include an explanation of the impact of an expenditure made from the Off-Highway Vehicle Trust Fund and balances and of its statutory requirements. Additionally, this bill restates the protection of off-highway vehicle recreational opportunities as one of the purposes of the Off-Highway Vehicle Program.

For these reasons I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 606

Governor's Office, Sacramento

September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 606 without my signature.

California has many laws and regulations that protect an employee's right to adequate meal and rest periods, including a recently added statutory penalty against any employer who violates meal and rest period requirements. Yet, despite the strong foundation of California labor law and the numerous new laws added in recent years, the proponents of AB 606 believe that even more changes are needed.

AB 606 singles out one industry and places additional requirements on employers in that industry. Specifically, this bill would require longer rest periods and other accommodations for employees classified as hotel room attendants and would establish new reporting requirements and penalties for employers who fail to comply with these requirements.

These additional penalties and recordkeeping requirements will prove a disincentive to job creation and economic development, things California needs.

I believe the foundation of California labor law is strong. California does not need more labor laws, just tougher enforcement of its existing laws, especially in industries with high numbers of vulnerable workers and a history of labor law violations. The Labor and Workforce Development Agency is focusing its enforcement activities on these very workers and industries, and I would encourage the proponents of AB 606 to work with the Agency as it pursues the common goal of protecting California workers.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1148

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1148 without my signature.

This bill is essentially duplicative of Assembly Bill 2328 (Wyland), which addresses the state built-in gains tax issue in conformity with federal law for those former S corporations that were retroactively converted to state C corporations under 2002 legislation.

Therefore, because this bill is unnecessary I cannot sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1696

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1696 without my signature.

The provisions in this bill go beyond the scope of cleaning up the technical implementation issues raised concerning AB 1548 (Chapter 665, Statutes of 2003). The Legislature should pass a clean up bill in the next session that contains only the required technical fixes.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1812

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1812 without my signature.

AB 1812 would expand, until December 31, 2006, those authorized to perform the medical examination required of drivers who transport school children, the elderly or disabled, and farm laborers in vehicles. The bill would also require the DMV to submit a report, on or before December 31, 2006, regarding this authority granted to a physician's assistant, advanced practice nurse, or a doctor of chiropractic to perform these medical examinations.

This bill is unnecessary. Before reducing the current standard, the study required in this bill should be completed. I am directing the Department of Motor Vehicles to undertake this and make recommendations to the Secretary of Business, Transportation and Housing on how this issue should be dealt with.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2006

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2006 without my signature.

Developing a reliable cost effective energy supply for California is a top priority of my administration. To ensure investment and to develop electricity generation, California must provide for long-term resource adequacy, consistent with the State Energy Action Plan, in a manner that creates stability and predictability in wholesale markets. A transparent, competitive procurement process is essential to obtain the best possible deal for California ratepayers.

The California Public Utilities Commission (PUC) has acted on my request to accelerate resource adequacy requirements. I remain committed to meeting our future energy needs through a combination of energy efficiency, demand response, renewable energy and traditional generating resources.

This bill creates a redundant and burdensome energy procurement process that would steer the state back towards monopoly utilities without some of the consumer protections necessary to protect ratepayers. These provisions direct ratepayers to assume all the risk associated with electricity generation including cost overruns while ensuring utility profits.

Many of the provisions in this bill are unnecessary and duplicate existing statute or policy decisions that can be found in AB 57, PUC decisions, and Energy Commission proceedings. However, AB 2006 adds layers of mandates and process that favor monopoly utilities and will significantly delay ongoing proceedings at the commission, resulting in considerable delay in power plant construction.

I commend the author for including sections that address transmission siting and permit streamlining, along with an attempt to direct the PUC to report back on their progress to improve rate design.

Ensuring sufficient supplies of reliable, competitively priced electricity remains the cornerstone of my energy policy. I look forward to working with the legislature to continue to bring clarity and consistency to California's energy policy in the coming months.

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2213

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2213 without my signature.

This bill would require janitorial contracting businesses to register with the Labor Commissioner. California law contains extensive protections for workers, including some specifically designed to protect workers in the janitorial contracting industry. These workers do not need additional laws to protect them, but instead need existing laws to be fully enforced. The Labor and Workforce Development Agency, using its authority under existing law, was recently able to secure back wages for janitorial workers in excess of \$1.5 million.

As we work to make California a better place in which to do business, we should not establish new barriers that prevent employers from expanding their operations. This bill would also make successor contractors liable for wages and penalties owed by the previous contractor. The requirement that a successor contractor be held liable for the violations of the previous contractor will only serve to dissuade good employers from taking over business from those employers who choose to break the law. This does nothing to help those working for the unlawful employer, but merely keeps the good employer from expanding operations.

For these reasons, I am unable to sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2283

Governor's Office, Sacramento
September 24, 2004

To Members of the California State Assembly:

I am returning Assembly Bill 2283 without my signature.

Ensuring that persons have access to information and referral to social services is of great importance to me. However, it is premature to enact legislation that requires federal funding that has yet to be passed by Congress.

The California Public Utilities Commission has begun the process of implementing "211" and can continue with its work in this area until the Congressional bill is enacted.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2545

Governor's Office, Sacramento
September 24, 2004

To the Members of the California Assembly:

I am returning Assembly Bill 2545 without my signature.

Strong workplace safety laws are a necessary and vital component of a positive business environment in California. More importantly, workplace safety laws must be adequately enforced. That is why the budget I signed in July made no cuts to labor and workplace safety law enforcement. Workers must feel confident that their places of work are safe.

California law already provides for the assessment of large penalties against employers who willfully violate workplace safety laws. In fact, criminal penalties for willful violations of such laws were significantly raised in 2000. These penalties, buttressed by a commitment to the enforcement of workplace safety laws, help ensure a safe working environment for working Californians without creating a business environment that drives businesses from our state.

Given the recent criminal penalty increases, as well as the commitment of the Labor and Workforce Development Agency to enforce California labor law, I see no reason to support additional civil penalty increases for one particular workplace safety violation.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 3040

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning AB 3040 without my signature.

This bill prohibits the Department of Finance and the State Controller's office from imposing hiring freeze and staff reduction requirements on any position that provides oversight and related support of remediation or corrective action at a hazardous substance release site that is funded with an agreement with a responsible party or with the federal government.

While I support actions to ensure the State can continue to maintain staff positions for overseeing essential government functions, this bill sets an unnecessary precedent. The Department of Finance currently possesses this authority. Therefore, additional statutory clarification is not warranted.

For this reason I am unable to sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 25th day of September at 12:01 p.m., of AB 113, AB 606, AB 1148, AB 1696, AB 1812, AB 2006, AB 2213, AB 2283, AB 2545, and AB 3040 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pam Oto.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 2197

Governor's Office, Sacramento

September 27, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2197 without my signature.

This bill authorizes the Secretary for Resources to consult with specified interest parties to evaluate whether the Department of Water Resources should continue to inspect dams that are licensed and inspected by the Federal Energy Regulatory Commission.

When I signed the Executive Order in February 2004 creating the California Performance Review, its mission was to make fundamental changes in state government, establish new procedures to create greater efficiencies, prioritize government functions, and create true accountability over the fiscal management of state resources. Eliminating duplications in state government is a priority of my administration. While I agree with the intent of this bill, it is unnecessary and premature because the Secretary for Resources can currently consult with interested parties, if necessary, without legislation. We will pursue comprehensive reform on consolidating and restructuring administration functions in the next legislative session.

For these reasons I cannot support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 27th day of September at 12:49 p.m., AB 2197 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1723

Governor's Office, Sacramento
September 27, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1723 without my signature.

By mandating employee benefits that are normally considered optional, this bill would establish a troubling precedent at a time when California should be looking to reduce mandates on employers in an effort to keep existing businesses in the state and encourage others to return. Offering direct deposit to an employee should be between the employer and the employee.

For this reason, I cannot sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2079

Governor's Office, Sacramento
September 27, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2079 without my signature.

This bill intends to address various recommendations of the Secretary of State's Task Force on Voter Privacy. I believe that an open election process instills confidence in California's voters and that any effort to protect a voter's privacy must be weighed against the open elections process.

Current law provides that the processing of provisional voters is open to the public, both before and after an election. Prior to the processing of provisional ballots, an elections official must make available a list of provisional voters for public inspection, from which challenges may be presented. This bill would prohibit an elections official from disclosing the identity of any provisional voter or a list of such voters before an election is certified, which would make the elections process less accessible to the public during the critical canvass period.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2748

Governor's Office, Sacramento
September 27, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2748 without my signature.

This bill would provide that if the polling place designated for any precinct has been relocated from the location used during the preceding two consecutive statewide elections, the elections official must post a notice of the location of the new polling place in a format and manner deemed appropriate by the official.

While I support efforts to encourage voter participation, this bill is unnecessary because a voter already receives sufficient notification of his or her correct polling place on the sample ballot. Not only is the address of the polling place clearly marked, but it is prominently highlighted when it has changed from the previous election. A voter can also locate his or her polling place by calling the Secretary of State's

office or local county elections office, by visiting the Secretary of State's website, and, in most counties, by checking the county elections website. A voter may even cast a provisional ballot at a different polling place, which will be counted once it can be verified.

For these reasons I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 3098

Governor's Office, Sacramento
September 27, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 3098 without my signature.

This bill would extend the pilot project for increased precinct size, but would add a new reporting requirement on barriers to voting for specified "protected classes" of voters for those local jurisdictions that want to participate.

Among many of the federal and state protections to voters to ensure their right to vote, the Federal Voting Rights Act ensures that voters may not be discriminated against because of race. The report required by this bill is unnecessary, redundant and may be costly.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 27th day of September at 4:55 p.m., of AB 1723, AB 2079, AB 2748 and AB 3098 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

SUE PARKER

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 857

Governor's Office, Sacramento
September 28, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 857 without my signature.

While I support the author's goal of access for families to relevant services and information about autism, current law provides a method of furnishing that information and delivering services. Under existing law, 21 regional centers are required to develop relevant information and provide access to appropriate services for children with autism. The regional center system and its allied agencies are the most efficient system for identifying the needs of children with autism and informing their families. Supports and services offered by regional centers are comprehensive and offer a cost-effective method of evaluating and serving persons with autism.

Current regional center resource development and service coordination practices include the development of educational and informational guides that describe services related to autism. This service coordination also includes meeting formally and informally

with each person with autism and their family to describe the nature of the person's disability, how it was diagnosed and what steps should be taken to promote that person's individual growth.

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1558

Governor's Office, Sacramento
September 28, 2004

To the Members of California State Assembly:

I am returning Assembly Bill 1558 without my signature.

Enactment of AB 1558 would create a mechanism for Local Initiatives and County Organized Health Systems (COHS) health plans to develop additional legal entities to operate managed care contracts or enter into contracts with the Medicare program.

The first section of the bill is unnecessary as it appears that many or all of the entities referred to in the bill currently have the authority to create "additional legal entities" under current law.

However, my Administration supports the author's goal to allow the COHS to establish systems of care for persons who are eligible to receive health care services under both the Medi-Cal and Medicare programs. It is important that dually-eligible persons have the option to receive care from a single plan that would be responsible for integrating services across the health care continuum. Many of these beneficiaries are among the most frail seniors and individuals with disabilities; they would benefit greatly from the integration of care that this legislation was intended to create. Further, this integration of care can lead to long term savings in the Medi-Cal program by reducing unnecessary inpatient hospitalizations and nursing facility care. This Administration is committed to working with the author to introduce and pass legislation at the earliest opportunity in the next legislative session to achieve this important objective.

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2136

Governor's Office, Sacramento
September 28, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2136 without my signature.

I appreciate the efforts to develop a sliding fee scale to enhance the ability of narcotic treatment providers to provide medical treatment for the addicted population; however, this bill would give providers veto authority over a judge in deciding when to discontinue narcotic replacement therapy.

I encourage the Department of Alcohol and Drug Programs to work with the Legislature next year to find a solution which addresses the

medical needs of this population without infringing upon the duties of the judiciary to decide the appropriate disposition of a defendant or probationer undergoing narcotic replacement treatment.

For these reasons I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2413

Governor's Office, Sacramento

September 28, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2413 without my signature.

In signing Senate Bill 1448, I indicated that I would look to sign a clean-up measure that removed the inconsistencies in the sunset dates for all components of the STAR program, including extending the sunset dates for second grade testing and the norm-referenced test. This bill seeks to only extend the sunset date of the primary language assessment.

Therefore, I encourage the Legislature to approve a bill at the beginning of the next session that extends the sunset date for all of the components of STAR and corrects the drafting errors in SB 1448, including the error which required a program of test preparation. In the intervening period, I expect that educators and administrators will continue the current practice of not conducting test preparation.

Therefore, I am unable to sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2435

Governor's Office, Sacramento

September 28, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2435 without my signature.

Allowing school districts to teach middle school and high school students about the importance of properly maintaining their personal finances is a worthy objective. However, this bill is unnecessary because school districts already have the authority to teach "budgeting, savings, and credit," under current law.

Although I am unable to support this legislation, I agree with the importance of learning to spend wisely and properly managing finances. Learning to balance a checkbook, saving money for a rainy day, and understanding the dangers of too much credit card debt are all vital skills for kids to learn in order to become responsible adults.

While teaching financial responsibility is important for our children, I would welcome future legislation that requires all members of the State Legislature to complete a course in financial management and responsibility.

Requiring legislators to take a refresher course on managing finances may be the wisest investment the State could ever make. California may never have found itself in the deep fiscal crisis that it has had to endure, if such a requirement were signed into law earlier.

One of the best lessons we can offer to our children, is to practice sound financial principles, and I believe the Legislature should begin teaching kids by example.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2657

Governor's Office, Sacramento
September 28, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2657 without my signature.

While I recognize that the metal-plating process can adversely impact the environment and public health if not properly managed, there are numerous federal, state and local laws that regulate this industry. The bill singles out this industry for special assistance for failure to comply with existing environmental protection laws.

Specifically, this bill provides loans and loan guarantees to a segment of the metal plating industry that is located within the South Coast Air Quality Control District. While I am sympathetic to the fact that air quality in that region is a challenge, it is unfair to provide a publicly funded loan program to a specific industry that is located in one region of the state. Moreover, the bill only provides funding for air quality problems and ignores other regulatory concerns, such as hazardous waste and water quality. This bill promotes unfair competition and does this while using scarce State resources.

For these reasons I cannot support this measure at this time.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2713

Governor's Office, Sacramento
September 28, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2713 without my signature.

This is a well-intended bill and I applaud the efforts to expose wrongdoing within government. However, this bill would condone violations of the attorney-client privilege, which is the cornerstone of our legal system. This bill will have a chilling effect on when government officials would have an attorney present when making decisions. It is an attorney's duty to advise the governmental officials when they are about to engage in illegal activity. This bill will ensure that advice is not conveyed in every situation and therefore it is too broad to affect the intended purposes.

Existing law already addresses the most egregious situations, which is the only time the attorney-client relationship should be breached. It is critical to evaluate the recent changes to the law as it relates to the attorney-client privilege prior to further eroding this important legal principle.

For the reasons stated I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 3018

Governor's Office, Sacramento
September 28, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 3018 without my signature.

Inconsistent interpretation of existing law has created confusion relative to when and how employers must provide meal and rest periods to their employees. This confusion has left many employers facing steep penalties for failing to adhere to the law, even if they believe they have met all required mandates. In addition, increased penalties for failing to provide necessary meal and rest periods have, unfortunately, provided incentive for some to take advantage of the confusion in this area in the hope of securing hefty awards from employers. This confusion is also hurting employees, as employers are growing so fearful of being hit with claims and lawsuits that they are resorting to rigid policies that deny employees any flexibility in when they may take their meal and rest periods.

This bill addresses this problem for unionized employers in the transportation industry, allowing the establishment of specific criteria regulating meal periods via collective bargaining. Unfortunately, this problem impacts both union and non-union employers and spreads across almost all industries.

In addition, I believe that a good portion of this issue can be addressed administratively. Regulations are warranted to clarify when an employer has complied with the mandate to provide meal and rest periods. I am directing the Labor and Workforce Development Agency to immediately commence rulemaking on the regulations it believes necessary to resolve the confusion in existing law without hindering employees' access to meal and rest periods in any manner. If issues are identified that cannot be remedied administratively, I am asking the agency to propose legislation to address them next year.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 28th day of September at 1:57 p.m., of AB 857, AB 1558, AB 2136, AB 2413, AB 2435, AB 2657, AB 2713 and AB 3018 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 242

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 242 without my signature.

This bill contains primarily statements of intent for various teacher preparation, recruitment, and retention policies for both K-12 and higher education. Although it is desirable for the State to develop long-range plans for such matter as the preparation and retention of highly qualified teachers, this bill is neither comprehensive nor fiscally

feasible. Moreover, this legislation is unnecessary since the Commission on Teacher Credentialing has indicated that it will adopt regulations consistent with the provisions outlined in this bill.

My Administration has already taken steps toward increasing the number of well-prepared teachers by working with the University of California and California State University systems to improve the supply of science and math teachers and is willing to continue working toward a more reasonable long range plan than what is provided for in this bill.

For these reasons, I am unable to sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 712

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 712 without my signature.

Preschool can be a valuable addition to the education of many children, and I believe strongly that every child should be ready and able to succeed once they enter into the school system. My Administration recognizes that preschool, child care, and school readiness programs are important factors to the future academic success and well being of California's youth. At the same time, I also strongly believe that before we make promises about expanding the preschool system, I want to be sure that the State can actually deliver on that promise.

Governing responsibly requires me to provide the State with a clear understanding of the potentially billions of dollars in costs and other requirements of preschool, in relation to the benefits and resources available, before determining the scope of the commitment that we can all enter into together. Some research and study has already been conducted and even more will be produced in the near term. My commitment to comprehensive school readiness is strong. My Administration will work in collaboration with the California Children and Families Commission and other interested groups and parties to assess the infrastructure and options available in providing a statewide preschool program. However, doing so does not require additional legislative authority, and therefore, this bill is unnecessary.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1297

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1297 without my signature:

Last year California passed tough laws to curtail abusive tax avoidance transactions, to enhance penalties for such transactions and to create a voluntary compliance program. Senate Bill 614 (Chapter 656, Statutes of 2003) also required a report by the Legislative Analyst on the impact of the act within two years.

This measure, at best, is premature and at worst, takes away an important type of indemnity insurance that allows legitimate business

ventures to go forward. Should the Legislative Analyst's report demonstrate that these insurance products facilitate abusive tax shelters, I will consider a measure addressing that problem.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1650

Governor's Office, Sacramento
September 29, 2004

To the Members of the California Assembly:

I am returning Assembly Bill 1650 without my signature.

While I support reforms to streamline funding for K–12 professional development categorical programs, I am concerned that this bill does not include adequate protections to ensure that professional development for teachers is aligned to the state-adopted content standards. In addition, the bill does not contain adequate fiscal safeguards to ensure that the State's funding liability is capped at the levels provided in the annual budget act. Finally, I am concerned that some of the activities the bill requires school districts to perform could be deemed reimbursable state mandates.

I am willing to work with the Legislature in the next legislative session to develop a bill that accomplishes the desired reforms and also addresses my concerns.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1426

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1426 without my signature.

The Workforce Housing Reward Program funds, administered by the Housing and Community Development Department (HCD), were designed to be a statewide benefit to reward communities for real production of affordable housing.

This bill inappropriately sets aside \$1 million from this program to fund one regional county government, the Sacramento Area Councils of Government (SACOG), to implement their future affordable housing plan, which has not yet been determined.

This bill does not take into consideration whether similar plans exist in other regions of the State or whether similar rewards were considered to encourage other regions to enter into such plans. If other similar regional plans exist, providing a special reward for SACOG presents a fundamental unfairness because other regions would not receive the same set aside funding reward.

Additionally, setting aside valuable and depleting Proposition 46 funds for one region without going through the competitive bidding process would neglect other worthy plans for affordable housing in other parts of the state.

For these reasons I am unable to sign this legislation.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1860

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1860 without my signature.

All charter schools should be held accountable for the academic achievement of their students and charter school students should be responsible for giving their best effort to reach their potential. However, this bill runs counter to the general intent of charter schools, which is to operate independently from the existing school district structure. Current law exempts charter schools from most laws governing school districts. This bill would subject charter schools to specific regulations and laws that may hamper their ability to focus on innovation in the classroom and increasing student performance.

For these reasons, I cannot support this legislation.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1874

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1874 without my signature.

The expansion of broadband access is a critical component for increasing the economic prosperity of California and its citizens. Statewide broadband access for companies and individuals helps in our bid to increase our competitive-advantage to attract and retain business in California. However, to achieve this important goal, we must have a comprehensive solution to greatly expand broadband access.

I am calling on the Legislature to work with my Administration in the coming year to develop a comprehensive plan to expand the economic prosperity of the state, which must include methods to accelerate broadband deployment in the best interests of the state and its businesses and citizens.

For this reason I am returning the bill unsigned.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1960

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1960 without my signature.

I share the author's concerns with the rising cost of prescription drugs and generally, her interest in disclosure of information to consumers. However, this measure would have the unintended consequence of increasing drug costs to health plans, the Medi-Cal Program and other purchasers, without providing any real consumer benefit. Studies, including one from the Federal Trade Commission, have shown that

enactment of this legislation will limit competition and significantly increase the cost of prescription drugs.

For the reasons stated above I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2042

Governor's Office, Sacramento

September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2042 without my signature.

Improving the quality of our air is a priority of my Administration. Through the budget and other legislative efforts we have committed millions of dollars to clean air programs that are assured to make significant improvements in air quality. I urge the South Coast Air Quality Management District to ensure that port-affected communities will receive a greater than proportional share of funds for these pollution reduction incentive programs.

This bill establishes 2004 as a ceiling for air emissions from the Ports of Los Angeles and Long Beach. The bill requires the South Coast Air Quality Management District (SCAQMD), the Air Resources Board (ARB) and the Ports of Long Beach and Los Angeles, to develop a Memorandum of Agreement (MOA) implementing emission control measures for operations at the ports.

However, this bill will not reduce pollution in any way. We need to focus our scarce resources on substantive, prompt action that will make real progress toward our shared air quality goals. Ports and federally regulated sources of air pollution must do more to reduce emissions in order for California to meet its mandates and to reduce negative air impacts in the communities in which these facilities operate.

In order to improve air quality and protect the health of the residents, it is imperative that an innovative program including financial and regulatory incentives be developed and implemented to reduce air pollution from the ports. I am directing the California Environmental Protection Agency (CalEPA) and the ARB to work with the ports, the railroads, other goods movement facilities, local air districts, the U.S. Environmental Protection Agency (U.S. EPA) and local communities to develop such a program for our ports throughout the state. This program should build on the regulatory program already mapped out by the ARB and the U.S. EPA. As most of the pollution is generated by federally regulated sources, I urge the federal government to provide the necessary incentives and regulations that will result in early reduction of pollution from the ports and related goods movement.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2055

Governor's Office, Sacramento
September 29, 2004

To the Members of the California Assembly:

I am returning Assembly Bill 2055 without my signature.

Agriculture is one of the most important economic sectors, accounting for over \$27 billion in California's economy. As of 2003, 48 local jurisdictions had specifically addressed agriculture in their general plans. This bill would impose new state requirements on all local governments' general plans.

This bill adds no new protections for agricultural land. In fact, while it renames the Open Space Element to the Agricultural and Open Space Element, it does not require agricultural land to be considered in that element.

While I believe that land planning should be done at the local level, it is imperative that the state have a comprehensive vision for land use in California. I have begun work with my Cabinet to develop strategies to ensure that Californians have enough housing and better roads, while at the same time maintaining the natural splendor of our open spaces and the rich economic value of our agricultural lands.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2064

Governor's Office, Sacramento
September 29, 2004

To Members of the California State Assembly:

I am returning Assembly Bill 2064 without my signature.

Encouraging recreational activities in park poor areas for young people is a very worthwhile goal for our state.

This bill directs DPR to facilitate local active recreation opportunities in park poor areas and to enter into a lease of up to 25 years with local entities. However, DPR already facilitates active recreation activities in park poor areas through its Office of Grants and Local Assistance, which provides a substantial amount of financial and technical assistance to local entities for their park and recreation needs.

Local recreation opportunities should be provided by local entities on locally-owned property. Any exceptions should be made on a case-by-case basis following thorough analysis. Should an exception be deemed necessary, there is already an established process for DPR to enter into short-term and long-term leases.

For the above reasons I cannot support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2152

Governor's Office, Sacramento
September 29, 2004

To the Members of the California Assembly:

I am returning Assembly Bill 2152 without my signature.

While I understand the author's intention to address categorical programs, this bill actually limits the flexibility in the allocation of funds to best meet the needs of schools at the local level. The bill dictates an allocation formula to local districts, instead of allowing school boards the ability to determine the allocation based on their specific needs.

For these reasons, I cannot sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2343

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2343 without my signature.

This is an issue that is best resolved by locally elected school boards who are in the best position to determine the structural planning of their schools and the safety needs of their students. Existing law already provides that new school construction projects include automated fire detection, alarm, and sprinkler systems and school modernization projects must include automated fire detection and alarm systems. Therefore, since current law does not prohibit a local school district from adding sprinkler systems to their modernization projects if they choose, I believe this decision is best left to local districts on a case-by-case basis depending upon the needs of their schools.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2750

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2750 without my signature.

This bill is unnecessary. The Legislature has a constitutional obligation to submit a budget to the Governor by midnight June 15th and for the Governor to act upon by June 30th.

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2783

Governor's Office, Sacramento
September 29, 2004

To the members of the California State Assembly:

I am returning Assembly Bill 2783 without my signature.

Through an Executive Order I am directing the Office of Emergency Services to conduct a comprehensive review of existing programs intended to protect the elderly from all types of abuse and to ensure programs provide more efficient and effective methods for fighting financial crimes against seniors, including potential funding sources to carry out this objective. The Office of Emergency Services is the proper entity to handle this study because the programs addressing elder abuse are currently housed within the office. I am also directing the Office of Emergency Services to develop recommendations that will serve our elderly community by enhancing coordination among law enforcement and governmental agencies in the areas of information-sharing, training, and crime prevention. It is important that protection services are geared toward improving the lives of our seniors and that is why I am directing our agencies to develop a plan to coordinate state and local efforts.

Therefore, this bill is premature at this time. The problems and potential solutions will be identified once the comprehensive review is completed.

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 3034

Governor's Office, Sacramento
September 29, 2004

To the Members of the California Assembly:

I am returning Assembly Bill 3034 without my signature.

The Biotechnology Industry is a vital contributor to both California's business climate and our citizen's well-being. Not only does this industry provide good, high paying jobs in our communities, but it also contributes countless scientific advancements that enrich the lives of Californians as well as of the citizens of the world. This industry is at the forefront of cutting-edge technology, and I am proud to support its continuing presence within this state.

Unfortunately, I cannot support this legislation because it creates an unnecessary report developed at state expense.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2596

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2596 without my signature.

While I am very supportive of efforts to increase the number of career technical education courses offered as well as heightening the awareness of career technical education across the state, this bill is premature. My Administration will be working in collaboration with the

career technical education community and interested stakeholders to develop a comprehensive plan to help give career technical education students the meaningful, high quality education they deserve.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2388

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2388 without my signature.

AB 2388 would require the Office of Spill Prevention and Response (OSPR) Administrator to appoint an additional labor member that represents non-management pilots to the Los Angeles/Long Beach (LA/LB) Harbor Safety Committee (Committee).

Harbor Safety Committees were developed to enhance safety at California's ports. With safety as their primary goal, committees pride themselves on being inclusive and unbiased. It is my goal to allow these committees to maintain safety as a paramount concern. Further, SB 1742 (McPherson) makes AB 2388 unnecessary. SB 1742 would allow any Harbor Safety Committee to petition the Administrator for new or additional membership positions as needed to conduct Harbor Safety Committee business and to reflect the makeup of the local maritime community.

For these reasons I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2631

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2631 without my signature.

California has several strong pest prevention, control, and eradication programs that serve as models for other states and countries. We have implemented numerous Memorandum of Understandings and cooperative agreements among agencies to assist in combating these threats to our environmental and agricultural resources. Yet more needs to be done. I am directing Secretaries Kawamura and Chrisman to review existing invasive species prevention and eradication efforts, identify opportunities for federal funding, and make recommendations to me on ways to enhance cooperation and effectiveness by December 31, 2004.

This measure establishes the Invasive Species Council which is designed to study and develop policy recommendations for the prevention and eradication of invasive species. This bill creates an additional costly layer of bureaucracy, including unfunded mandates, at a time when we are promoting government efficiency.

For these reasons I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 29th day of September at 4:36 p.m., of AB 242, AB 712, AB 1297, AB 1650, AB 1426, AB 1860, AB 1874, AB 1960, AB 2042, AB 2055, AB 2064, AB 2152, AB 2343, AB 2750, AB 2783, AB 3034, AB 2596, AB 2388, and AB 2631 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1829

Governor's Office, Sacramento

September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1829 without my signature.

California is a partner in the global marketplace. California businesses and its citizens are entrepreneurial, innovative and on the leading edge of new ideas and technologies. The rest of the world has received untold benefits exported from our state; yet at the same time our state and its citizens have also benefited from our neighbors around the world.

As California begins to emerge from the dark days of our fiscal crisis, our focus should not be on erecting artificial barriers that will thwart the spirit of our citizens and the businesses that help our economy grow, but rather on ideas and policies that will fuel the thriving spirit of businesses who look to be on the forefront of the challenges of tomorrow.

This bill prohibits state agencies from using funds from the state to contract for services with a contractor unless they can certify that the work will be performed in the United States.

Noticeably excluded from the provisions of this bill are the investment activities of the State of California. The state will continue to be able to invest its treasury bonds and state retirement funds without the need to comply with this bill, but these provisions apply to all other state and local contracts.

While this bill purports to be about saving jobs, it would actually be detrimental to our economy and the creation of new jobs in this state. It is also contrary to my administration's efforts to create a more efficient and effective purchasing system and to increase small business contracting participation. This bill adds additional restrictions on state contractors, thereby resulting in less competition at the state and local levels and ultimately result in higher prices paid by governmental entities for goods and services.

A recent report by the Public Policy Institute of California (PPIC) states that California has gained 713,000 jobs from direct foreign investment in California and additionally found that placing the type of restrictions, as set forth in this bill, on businesses will have a negative impact on our economy. The report further states that restricting state contracting will not necessarily help workers in California, but could instead result in contracts being awarded to out-of-state bidders.

There is a right way and a wrong way to expand economic opportunity in California. The wrong approach is to implement measures that restrict trade, invite retaliation or violate the United States

Constitution and our foreign trade agreements. The United States Constitution clearly defines that the authority to regulate trade with foreign nations rests with the federal government. Article 1, Section 8 grants Congress the exclusive authority “to regulate Commerce with foreign nations.”

In today’s global economy, the best approach to create and enhance job growth in California is to provide a competitive business environment. In order to improve their competitiveness in a global market, California businesses cannot be penalized with punitive policies restricting their ability to make decisions on how to best perform and provide goods or services for state government and our consumers. These restrictions will drive businesses out of California.

California must continue to be an active participant in the worldwide economy in order to create new opportunities and better jobs for our citizens. This bill is contrary to those goals. Therefore, I cannot support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 29th day of September at 5:25 p.m., of AB 1829 without the Governor’s signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Jake Parnell.

E. DOTSON WILSON

Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 6

Governor’s Office, Sacramento

September 30, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 6 without my signature.

I share the Legislature’s concern over the cost of providing health care to prisoners. The Department of Corrections has been reviewing and implementing a number of policies designed to address this issue, including a number of recommendations that were made by the State Auditor.

The Department of General Services is currently engaged in a deliberative process to evaluate the competitive bidding exemption for medical services with all of the agencies that have utilized the exemption in the past, including the Department of Corrections. This bill will circumvent this collaborative effort currently underway, which is scheduled to be concluded by the end of the year.

In addition, the bill creates potential added liability to the state based on the fact that even emergency contracts must go through a competitive bid process. This could lead to additional litigation against the state, if the delivery or availability of medical services to inmates is delayed or restricted.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 59

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 59 without my signature.

The establishment of a new commission is not necessary. The Legislature and the Administration can create commissions to advise them without the need for legislation. As I said in my State of the State I am going to "blow up the boxes"; this bill creates new boxes without explaining the need for a new commission. The Legislature and the Administration have many resources to advise them on the issues that this commission is being created for.

For these reasons I am returning Assembly Bill 59 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 338

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 338 without my signature.

This bill would require the California Department of Transportation to use asphalt containing crumb rubber generated in the United States in lieu of other materials, in specified minimum percentages of its total asphalt usage on highway construction and repair projects.

While I am supportive of the overall policy of this bill, I am concerned that by limiting the product to those of U.S. origin only may violate various trade agreements. In addition, this bill may invite sanctions from other nations against products produced in California.

I encourage the author to revisit this issue next legislative session and to, with the Secretary of the State and Consumer Services Agency and the Secretary of the Business, Transportation and Housing Agency, find appropriate language that would alleviate any possible legal challenge which would invalidate otherwise good public policy.

For these reasons I am returning Assembly Bill 338 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 358

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 358 without my signature.

The goals of AB 358 are extremely important. I strongly believe that the State of California must continue its existing programs to guarantee that women are not discriminated against in state policies or programs. With the issuance of Executive Order S-6-04, my Administration has clearly established the state's equal employment policies without discrimination. All state agencies, departments, boards, and commissions shall recruit, appoint, train, evaluate and promote state

personnel on the basis of merit and fitness, without regard to age, race, ethnicity, color, ancestry, national origin, gender, marital status, sexual orientation, religion, disability or other non-job-related factors. Thus, this bill is duplicative of existing policy and unnecessary.

In addition, the Department of Health Services' Office of Civil Rights is responsible for ensuring that actions taken by all levels of management achieve the Department's equal employment opportunity objectives as well as ensuring equal access to health services for beneficiaries. The Office of Civil Rights annually conducts a workforce analysis to determine any statistically significant under-representations, hidden barriers and the policies or processes that may result in under-representation.

For these reasons I am unable to sign this bill at this time.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 382

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 382 without my signature.

The issue of tax exempt bonds involving federally recognized Indian tribal governments needs to be considered within the context of a thorough review of qualifying tribal development projects, mitigating environmental impacts resulting from additional infrastructure, and a review of a more comprehensive fiscal plan. While I support the need of Indian tribal governments to have additional revenue sources necessary to improve infrastructure, health care and other community services, this bill is premature.

Therefore, at this time I cannot sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 653

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 653 without my signature.

This bill repeals the January 1, 2005 sunset date of the Energy Efficiency Revenue Bond Program, making the authority to issue revenue bonds permanent. Although I strongly support energy efficiency, I am concerned that this program has not been working effectively over the last few years. I have been recently informed that bond sales from this program have been suspended due to technical flaws with the authorizing statute. Therefore, we should allow this program to sunset and craft another program that addresses these structural challenges.

For these reasons I cannot support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 662

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 662 without my signature.

This bill's intention to create another advisory task force within California Department of Education (CDE) is unnecessary. The California Blindness Advisory Task Force that was established by the Office of the Superintendent of Public Instruction years ago, issued a report in 2002, "A Future View: Quality Education for all Students Who Are Blind and Visually Impaired." To date, none of the recommendations made by that task force have been implemented by the CDE.

While I believe in addressing the special needs of blind and visually impaired students in California, the inability of the CDE to act upon a prior task force's recommendations does not warrant the creation of yet another task force within the department to address the same needs.

For these reasons I am unable to support this legislation.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 955

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 955 without my signature.

While I support the desire to establish surplus property at the Sonoma Developmental Center as an extension of Jack London State Historic Park or the Sonoma Valley Regional Park, I believe that existing state statute authorizes the Department of General Services to accomplish this task without the need for additional legislation.

This bill would have required the Department of General Services to transfer any designated surplus property at the Sonoma Development Center to the Department of Parks and Recreation for the purposes of extending Jack London State Historic Park. Additionally, the bill would have allowed the Department of Parks and Recreation to transfer any surplus property to the County of Sonoma for the purposes of extending Sonoma Valley Regional Park.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1010

Governor's Office, Sacramento
September 29, 2004

To the Members of the California Assembly:

I am returning Assembly Bill 1010 without my signature.

While I support the idea of using an electronic multimedia format, it is crucial that we remain focused on providing all pupils with an actual textbook in core curricula areas. In addition, I am concerned about the rising costs of textbooks and this bill could create increased costs to the State in the form of higher textbook costs for publishers to comply with the electronic multimedia format requirement. Higher costs could make

it more difficult for schools to ensure that pupils have adequate textbooks which was a cornerstone of the *Williams v. State of California* settlement agreement.

For these reasons, I am unable to support this legislation.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1012

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1012 without my signature.

While well intentioned, the practical effects of AB 1012 would be devastating to school-based law enforcement officers and school administrators responsible for keeping students and staff safe in the school setting.

I believe parental involvement is an important part of ensuring a pupil's academic success. This includes informing parents when their child is involved in a disciplinary or school safety investigation. Currently, there are a number of constitutional and statutory protections that shield juveniles from excessive and unreasonable interrogations.

However, I am concerned that the procedures required by this bill are too broad and may result in a number of safety and liability issues. The requirements of this bill would apply to principals when making pupils available for any questioning by a peace officer, including cases where a pupil is a witness and where a pupil is not suspected of delinquency. These broad parameters may result in significant delays in investigation and could jeopardize the safety and security of the school and the surrounding community.

This bill assumes that an adversarial relationship should exist whenever officers interact with students. By advising students that they do not have to talk to an officer, there is an inference that the officer is an adversary who cannot be trusted. Perhaps the greatest benefit these officers can deliver is the ability to stop crime before it occurs through their proactive discussions with students. If discussions between the officers and students become too formalized, they will not take place as often. If officers cannot perform prevention activities, we are likely to see more officers on campus after the fact, after the crime, after the tragedy, instead of before when it might have made a difference.

For these reasons I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1042

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1042 without my signature.

Medical Technical Assistants-Psychiatric (MTA-Ps) serve as members of the treatment teams in psychiatric facilities located within state prisons. To be effective, they must gain the trust of the inmates to whom they are providing treatment services. The use of chemical

restraints is counter to the goals of the psychiatric programs and the effort to provide mental health treatment in the least restrictive environment possible. In addition, it has yet to be established that such chemicals are effective and safe for use on mentally ill patients.

For purposes of security, the Salinas Valley and Vacaville Psychiatric Programs have entered into agreements with the prisons to have state correctional officers, who are authorized to carry and use Oleoresin Capsicum (OC) pepper spray under certain conditions, respond to and assist Department of Mental Health staff to defuse and control situations with patients. When necessary, these staff may assume control over the situation for a brief time in order to squelch disturbances and restore order. Therefore, it is not necessary for treatment team members to carry OC pepper spray.

For these reasons I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1324

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1324 without my signature.

This bill seeks to address the tragic circumstances of one state employee by amending the entire workers' compensation system in an unprecedented manner. This bill would extend workers' compensation benefits to the dependents of specified public safety employees if the dependent suffered health problems as a direct result of their parent or spouse's workers' compensation injury. The workers' compensation system is intended to compensate employees for injuries arising out of and occurring in the course of employment. Extending those benefits to dependents of employees, even in the narrow manner proposed in this bill, is beyond the constitutional requirement of the workers' compensation system.

Earlier this year, I signed Senate Bill 899, a major overhaul of the workers' compensation system. My Administration is in the process of implementing the necessary regulations to improve the system. The reforms were negotiated in a bi-partisan fashion and are intended to return fundamental fairness to a system that was spiraling out of control. The reforms are intended to refocus the workers' compensation system on medical outcomes rather than litigation. This measure expands the scope and intent of the workers' compensation system disturbing the delicate balance sought by this year's reform efforts.

I am mindful that the daughter of one of our public servants contracted an illness simply because her mother faced an occupational hazard. However, this bill establishes a dangerous precedent by expanding workers' compensation benefits to non-employees as an alternative for health care coverage.

For these reasons I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1520

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1520 without my signature.

This bill would create the California Veterans Memorials Commission, and authorize the design, construction and dedication of veterans' memorials.

While I strongly support the men and women of California who have served this Nation and believe there is no higher priority than honoring and caring for our veterans, this bill is unnecessary. California has already established the California Veterans Memorial—a memorial to all California Veterans—in Capitol Park.

In addition, California already has agencies, boards and commissions with overlapping and related responsibilities that should be consolidated to make government more efficient, effective and transparent. The enactment of AB 1520 would add a new state commission rather than consolidate or reduce the number of existing commissions.

For this reason I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1588

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1588 without my signature.

This bill authorizes the California Department of Forestry and Fire Protection (CDF) to seek firefighting aircraft from the Federal Excess Property Program which the administration already has the authority to do and is currently doing. Additionally this bill also takes some of the flexibility away from the Office of Emergency Services, the Office of Homeland Security and CDF on deciding how to best deploy the aircraft.

For these reasons I cannot sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1592

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1592 without my signature.

I support the intent to make improvements to the statutes governing the use of Disabled Veteran Business Enterprises (DVBE) in state contracting. My Administration is committed to including these firms as much as feasible within the State's business operations. However, due to recent budget and staff reductions, numerous state agencies and departments cannot comply with the provisions of this bill.

Furthermore, the California Performance Review (CPR) contains recommendations for restructuring procurement processes, specifically

the DVBE contract participation, which merits further consideration. It is premature to make statutory changes before the final results of the CPR are implemented.

For the reasons stated above I cannot sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1670

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1670 without my signature.

The provisions in this bill are already contained in a separate measure. Therefore, this bill is unnecessary.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1782

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1782 without my signature.

On August 24, I vetoed a measure (Senate Bill 1324) that was nearly identical to this bill. My concerns with creating spot exemptions to the California Outdoor Advertising Act remain the same.

While I recognize the hardships that many school districts are facing and I encourage innovative ways to find additional funding, I recommend the Legislature address the number of categorical programs and mandates imposed on school districts. Our focus should be on getting more money into the classroom, not finding new sources of revenue to fund a system in which reforms are needed.

For these reasons I am returning AB 1782 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1821

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1821 without my signature.

I share the author's desire to increase the number of trained health care professionals in California. As we project the workforce needs in California's future, it is undeniable that more nurses will be needed to serve our growing population.

Consistent with available federal Workforce Investment Act funding, my Administration is continuing to fund nurse training programs around the State. Additionally, I have called upon my Cabinet to develop a comprehensive plan of action to maximize funding and education

opportunities through better coordination with the community college system, the Department of Education, private foundations and the hospital community.

Legislatively mandating this program removes flexibility to adjust to a decline in federal funds or changes in California's workforce needs.

For these reasons I am returning AB 1821 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1839

Governor's Office, Sacramento

September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1839 without my signature.

Protection of California consumers is of paramount concern to my Administration. This bill provides a good foundation upon which to start discussions next year. The terms contained in the bill need to be further addressed and refined. If the goal is consumer protection, then there needs to be a level playing field with standards and terms based on objectivity and clarity, which will provide true benefit to the consumer.

My concerns with this bill include the vague definitions of "certified" used cars, "qualified technician" and the new definitions it places into law of "sellers" and "dealers". These terms will likely cause the Department of Motor Vehicles to be involved in costly investigations over unenforceable and conflicting definitions. Furthermore, since vehicles are not leased under a conditional sale contract, the inclusion of leases in the bill will likely lead to disputes and increased litigation. Federal law addresses the concerns raised regarding credit scores and therefore, is unnecessary and could lead to potential confusion for consumers.

I look forward to working with the Legislature to pass an improved law that will resolve my concerns with this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1865

Governor's Office, Sacramento

September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1865 without my signature.

While the employment of parolees is an integral part of their re-integration into the community, we must ensure that their employment does not create a risk to public safety.

After discovering critical flaws in the operation of their job placement services contractor, the Department of Corrections completely overhauled this system to ensure that employers are made aware of the criminal history of any parolee referred to that company for employment.

While this bill is based on this principle, it contains highly bureaucratic processes that do not contribute to either public safety or parolee placement into employment.

For this reason I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1895

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1895 without my signature.

I support policies that provide children and their advocates with means to obtain and exercise their rights, however this bill is unnecessary. The Department of Social Services has taken steps to minimize this potential problem for foster youth by recently developing regulations that require a Transitional Independent Living Plan to be completed for each child in foster care. This plan includes a variety of issues, including addressing immigration status. This should enable the immigration process to be started sooner.

Current law already requires the court to appoint an attorney to represent the child in dependency proceedings. Counties already have the option of appointing an attorney to assist in resolving the immigration status of a child. This bill will apply an overbroad solution to all counties regardless of the individual needs of each jurisdiction.

For the reasons stated above I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1914

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1914 without my signature.

I appreciate and share the author's interest in improving correctional education programs. That is one reason why I appointed Jeanne Woodford as the current California Department of Corrections (CDC) Director, based on her proven support for correctional education programs while Warden at San Quentin State Prison. Signing this bill would only hamper the improvements being planned and implemented by the Director.

This bill eliminates accountability for the education programs by creating another layer of bureaucracy that is not directly answerable to the Director. Appointment of a Deputy Director for Correctional Education could only be made from a list of candidates provided by the Correctional Education Committee. This clearly usurps the Director's authority at a time when she is tasked with evaluating the current educational, vocational and treatment programs in order to implement a comprehensive plan to provide more rehabilitation opportunities to end the cycle of violence

CDC's Director has an existing Advisory Committee on Correctional Education, which includes representatives of the Superintendent of Public Instruction, and the Chancellors of both the California State

University system and the California Community Colleges system. This bill would replace the existing committee with the 15-member Correctional Education Committee appointed by 12 different appointing authorities, hampering the Director's ability to improve and expand education programs.

For these reasons I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1957

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1957 without my signature.

A top priority of my Administration is to provide access to affordable prescription drugs. However, importing drugs from Canada or assisting residents in their efforts to do so would violate federal law and could expose the State to civil, criminal and tort liability. We all would like to see low-income uninsured residents have access to more affordable medicines, but measures such as this, over-simplify the complex safety, trade, supply and pricing issues involved in this marketplace. In light of these circumstances, I do not believe AB 1957 will bring the necessary relief to Californians who require assistance in accessing necessary medicines.

In an effort to bring significant price reductions to California's most at-risk consumers, my Administration put forward "California Rx" that seeks to provide real assistance to these Californians. California Rx represents an approach that harnesses the purchasing power of low-income seniors and uninsured Californians up to 300% of the federal poverty level (\$47,000 for a family of three) to secure meaningful discounts in prescription drug costs. My Administration has begun negotiations with pharmaceutical companies regarding their participation in California Rx. While I am encouraged by the concrete commitments made by some members of the industry, I am disappointed that many companies have not yet stepped up and offered meaningful discounts for this population. Over the next six weeks, I will continue negotiations to secure significant discounts for California's low-income uninsured, and I hope to move forward with a legislative proposal in January 2005 to implement California Rx. If, however, specific companies and the industry as a whole are not willing to provide a real solution to this problem, I will work closely with the State Legislature to develop an approach that guarantees significant reductions in prescription drug prices for California's low-income uninsured residents.

Come January, I will propose legislation that will bring lower-cost prescription drugs to California's most vulnerable residents. I am still hopeful that California Rx will be the vehicle to secure those price reductions, but for a voluntary, negotiated model such as California Rx to work, the drug companies must come forward and negotiate in good faith. I call upon the companies to help solve this problem through

California Rx; but if I cannot rely on the good faith negotiations of the industry, I will use all the options at my disposal to secure lower-cost prescription drugs for low-income, uninsured Californians.

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1958

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 1958 without my signature.

This bill would authorize the Board of Administration of the Public Employees' Retirement System (Board) to form a pharmaceutical purchasing consortium (Consortium) with individuals and private and public entities to obtain lower drug costs.

While I support the author's goal of seeking relief from high drug prices for taxpayers and consumers, current law already authorizes the Department of General Services to purchase pharmaceuticals on behalf of a number of State agencies and it allows other state, county, city, and municipal government entities to participate. Current law also authorizes the Board to enter into joint purchasing arrangements, including prescription drug purchasing arrangements with public or private entities under certain conditions.

Furthermore, this legislation undermines efforts to develop and implement a California State Pharmacy Assistance Program (California RX) which is a proposed program to address the high cost of drugs for the uninsured. The California RX program would harness the purchasing power of low-income seniors and uninsured Californians to secure prescription drug discounts from pharmaceutical manufacturers through the Department of Health Services (DHS). The DHS has a proven track record for obtaining discounts and supplemental rebates for pharmaceuticals while the proposed Consortium would have competing interests and goals when purchasing and negotiating drugs for governmental entities and individual enrollees.

For these reasons I am returning AB 1958 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2240

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2240 without my signature.

The Federal Title IX requirements that are intended to ban sex discrimination in school academics and athletics have provided a worthy benefit to improving equity in athletics for women and men. However, establishing an additional Equity in Athletics Bill of Rights is generally duplicative and unnecessary. Instead, the Legislature could approve a bill requiring the posting of existing Title IX requirements, on school campuses and on the California Department of Education website, to help promote greater student and parental awareness of athletic equity issues in California schools.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2275

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2275 without my signature.

My Administration is firmly committed to ensuring equal employment opportunities for anyone interested in public service with the State of California and that is why my Administration issued Executive Order S-6-04 in March of this year which clearly sets forth the State's employment opportunity policies.

In a recent court decision, *Connerly v. State Personnel Board*, the Third District Court of Appeals, invalidated specified sections of the State Civil Service Affirmative Action Program as unconstitutional. However, the sections that provide for data collection and reporting were not found unconstitutional and were not invalidated. Accordingly, under both state and federal law, state agencies have a responsibility to maintain statistical information on the composition of their workforce, and state agencies are required by federal law to identify racial, gender and ethnic under-representation in their workforce. I fully expect that all state agencies will comply with this responsibility and maintain meaningful information on the composition of the state workforce.

I would consider legislation that repeals those provisions of law that have been judicially invalidated. I encourage the State and Consumer Services Agency to work with the proponents of this legislation to craft a measure that will eliminate the invalid statutory provisions, but does not impose additional reporting and recordkeeping requirements.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2285

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2285 without my signature.

The Department of Health Services remains in litigation over some of the issues relevant to this legislation, and it is premature to mandate activities that are currently being reviewed by a court of law. The necessary funding to provide the Department of Health Services with resources to implement this bill was not included in the Budget Act of 2004. During this period of severe budget crisis in the State, I am unable to prioritize this legislation above other necessary activities.

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2317

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2317 without my signature.

While I am supportive of reasonable efforts to eradicate the historical trend of women earning less than men for doing the same work, I do not believe the provisions of AB 2317 are necessary in order to achieve this goal.

Current state and federal laws forbid and provide civil and criminal penalties for an employer that pays discriminatory wage rates to employees on account of gender. The civil penalty for violation of the equal pay requirement was doubled just last year. In addition, SB 1809, which I recently signed into law, classifies the violation of equal pay requirements as one of the more serious labor law violations for which an employee can bring a private civil action. We need to allow these new laws time to work before considering additional penalties.

For these reasons I am unable to sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2387

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2387 without my signature.

The practical implementation of the provisions of this bill would be contrary to the expressed will of the people who voted to approve Proposition 209 in 1996. Therefore, since the provisions of this bill would likely be ruled as unconstitutional, they would be more appropriately addressed through a change to the State Constitution.

For these reasons, I cannot sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2455

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2455 without my signature.

While I am concerned about the rising costs of textbooks, this bill attempts to control prices for textbooks administratively, and may result in the unintended consequence of limiting the number of new books offered for adoption in California. We need to find more creative and realistic solutions to reduce the costs of instructional materials.

Furthermore, this bill would also eliminate important revisions made to the Education Code that are an integral part of the *Williams v. State of California* settlement agreement.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2466

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2466 without my signature.

The policy issue contained in this bill, while important, does not require waving an opportunity for the public to be involved in the process. Recognizing the importance of a policy discussion on this issue, this bill requires that the State Auditor conduct an audit to examine certain aspects of the state sales and use tax system.

The report issued by the State Auditor should be part of the discussion before enacting new changes in the Bradley-Burns Uniform Local Sales and Use Tax Law. I would encourage the Legislature to revisit this issue next session.

For these reasons I am returning Assembly Bill 2466 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2476

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Legislature:

I am returning AB 2476 and SB 86 without my signature.

I strongly support the authors' goals of ensuring the protection of the agricultural, wildlife, and recreational resources of the Delta. However, I believe that the protection of these important natural resources warrants a comprehensive and coordinated approach. In order to achieve a meaningful solution to the future protection of the Delta, we must build upon existing programs and funding sources, not develop new ones.

In February 2004, the Resources Agency submitted a report to the Joint Legislative Budget Committee. Neither of these bills

comprehensively address the solutions contained in the report. They also fail to recognize and propose coordination with other habitat and conservation programs that are ongoing in the Delta.

For these reasons I am unable to sign these measures.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2598

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2598 without my signature.

This bill makes sweeping changes to the laws that govern Common Interest Developments (CID) and the foreclosure process for failure to pay delinquent homeowners' assessments.

While the intent of this legislation is laudable and intended to protect homeowners from being foreclosed upon for small sums of delinquent assessments, this bill is overly broad and could negatively impact all homeowners living in CIDs.

This bill could unfairly result in increased assessments for other homeowners who pay their assessments in a timely manner and may delay the transfer of real property in CIDs due to the lien procedures set forth in the bill.

Foreclosure should be the last course of action taken against a homeowner. If there were more open discussion between homeowners and their associations, many conflicts could be resolved. That is why I recently signed into law AB 1836 (Chapter 754, 2004) and AB 2718 (Chapter 766, 2004). These bills establish methods to encourage more disclosure and better communication between homeowners and their associations.

I recognize that additional clarification in the foreclosure statutes is necessary. However, this change should be made incrementally working together with all impacted parties. Therefore, I am directing the State and Consumer Services and the Business, Transportation and Housing Agencies to work with all of the interested stakeholders to develop and ensure that the process for collecting CID homeowners' assessments is refined so that all homeowners are treated equitably and foreclosure only occurs after every reasonable alternative is exhausted.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2633

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2633 without my signature.

I appreciate the environmental damage that can be caused by the inappropriate handling, transport and disposal of grease, including how this product can foul our land, rivers, and oceans. The California Department of Food and Agriculture has a system of regulating grease hauling while the Integrated Waste Management Board regulates waste. We have existing regulatory authority to address this issue. I am directing the Department of Food and Agriculture in coordination with

the Integrated Waste Management Board to review and upgrade its existing system to improve the tracking and enforcement of laws governing disposal and transportation of restaurant grease.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2684

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2684 without my signature.

Charitable organizations provide a variety of critical services to individuals in their communities and usually do so with very limited funds. I commend all the charitable organizations that provide training and other services to clients facing employment barriers. I appreciate the author's desire to limit burdensome administrative requirements imposed on charitable organizations.

This bill would exempt charitable organizations contracting with a state or local agency to provide employment services from the requirement that they verify an individual's legal right to work in this country. While requiring charitable organizations to check an individual's right to work status may be viewed as an administrative burden, it is a necessary requirement to ensure limited public funds are spent to train individuals who can legally obtain employment in California. This is particularly true for charitable organizations using federal Workforce Investment Act funds, which, under federal law, can only be used to train workers who have the right to work in the United States.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2702

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2702 without my signature.

This bill establishes more detailed standards regarding the development of second unit housing in California. One provision specifically restricts local governments from requiring a second unit floor space to be less than 550 square feet. This creates a one-size fits all approach to second units being built in local neighborhoods.

This bill limits the say of local governments, homeowners, and local communities regarding second units being constructed in their neighborhoods. In effect, this bill dictates unilateral decisions by the state regarding what type of development is appropriate for local communities without any community participation.

As a strong proponent of local control, I believe that government is most responsive and accountable to people when it is close to the people. This bill removes that control away from local officials, where homeowners and residents can voice their concerns about their neighborhoods and moves it to a state bureaucracy in Sacramento.

Additionally, with the unanticipated growth from second units on single family properties, this bill does not take into consideration the impact and ability for local governments to provide adequate water, sewer and schools.

My Administration is very aware of the lack of affordable housing facing California. At the beginning of my Administration, I asked the Secretary of the Business, Transportation and Housing Agency to pursue an aggressive agenda into finding ways of increasing home ownership opportunities for all Californians. I encourage all housing advocates and local governments to work with the Secretary to implement this agenda making the American Dream more affordable and available to our citizens.

For these reasons I am unable to support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2715

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2715 without my signature.

This bill is unnecessary and the purpose of this policy has no discernible public benefit.

This bill requires any business in California that has a contract with a customer sales call center to include a provision in the contract that requires employees of the call center to disclose their physical location upon the request of a California resident.

It is unclear what policy goal this bill seeks to address.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2884

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2884 without my signature.

This bill is an attempt to remove obstacles to cleanup pollution at properties with non-operating businesses. However, this bill does not accomplish its intended purpose. If a Regional Water Quality Control Board (Board) initiates and attempts abatement, the Board should not be liable for complete abatement.

I am concerned that the board attempting the abatement will inappropriately incur liability as a responsible party under state and federal law. This will impose undue hardship on the State and significantly increase state expenditures.

For these reasons I cannot support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2946

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2946 without my signature.

I recognize the importance that religious programs play in the rehabilitation of prisoners and I strongly support the continuing rights of clergy members to minister to the jail and prison population throughout the State of California. AB 2946 inhibits the ability to effectively maintain security and manage institutional religious programs.

Every state and local correctional facility has different dynamics and individual safety concerns that need to be addressed. We entrust facility administrators with the job of protecting the public, the inmates, staff, visitors and others. To do so, the administrator has to balance the interest of safety over the access to inmates by visitors. By imposing an extremely high standard before barring one class of visitor to the facility, we tie the hands of administrators to ensure public safety.

For this reason I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 2994

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 2994 without my signature.

While I support the goal of recognizing the stringent environmental standards California has placed on the forestry industry, many other industries face similar regulatory burdens without the availability of bidding preferences. The preferences imposed by this bill could result in costly legal challenges, retaliation by other states and nations, and bid protests from those claiming the preference should be granted and those objecting to it.

This bill takes the state's procurement efforts in the opposite direction of the general economic trends for free and open trade in a global economy.

I encourage all Californians to buy voluntarily California-grown and manufactured products, particularly when the price, fitness and quality of the product are equal. As I have said, "Be Californian, Buy California Grown."

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 3021

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 3021 without my signature.

This bill requires additional reporting requirements that are not necessary. This bill creates burdensome new mandates that do not produce any identifiable benefit that results in improving California's economic climate or leads to job creation.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 3051

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 3051 without my signature.

I support California's firefighters and other public safety employees. California's workers' compensation system already recognizes the inherent danger in these professions by providing a number of statutory presumptions in favor of the injured public safety employees.

Nothing in current law precludes a person who deserves compensation within the system from being fairly compensated. This bill extends the statute of limitations for the collection of death benefits that are presumptively concluded to be service related. Because current law presumes certain firefighter injuries to be work-related, this bill will also increase the potential for the surviving heirs of firefighters who die from non-work related illnesses to receive workers' compensation death benefits.

Earlier this year, I signed Senate Bill 899, a major overhaul of the workers' compensation system. My Administration is in the process of implementing the necessary regulations to improve the system. The reforms were negotiated in a bi-partisan fashion and are intended to return fundamental fairness to a system that was spiraling out of control. The reforms are intended to refocus the workers' compensation system on medical outcomes rather than litigation. This measure expands the scope of the workers' compensation system disturbing the delicate balance sought by this year's reform efforts.

For these reasons, I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 3056

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am returning Assembly Bill 3056 without my signature.

This bill defines in statute how the counties should conduct their business and how they make their business decisions. The bill would limit counties' flexibility to operate the In-Home Supportive Services program efficiently and effectively by preventing them from making needed program changes in a timely and appropriate manner. The

counties already have the correct authority to do this if they so choose. The bill would also delay and possibly prevent future General Fund savings by delaying or preventing a county from eliminating a more costly mode of service delivery (the Contract Mode).

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 30th day of September at 1:15 p.m., of Assembly Bills Nos. 6, 59, 338, 358, 382, 653, 662, 955, 1010, 1012, 1042, 1324, 1520, 1588, 1592, 1670, 1782, 1821, 1839, 1865, 1895, 1914, 1957, 1958, 2240, 2275, 2285, 2317, 2387, 2455, 2466, 2476, 2598, 2633, 2684, 2702, 2715, 2884, 2946, 2994, 3021, 3051, and 3056 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nanette Madsen.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

The following messages from the Governor were received and ordered printed in the Journal:

Governor's Message—Assembly Bill No. 2210

Governor's Office, Sacramento

August 27, 2004

To the Members of the California Assembly:

I am signing Assembly Bill 2210 with the understanding that this measure merely codifies current practice and that the Commission on Teacher Credentialing will establish the regulations required by this bill without the creation of a reimbursable State-mandated local program.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 129

Governor's Office, Sacramento

September 10, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 129.

This bill provides more flexibility to meet the needs of children that are dependents of the child welfare system, and in the juvenile court system. I am also requiring the California Department of Social Services to consider these modifications to the CWS/CMS as a priority to be funded within existing resources.

This bill authorizes counties to designate that a child is both a dependent child and a ward of the juvenile court, establish a protocol for determining this designation, and require the Judicial Council to collect specified data and report on the implementation of this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 868

Governor's Office, Sacramento
September 21, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 868, which will expand the period that a migrant farm labor center is open to allow farm workers and growers more time to harvest crops. This bill makes important policy changes that I strongly favor. Unfortunately, it also chapters out provisions chaptered in SB 1102 (Chapter 227, Statutes of 2004), which I signed that would have prohibited rent increases for residents of an Office of Migrant Services facility.

Under my Administration, I do not intend to approve a request by Housing and Community Development Department to increase the rents during this fiscal year.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 164

Governor's Office, Sacramento
September 22, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 164 with the understanding that more work can be done in this area of principal training.

This proposal expands the activities for high school principal training under California's current program, which is strongly linked to the state's academic content standards and curricula. The ever increasing challenge of ensuring all students an opportunity for future success in workforce and/or postsecondary settings makes it incumbent on the state to focus more critically on the full range of responsibilities of leaders to prepare high school students for the complexities of the 21st century.

Therefore, I am calling on the Secretary of Education, in collaboration with the State Board of Education and the Superintendent of Public Instruction, to develop a proposal addressing instructional leadership, as well as the visionary and practical leadership that will be required to guide our diverse student population toward greater success.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 2185

Governor's Office, Sacramento
September 23, 2004

To the Members of the California State Assembly:

I have signed AB 2185 which requires health care service plans to provide coverage for equipment used in the treatment of pediatric asthma. Increasing the availability and affordability of essential medical equipment for children with asthma is vitally important to the management of this disease.

Asthma is the most chronic disease of childhood with prevalence in California's children ages 0–5 estimated to be 8.8 percent and in children ages 6–11 estimated to be 13.7 percent. In 2000, hospitalizations represented the largest direct medical expense

related to asthma with the average cost per hospitalization at \$13,000. Most of these emergency and hospital visits were preventable with appropriate asthma management.

This bill helps manage asthma; however, it does not help reduce the incidence of the disease. One of the contributing factors to pediatric asthma is air pollution. Improving the quality of our air is a priority of my Administration. By meeting our air quality standards, we can significantly reduce the incidence of pediatric asthma. Through the budget and other legislative efforts we have committed millions of dollars towards clean air programs that are assured to enhance the condition of air for our children.

For the reasons stated above, I have signed this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 2600

Governor's Office, Sacramento

September 23, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 2600 creating the Sierra Nevada Conservancy.

Enactment of AB 2600 marks an important milestone in the preservation and restoration of one of California's most beautiful and bountiful areas—the Sierra Nevada region. The significance of the Sierra Nevada is strongly felt within California and far beyond our boundaries. It has done much to define our state and to shape our awareness as Californians. It provides a home for most of the State's plant and wildlife species. It provides more than 60 percent of the water supply for our cities, farms and wildlife areas. It supplies timber for our homes and food for our tables. It provides inspiration and recreation for millions of visitors each year.

The Sierra Nevada's resource values and communities are rapidly changing due to population growth, evolving land use and new resource management imperatives. Against this backdrop of change, there is an overarching need to preserve and restore the irreplaceable values of the region for future generations.

Since well over half of lands in the Sierra have been in public ownership for decades, future success will involve projects that do not necessarily require land acquisition. We need to act creatively to conserve the region's irreplaceable natural resources, serve visitors from all over the world, reduce threats to the region such as wildfire, maintain the viability of working landscapes, conserve the region's unique cultural and historical resources and preserve the character of the region's landscape and communities. It is my desire to see conservation easements play an enhanced role in the Conservancy's preservation efforts, leaving lands on local tax rolls and preserving working landscapes in their historic uses and not to overburden future taxpayers with unnecessary land management costs.

I appreciate the efforts of the many groups and agencies throughout the region and the State who have worked together over many years to bring this conservancy to fruition. I commend the bipartisan efforts of Assemblymembers Leslie and Laird to devise a balanced and

cooperative foundation for this new conservancy that I firmly believe is essential to position it for success in the Sierra. I look forward to working with all of you to ensure the future of this region.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 488

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 488.

This bill represents a good first step in providing the most valuable tool we can give to parents to protect their children from sexual predators—information. By providing sex offender information on the Internet, California will finally join the majority of other states that make this information accessible to parents and others.

That being said, we have a long way to go to make California a leader in protecting our children. I encourage the Legislature to work together next year to provide a more comprehensive measure that will ensure more of the Megan's Law database is available to the public with information on their neighbors and neighborhood.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 1733

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 1733 because it protects cellular phone consumers by prohibiting cellular phone service providers from including subscriber phone numbers in directories without first obtaining consent. Additionally, it includes safeguards to protect cellular customers from unsolicited telemarketing calls and text message spam.

However, this bill requires consent to be obtained on a separate document that the customer must physically sign and date. This overburdensome provision does not take into account modern business practices developed for consumer ease and greater business efficiencies such as digital files and over the phone approvals.

I look forward to working with the legislature next session to revise the consent provision to represent actual modern day business practices.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 1878

Governor's Office, Sacramento
September 24, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 1878 into law.

However, this bill does not permit a person that holds a valid Class M or Class M1 license, which allows lawful operation of a motorcycle or motordriven cycle, to legally drive a motorized scooter. The bill

accommodates only those individuals who hold a Class C automobile driver license or instruction permit.

While the number of scooter operators who do not hold a Class C license or instruction permit may be small, the bill forces individuals who have a Class M or M1 to apply for an automobile license if they wish to legally operate a motorized scooter. This means they must undergo all of the required tests to operate an automobile, including a behind the wheel examination, even though their current licenses were issued only after they showed proficiency in operating two-wheeled vehicles.

Therefore, in signing this bill, I will be asking the Department of Motor Vehicles to work with the author and the Legislature to address this oversight during the 2005 legislative session.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 3092

Governor's Office, Sacramento
September 27, 2004

To Members of the California Assembly:

I am signing Assembly Bill 3092 because I support reducing illegal tobacco sales to minors. However, I do not believe AB 3092 goes far enough to solve the problem.

AB 2443 (Daucher), sponsored by the Department of Health Services, would also have increased fines for not posting age-of-sale warning signs. In addition, it would have authorized local law enforcement agencies to enforce the Stop Tobacco Access to Kids Enforcement (STAKE) Act.

According to the Department of Health Services, one of our seven retailers continue to sell tobacco to youth. The most effective way to ensure that retailers do not sell tobacco to minors is through continual enforcement. AB 2443 would have provided the flexibility for local jurisdictions that place a priority on enforcing illegal tobacco sales to keep tobacco out of the hands of California's youth.

I encourage the Legislature to work with the Department of Health Services to develop cost-effective enforcement solutions that keep tobacco products out of the hands of our children.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 1000

Governor's Office, Sacramento
September 27, 2004

To the Members of the California Assembly:

I am signing Assembly Bill 1000, which make clarifying changes to the California Corporate Disclosure Act of 2002. The California Corporate Disclosure Act requires publicly traded companies to disclose detailed information to the Secretary of State, much of which is already publicly available through the Securities and Exchange Commission. California is the only state in the nation to impose these burdensome and duplicative reporting requirements on business.

Although this bill does begin to fix the problems with the California Corporate Disclosure Act, I am directing the Department of

Corporations to review the efficacy of the California Corporate Disclosure Act and, if appropriate, to consider sponsoring legislation to eliminate the duplicative requirements and further align its provisions with federal reporting requirements.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 2943

Governor's Office, Sacramento
September 28, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 2943 to prohibit the use of vaccines containing thimerosal for pregnant women and children under three years of age in California, effective July 1, 2006.

Used as a preservative, thimerosal is a mercury-based preservative compound that has been added to vaccines since the 1930s. Some have suggested a link between thimerosal in vaccines and autism. However, the most comprehensive reviews of scientific research to date from the American Academy of Pediatrics (AAP), the Centers for Disease Control and Prevention, and the Institute of Medicine conclude that there is no credible evidence linking thimerosal with autism or other neurodevelopmental disease in children.

While the best available evidence states that thimerosal is safe in the levels found in vaccines, the U.S. Food and Drug Administration (FDA), the Public Health Service (PHS) and the AAP recommended in 1999 the removal of thimerosal from childhood vaccines. This recommendation reflects the importance of minimizing unnecessary exposure to mercury and maintaining public confidence in vaccine programs. Vaccine manufacturers agreed to this recommendation and since 2001, thimerosal has been removed in all routine pediatric vaccines.

I share the policy basis of the FDA, PHS and AAP 1999 recommendation. I believe that an abundance of caution merits the acceleration of the process already underway to remove thimerosal from the last few vaccines that contain it, as intended by AB 2943. Moreover, I believe AB 2943 includes an appropriate mechanism to ensure the availability of adequate vaccine supply in cases of emergency. I will direct the Health and Human Services Agency and the Department of Health Services to assess anticipated vaccine supply and demand in 2006–07 closely.

While I take this action in an abundance of caution, I want to encourage parents to get their children vaccinated. There are significant risks associated with the failure to vaccinate children which far outweigh any theoretical risk associated with thimerosal.

For these reasons I am signing this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 2149

Governor's Office, Sacramento
September 28, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 2149.

I support efforts to develop and enhance communication between officials who are interested or charged with protecting the health and safety of children. However, given limited resources and my desire to avoid duplicate services, I ask that the Department of Social Services (CDSS) and interested counties implement this bill's provisions in a manner that effectively maintains open communication channels, as permitted by law, while ensuring that it is done in ways that are cost neutral and in the least cumbersome manner and without undermining sole CDSS authority in matters of administrative actions.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 2100

Governor's Office, Sacramento
September 28, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 2100, legislation that will provide a new model of support for persons with severe developmental disabilities who wish to live in California's communities. This legislation builds upon the innovative services created by the Lanterman Developmental Disabilities Services Act and the 1999 United States Supreme Court's Olmstead decision, which calls for the support and integration of persons with disabilities in their homes and communities rather than institutions.

Consistent with the Olmstead decision, this legislation will provide another alternative that will better enable individuals to live in more integrated settings by expanding the range and availability of appropriate community-based placements. AB 2100 allows for the development of housing dedicated to persons with developmental disabilities and authorizes three San Francisco Bay Area regional centers to provide lease payments to establish a permanent stock of stable housing. This pilot program will establish a family teaching model that will serve up to three persons with developmental disabilities in family settings.

California has systematically and continually developed integrated community-based services and supports for persons with developmental disabilities. It is time to take the next step and implement a new model capable of providing services to individuals whose only other previous option had been a state run developmental center. Therefore, it is with great enthusiasm that I am signing AB 2100.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 664

Governor's Office, Sacramento
September 28, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 664.

This bill makes numerous changes to existing law to combat those employers who manipulate their unemployment insurance contribution rate in an effort to reduce their unemployment insurance costs.

Employers who engage in schemes to illegally reduce their unemployment insurance rates cost states billions of dollars in lost revenue. This lost revenue is needed to pay unemployment insurance benefits to workers who lose their jobs through no fault of their own. Many states, including California, have unemployment insurance trust funds that are at risk of insolvency. This funding shortfall is partly attributed to the fact that federal and state laws have inadequately combated businesses that manipulate their contribution rate.

Recently enacted federal legislation requires states to enact laws for the specific purpose of combating schemes that inappropriately lower an employer's unemployment insurance contribution rate. Although I believe that few California businesses willfully engage in such schemes, it is important to ensure all businesses have a level playing field and contribute proportionately to the state's unemployment insurance system. The provisions in AB 664 not only fulfill the federal requirement, but also ensure law abiding employers do not pay higher unemployment insurance costs because a few businesses unfairly manipulate the system. By signing AB 664, California will be one of the first states to enact key legislation aimed at maintaining the integrity of the state's unemployment insurance funding structure while promoting a level playing field for all employers.

I am signing this measure because California must immediately step up the fight against employers who manipulate the unemployment insurance system. However, I am concerned that, because the passage of the federal legislation came so near the end of California's legislative session, further discussion of the provisions of this bill is warranted. Therefore, I am directing the Labor and Workforce Development Agency to work with both employer and employee representatives during the fall to ensure that AB 664 as written is strong enough to fight this problem but does not inadvertently ensnare law abiding employers. If shortcomings or other problems with the existing language are identified, I would support legislation next year to ensure they are addressed immediately.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bills Nos. 2853, 2855, and 2856

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am signing Assembly Bills 2853, 2855 and 2856, which make reforms to the state mandates process and make several mandates optional.

When I signed the Executive Order in February of 2004 creating the California Performance Review, its mission was to make fundamental

changes in state government, establish new procedures to create greater efficiencies, prioritize government functions, and create true accountability over the fiscal management of state resources. CPR reviews government functions at all levels when there is interaction with state government.

Among its recommendations, the California Performance Review urged the reform of the state mandates process to make reimbursement more cost efficient, predictable, and fair for both state and local government. These bills, particularly Assembly Bill 2856, represent a good start in undertaking that reform. Expanding the information required in a mandates claim will help the State predict its obligations to reimburse local government.

We need to continue the work begun by the California Performance Review and the Assembly Special Committee on State Mandates and further reform the state mandates process. We need to establish a mechanism for reducing or eliminating mandates when there is a change of law or when the costs decrease over time. We need to be vigilant in drafting and approving legislation that creates state-mandated local programs to evaluate it with an eye towards projecting accurately the future cost of the mandate.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 2430

Governor's Office, Sacramento
September 29, 2004

To the Members of the California Assembly:

I am signing Assembly Bill 2430 which would shift enforcement of insurance requirements for hot air balloon operators from CPUC jurisdiction to local government.

This bill preserves insurance requirements, while shifting oversight to local governments that are closer and more accessible to these locally based, recreational businesses.

Some local operators have expressed concern that the placement of these provisions in the Public Utilities Code provides for continued oversight and jurisdiction by the CPUC.

I am signing this bill with the understanding that the CPUC will no longer have jurisdiction over hot air balloons and hot air balloon operators.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 1629

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 1629.

The quality assurance fee authorized in this legislation will provide funds that would be otherwise unavailable in these times of fiscal constraint, thus enabling the State to provide a much needed increase in Medi-Cal reimbursement rates to skilled nursing facilities. Higher rates,

combined with the facility-specific rate methodology specified in the bill, will result in better wages for nursing home employees, compensation for structural improvements and better quality of care for the residents.

I believe that AB 1629 will allow the Administration to effectively measure and track quality of care in skilled nursing homes by requiring the Department of Health Services to conduct a baseline evaluation before implementation of the new rate methodology, and a follow-up evaluation in 2008, after the nursing homes have experienced the benefits of the higher reimbursement for a specified time period.

These evaluations, which will be provided to the Legislature, will document the number of skilled nursing homes that are complying with the state minimum staffing requirements; the staffing levels maintained; staffing retention rates; the number of nursing homes with findings of immediate jeopardy, substandard quality of care, or actual harm to residents; the number of state citations received by nursing homes; and the average wages and benefits paid to nursing home employees. In addition to these measures, the follow-up evaluation will also report the extent to which nursing home residents who expressed a preference to return to the community, were able to return to the community.

This bill will sunset on July 31, 2008, at which time we will examine available information regarding the impact of the new rate methodology on the State General Fund and improvements in quality of care and retention of staff, to decide whether changes should be made to the rate methodology or the quality assurance components of the bill.

I expect the sponsors to work with County Mental Health Directors to pass clean-up legislation that will mitigate any unintended consequences that may arise because of the link between Medi-Cal rates and those paid by county institutions for mental diseases.

The most important point of AB 1629, however, must not be forgotten. This rate increase is to improve the care of residents in nursing facilities. I am directing the Department of Health Services to closely monitor implementation and to identify opportunities to recognize and reward quality care. We are making this investment in nursing facilities to ensure better care, and I intend to hold the industry and caregivers accountable for this critical responsibility.

I believe that AB 1629 will improve the quality of life for some of our most vulnerable residents and therefore I am pleased to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 864

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 864 because it is a necessary restatement of current law to address a conflict between two sections of the Gambling Control Act.

The bill promotes better regulation and enforcement of the cardroom industry by the California Gambling Control Commission and the Division of Gambling Control within the Office of the Attorney General. The bill also gives the Attorney General the authority to review any changes to local gambling ordinances for compliance with the

Gambling Control Act. Assembly Bill 864 will not allow any overall expansion of gambling as originally permitted under Business and Professions Code section 19961.

The bill clarifies small cardrooms to be held to the expansion limits currently in place for larger cardrooms and requires small cardrooms that propose an expansion of gambling to be subject to voter approval.

For the above reasons I am supporting this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 825

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 825 and commend Senator Dede Alpert for working collaboratively with my Administration on the substantive content of this measure.

I am committed to shifting greater control over educational decisions to the local level, and the increasing number of categorical programs that school districts have had to manage impedes that process.

This bill makes significant strides in streamlining school funding for California schools and provides increased local control over their educational programs. Of the 88 separate state categorical programs, this bill repeals 26 of them, and allows school districts the flexibility to use the \$1.8 billion in funding from those programs within six block grants. While there are still many ways that the state can simplify the manner in which we regulate and allocate funds to schools, I am signing this bill to move the state in the right direction.

I am signing this bill with the understanding that clean-up legislation will be introduced next legislative session to address a technical problem in the bill. The bill inadvertently repeals the Carl Washington School Safety and Violence Prevention Act. This repeal was an oversight that occurred in late amendments to the bill. As the repeal provision does not become operative until July 1, 2005, there will be time to enact clean-up legislation prior to the repeal taking effect.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 135

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 135, which accelerates bridge funding for solar energy rebates in California.

Consistent with my commitment to significantly increase the amount of renewable energy consumed in California, I have released an aggressive plan to create 1 million solar systems. This comprehensive plan includes financial incentives to assist homeowners in absorbing the up front costs of installing solar, energy pricing reform to increase incentives for conservation and ensure real time pricing reflects actual costs, commitments to work with allied industries such as homebuilders and building inspectors to seamlessly adopt uniform building codes.

The plan builds on existing successful programs at the state and local level to ensure the benefits of solar are available to all Californians.

California's warm and sunny climate makes it one of the best places on earth to use solar energy. Solar energy is generated precisely when and where Californians need it, at peak hours on the buildings that consume it. The on-site, on-demand nature of solar power translates into increased energy system reliability. In addition, every megawatt of energy Californians procure from renewable resources like the sun reduces our dependence on other sources. A diversified energy portfolio is a more secure energy portfolio.

Assembly Bill 135 is the first step on this important journey and will help lead toward energy security, reliability and independence for California. I look forward to working with the California Public Utilities Commission and the legislature to assist in implementing my "Million Solar System Initiative."

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 1199

Governor's Office, Sacramento

September 29, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 1199 which will permit the Trinity Public Utilities District to exercise the powers of a health care district and take over the administration and operation of Trinity Hospital. This bill will help keep this vital emergency facility open for the local community and region.

Although this bill does not specify that a vote of the people is required, I believe that existing law already provides constitutional protections for the payers of this special tax. With the understanding and assurance from the proponents that this will have a vote of the ratepayers, I can support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 1796

Governor's Office, Sacramento

September 29, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 1796, which exercises a federal option to provide food stamp benefits in support of individuals' efforts to successfully recover from drug lifestyles. The challenge of overcoming a drug addiction is substantial and universally denying food stamp benefits to people with felony drug convictions has created additional obstacles to independent drug free living and increases the likelihood of re-offending behavior.

This measure will allow the provision of food stamp benefits to individuals convicted of non-violent drug felonies who comply with treatment requirements. Individuals who do not participate in treatment or were convicted of felonies beyond personal use will remain

ineligible. As such, this bill offers both an appropriate incentive and reward to individuals who overcome their addiction.

Technological developments in the benefit delivery system and studies on the positive economic impact of food stamp benefits warrant this policy change. The successful implementation of the Electronic Benefit Transfer system assures that food stamp benefits cannot be easily exchanged or converted into drugs. Food stamp benefits are entirely federally funded, and AB 1796 will bring millions of dollars into the state's economy at little cost to the state.

It is time for California to join the District of Columbia and 31 other states that have eliminated or modified the ban on food stamp benefits for individuals with felony drug convictions. With my signature California will assist individuals in becoming self-sufficient, provide care for their children and overcome their drug addiction while adding millions of federal dollars to our economy.

For these reasons I support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 2121

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 2121, which requires the State Water Resources Control Board (SWRCB) to adopt water quality control policy containing principles and guidelines for maintaining in-stream flows on northern California coastal streams.

The SWRCB should begin developing this policy only if the \$1.5 million transfer from the Resources Trust Fund to the SWRCB pursuant to the 2004 Budget Act is made. If adequate funding is not made available to the SWRCB, then the work should be postponed until funding is available. As part of this comprehensive effort to develop guidelines for water right administration on northern California coastal streams, I urge the SWRCB to focus on the Russian River first. I am also concerned that the deadline in the bill is unattainable, even if adequate funding is provided, given the complexity and importance of adopting in-stream flow guidelines. I ask that the Legislature follow up next session with a bill to extend the deadline and provide additional funding as necessary.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 2248

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 2248 to require the Department of Health Services (DHS) to create a Parkinson's disease registry and conduct a program of epidemiological assessment on the incidence of the disease.

Parkinson's disease is a slowly progressive neuro-degenerative disorder that effects between 40,000 and 110,000 Californians. This disease has touched the lives of countless more residents whose friends and loved ones have suffered from this debilitating disease. Data

collection on the disease has the potential to assist scientists in identifying the possible causes of Parkinson's disease.

Parkinson's disease is generally diagnosed based on clinical symptoms, rather than laboratory or radiological tests. Until there is a specific test to diagnose Parkinson's disease, inconsistent reporting may occur. Therefore, it is particularly important that the reporting system developed use a scientifically sound model of reporting data that will capture all of the cases. I am directing the DHS to work with scientists, medical professionals and advocacy and patient groups to develop an appropriate model to ensure the most accurate reporting of Parkinson's disease.

Given the time required to solicit and retain funds sufficient to develop and maintain the registry, it may not be possible to begin the phase in of the Parkinson's disease reporting by January 1, 2005. There is also concern that the submission of implementation and funding schedules to the Legislature by the July 1, 2005 deadline will be difficult to meet.

I am directing the DHS to work with the author on additional clarifying legislation that would ensure the Parkinson's registry is sustainable, uses a scientifically sound model, and to extend the timelines as necessary to ensure resource needs and the operational requirements can be met.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 2407

Governor's Office, Sacramento
September 29, 2004

To the Members of the California State Assembly:

I am signing Assembly Bill 2407 to allow school districts to offer kindergarten classes for different lengths of time without seeking a State Board of Education waiver. I trust that school boards will make the right decision to ensure that full day kindergarten classes are offered equitably through the district. If inequities arise as a result of this bill, I would encourage the Legislature to pass a measure repealing this statute.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 2805

Governor's Office, Sacramento

September 29, 2004

To the Members of the California State Assembly:

I have signed Assembly Bill 2805 today because it will allow the City of Los Angeles to go forward with their bid to secure an NFL team. This extraordinary authority to extend the redevelopment area without a finding of blight is needed to provide the necessary funding to develop the infrastructure for the facility.

This special circumstance to attract an NFL franchise to California is extremely unique and important and I would not consider this expansion of redevelopment authority under any other circumstance. It is my understanding that if the bid is ultimately unsuccessful and an NFL team is not secured this extraordinary authority would sunset without being used.

Sincerely,

ARNOLD SCHWARZENEGGER

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FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 16

FINAL RECESS

Assembly Chamber, Sacramento
Tuesday, November 30, 2004

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 2003–04 Regular Session was printed while the Assembly was in Final Recess:

COMMUNICATIONS

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

November 4, 2004

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

Dear Mr. Wilson: Please be advised that the Assembly Committee on Rules met on November 4, 2004, and approved the following administrative item:

- 2005 Assembly Holiday Schedule (Approve 7–0)

A copy of the holiday schedule is enclosed. Please ensure that this action is printed in the Assembly Daily Journal.

Sincerely,

CINDY MONTAÑEZ, Chair
Assembly Rules Committee

2005 ASSEMBLY HOLIDAY SCHEDULE

The following are proposed holidays to be observed by the Assembly in 2005:

MARTIN LUTHER KING, JR. DAY—Monday, January 17
 LINCOLN'S BIRTHDAY—Monday, February 14
 WASHINGTON'S BIRTHDAY—Monday, February 21
 CESAR CHAVEZ DAY—Monday, March 28
 MEMORIAL DAY—Monday, May 30
 INDEPENDENCE DAY—Monday, July 4
 LABOR DAY—Monday, September 5
 COLUMBUS DAY—Monday, October 10
 VETERANS DAY—Friday, November 11
 THANKSGIVING—Thursday and Friday, November 24 and 25
 WINTER HOLIDAY—Friday, December 23, and Monday, December 26
 NEW YEAR HOLIDAY—Friday, December 30, and Monday, January 2, 2006

In addition, the Rules Committee has authorized Assembly employees to take two personal holidays at anytime during the year with the approval of the Assembly Member.

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

November 19, 2004

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

RE: Appointment of Dario Frommer
 to California Public Library Construction and Renovation Board

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Dario Frommer to the California Public Library Construction and Renovation Board. This is a pleasure appointment starting November 19, 2004. Assemblymember Frommer will be replacing Assemblymember Ellen Corbett.

Sincerely,

FABIAN NUÑEZ
 Speaker of the Assembly

November 24, 2004

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

RE: Appointment of Lois Wolk
 to California Public Library Construction and Renovation Board

Dear Mr. Wilson: Please be advise I have appointed Assemblymember Lois Wolk to the California Public Library Construction and Renovation Board. This is a pleasure appointment starting November 24, 2004. Due to a scheduling conflict, Assemblymember Wolk will be replacing Assemblymember Frommer.

Sincerely,

FABIAN NUÑEZ
 Speaker of the Assembly

The following communications were presented by the Chief Clerk from:

Cliff Allenby, Director, Department of Developmental Services, dated October 7, 2004, relative to the release of the report entitled "Expenditure Plan: Agnews Transition". Referred by the Speaker to the Committee on Human Services.

Jennifer Kent, Deputy Director, Legislative and Governmental Affairs, Department of Health Services, dated June 3, 2004, submitting Progress Report and communication addressed to Senator Deborah Ortiz prepared by the Department in compliance with requirements set forth in Senate Bill 351, Chapter 602, Statutes of 2002 (pursuant to Health and Safety Code Section 116365.5 (b)). Referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

Cynthia Gatlin, Executive Officer, Dental Board of California, dated September 30, 2004, relative to the California Medical and Dental Student Repayment Program (Chapter 1131, Statutes of 2002). Referred by the Speaker to the Committee on Business and Professions.

B. Teri Burns, Deputy Superintendent, Government Affairs Office, Department of Education, dated October 27, 2004, relative to a delay in submitting the Evaluation Report on the Middle and High School Pilot Program (pursuant to Senate Bill 19, Chapter 913, Statutes of 2001). Referred by the Speaker to the Committee on Education.

Proposed Initiatives

The following communications were presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiative, dated August 6, 2004, pursuant to Elections Code, Section 9007:

State Legislature. Length of Session. Initiative Constitutional Amendment. SA2004RF0028

Referred by the Speaker to the Committees on Elections, Redistricting and Constitutional Amendments and Rules.

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title and summary of the following proposed initiative, dated November 15, 2004, pursuant to Elections Code, Section 9007:

Termination of Minor's Pregnancy. Waiting Period and Parental Notification. Initiative Constitutional Amendment. SA2004RF0030, Amdt. #1-S

Referred by the Speaker to the Committees on Health and Judiciary.

REPORTS

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

California State Auditor

2004-105
October 19, 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 the California Department of Corrections' (department) process of handling employee disciplinary matters.

The department has taken steps to improve its adverse action process, but it can do more. Our review revealed that the department spends an average of 285 days to serve an adverse action or close a case. We believe the department can improve its timeliness and consistency by making certain changes to its process for dealing with employment matters. For example, it can improve its disciplinary process by eliminating some of the minor differences in its disciplinary practices and by taking steps to bring more standardization of penalties. Furthermore, the department can update its disciplinary policies and procedures that are incomplete, out of date, and in need of revision. Moreover, the department uses several redundant databases to track disciplinary matters and each system is incomplete and inaccurate, thus, making it difficult for management to oversee the progress of employee disciplinary matters. Further, although the department recently began requiring job-specific training for a key position involved in its disciplinary process, it can do more to require training for other key positions. Finally, the department has yet to implement several audit recommendations related to disciplinary matters from audits conducted in 2000 and 2001.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Public Safety.

California State Auditor

2004-108
November 9, 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 the efficiency and effectiveness of the teacher credentialing process administered by the California Commission on Teacher Credentialing (commission).

This report concludes that the commission could increase its ability to measure the effectiveness of its teacher development programs, the efficiency of the teacher credentialing process, and the performance of its internal operations. In addition, by focusing its customer service, better managing its workload, and taking full advantage of a new automated processing system, the commission could improve its credential application process. Further, we identified several areas in the commission's process for developing program standards, which college and universities follow when preparing prospective teachers, that lack structure and could be improved. Finally, in December 2002 the commission suspended its continuing accreditation reviews of most colleges and universities, which limits its ability to ensure that they operate teacher preparation programs in accordance with the commission's standards. The commission is evaluating its accreditation policy and it does not plan to propose a revised policy to its governing body until August 2005.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Education.

The following reports were presented by the Chief Clerk:

**Citizen's Option for Public Safety (COPS) Grant Program
(Pursuant to Government Code Section 30063)**

Above transmitted report, together with letter of transmittal from Elizabeth G. Hill, Legislative Analyst, Legislative Analyst's Office, dated September 28, 2004, referred by the Speaker to the Committee on Public Safety.

**English Language Acquisition Program Evaluation Report—
A Report from the Study
"Effects of the Implementation of Proposition 227 on the Education of
English Learners, K-12"
(Pursuant to Assembly Bill 56, Chapter 1009, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated September 22, 2004, referred by the Speaker to the Committee on Education.

**2003-04 Consulting Services Contract Report
(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from Warren L. Alberts, Colonel, State Military Department, Director, Policy and Liaison Office of the Adjutant General, dated September 24, 2004, referred by the Speaker to the Committee on Business and Professions.

**Department of Finance
2003-04 Tax Expenditure Report
(Pursuant to Government Code Section 13305)**

Above report referenced in communication from Donna Arduin, Director, Department of Finance, dated September 29, 2004, stating availability of report at www.dof.ca.gov, referred by the Speaker to the Committee on Revenue and Taxation.

**California State University
Progress Report on Project Savings, Fiscal Year 2003–2004
(Pursuant to Budget Act 2003
Sections 6610-301-0574, -0658, -0705, -0785,
-0791, -6028 and 6610-302-0574, -6028.)**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, dated September 8, 2004, referred by the Speaker to the Committee on Budget.

**Report on Child Nutrition Expenditures
(Pursuant to Budget Act 2004, Item 6110-001-0890, Provision 27)**

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

**Vehicle Theft Deterrence
(Pursuant to Assembly Bill 183, Chapter 232, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from D.O. Helmick, Commissioner, Department of California Highway Patrol, dated September 28, 2004, referred by the Speaker to the Committee on Transportation.

**Report to the Legislature on the Status of Board Licensing—
Exam Validation and Occupational Analysis
(Pursuant to Business and Professions Code Section 139 (c))**

Above transmitted report, together with letter of transmittal from Charlene Zettel, Director, Department of Consumer Affairs, dated September 30, 2004, referred by the Speaker to the Committee on Business and Professions.

**California Sex Offender Information—Megan's Law
(Pursuant to Penal Code Section 290.4(m))**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated October 4, 2004, referred by the Speaker to the Committee on Public Safety.

**Access to California's
Workforce Development System for People with Disabilities
(Pursuant to Assembly Bill 925, Chapter 1008, Statutes of 2002)**

Above transmitted report, together with letter of transmittal from Michael Pro시오, Assistant Secretary, Labor and Workforce Development Agency, dated October 8, 2004, referred by the Speaker to the Committee on Health.

**Report to the Legislature:
Approved Mandate Claims January 1, 2004–September 30, 2004
(Pursuant to Government Code Section 17600)**

Above transmitted report, together with letter of transmittal from Paula Higashi, Executive Director, Commission on State Mandates, dated October 5, 2004, referred by the Speaker to the Committee on Budget.

**Fraud Prevention and Detection Activities
(Pursuant to Unemployment Insurance Code Section 2614)**

Above transmitted report, together with letter of transmittal from Sally M. McKeag, Chief Deputy Director, Employment Development Department, dated October 6, 2004, referred by the Speaker to the Committee on Insurance.

**The Employment Status of Californians with Disabilities
(Pursuant to Government Code Section 12803.65 (d)(2))**

Above transmitted report, together with letter of transmittal from Herb K. Schultz, Acting Director, Employment Development Department, dated October 4, 2004, referred by the Speaker to the Committee on Labor and Employment.

**Interim Report to the Legislature —
The Comprehensive Drug Court Implementation Program Evaluation
(Pursuant to Health and Safety Code Section 11970.2)**

Above transmitted report, together with letter of transmittal from Kathryn P. Jett, Director, Department of Alcohol and Drug Programs, dated October 13, 2004, referred by the Speaker to the Committee on Budget.

**Department of General Services
Contractor's Complaint Report FY 2003-04
(Pursuant to Public Contract Code Section 10262.5)**

Above report referenced in communication from Ron Joseph, Director, Department of General Services, dated October 19, 2004, stating availability of report at <http://www.legi.dgs.gov/Publications/2004LegislativeReports.htm>, referred by the Speaker to the Committee on Business and Professions.

**Department of Justice
Toxic Substance Enforcement Program Report
(Pursuant to Health and Safety Code Section 25174(4)(c))**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated September 29, 2004, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Wildlife Protection Act of 1990, Annual Report, Fiscal Year 2002-2003
(Pursuant to California Wildlife Protection Act 1990)**

Above transmitted report, together with letter of transmittal from Al Wright, Executive Director, Wildlife Conservation Board, dated October 7, 2004, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Employment Development Building Fund
Transfer to the Federal Unemployment Fund
(Pursuant to Budget Act 2003, Item 7100-311-0690)**

Above transmitted report, together with letter of transmittal from Herb K. Schultz, Acting Director, Employment Development Department, dated October 1, 2004, referred by the Speaker to the Committee on Budget.

**Department of Justice
Asset Forfeiture Annual Report 2003
(Pursuant to Health and Safety Code Section 11495)**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated October 21, 2004, referred by the Speaker to the Committee on Public Safety.

**California State University (CSU) FY 2003–04 Report
(Pursuant to Education Code Section 89009 (c))**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, Department of Education, dated October 19, 2004, referred by the Speaker to the Committee on Budget.

**California State Lottery Procurements
100,000.00 and Higher Purchase Orders July 1, 2003 through June 30, 2004
(Pursuant to Government Code Section 8880.56 (b), (5))**

Above transmitted report, together with letter of transmittal from Dennis Sequiera, Interim Director, California Lottery, dated October 22, 2004, referred by the Speaker to the Committee on Governmental Organization.

State and Schools Actuarial Valuation as of June 30, 2003

Above transmitted report, together with letter of transmittal from Ron Seeling, Ph.D., F.C.A., A.S.A., M.A.A.A., Enrolled Actuary, Chief Actuary, CalPERS, California Public Employees' Retirement System, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**An Evaluation of the California Preventing Parolee Crime Program
(Pursuant to Penal Code Section 3068(d)(1))**

Above transmitted report, together with letter of transmittal from J.S. Woodford, Director, Department of Corrections, dated October 13, 2004, referred by the Speaker to the Committee on Public Safety.

**California State University
2003–04 Appropriation Balances As of June 30, 2004
(Pursuant to Item 6610-490, Budget Act 2004)**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated October 7, 2004, referred by the Speaker to the Committee on Budget.

**Minority, Women and Disabled Veteran Business Enterprises in Contracts
(Pursuant to Senate Bill 1045, Chapter 1165, Statutes of 2002)**

Above transmitted report, together with letter of transmittal from J. S. Woodford, Director, Department of Corrections, dated October 5, 2004, referred by the Speaker to the Committee on Business and Professions.

**Contracting Report, Consulting Services
Fiscal Year 2003–2004
Prison Industry Authority and Prison Industry Board
(Pursuant to Public Resources Code Section 10359)**

Above transmitted report, together with letter of transmittal from J. S. Woodford, Director, Department of Corrections, dated October 14, 2004, referred by the Speaker to the Committee on Business and Professions.

**Report Update on the Results of
the 21st Century Community Learning Centers
(21st CCLC Program Grant Application)
(Pursuant to Budget Act 2004-05, Item 6110-197-0890)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated October 25, 2004, referred by the Speaker to the Committee on Budget.

**California Developmental Disabilities Information System (CADDIS) Project
Final Monthly Status Report
(Pursuant to Senate Bill 1113, Item 4300-001-0001, Chapter 208
Statutes of 2004)**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Director, Department of Developmental Services, dated October 26, 2004, referred by the Speaker to the Committee on Budget.

**Veterans' Farm and Home Building Fund of 1943 and
the Veterans Debenture Revenue Fund Report for
Years Ended June 30, 2004 and 2003 and
Independent Auditors' Report
(In accordance with Several Veterans Bond Acts)**

Above transmitted report, together with letter of transmittal from Tom Johnson, FACHE, Secretary, Department of Veterans Affairs, dated October 26, 2004, referred by the Speaker to the Committee on Veterans Affairs.

**Medi-Cal Providers on Probation—2004 Report
(Pursuant to Welfare and Institutions Code, Section 14124.12)**

Above transmitted report, together with letter of transmittal from Jennifer Kent, Deputy Director, Legislative and Governmental Affairs, Department of Health Services, dated October 13, 2004, referred by the Speaker to the Committee on Health.

**California State Lottery Fund: Financial Statements, June 30, 2004
(With Independent Auditors Report Thereon)
(Pursuant to Government Code Section 8880.22)**

Above transmitted report, together with letter of transmittal from Patricia Eberhart, Director, Finance and Administration Division, California Lottery, dated October 29, 2004, referred by the Speaker to the Committee on Governmental Organization.

**Annual Report Required by Section 22866 of the Government Code
(Pursuant to Government Code Section 22866)**

Above transmitted report, together with letter of transmittal from Jarvio A. Grevious, Assistant Executive Officer, Health Benefits, California Public Employees' Retirement System, dated November 1, 2004, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Rice Straw Soundwall Report
(Pursuant to Assembly Bill 2751, Chapter 656, Statutes of 2002)**

Above transmitted report, together with letter of transmittal from Janet S. Dawson, Assistant Deputy Director, Division of Legislative and Local Government Affairs, Department of Transportation, dated November 12, 2004, referred by the Speaker to the Committee on Transportation.

**California's Community Mental Health
Performance Outcome Report, for Fiscal Year 2002–2003
(Pursuant to Assembly Bill 1288, Chapter 89, Statutes of 1991)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, dated November 15, 2004, referred by the Speaker to the Committee on Health.

**2003–2004 Consulting Services Contract Report
(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from Lucetta Dunn, Director, Department of Housing and Community Development, dated October 14, 2004, referred by the Speaker to the Committee on Housing and Community Development.

**University of California
Instruction and Research Space Summary and Analysis
2005-10 Capital Improvement Program Report
(Pursuant to Budget Act 1973, Item 359)**

Above transmitted report, together with letter of transmittal from Larry Hershman, Vice President for Budget, University of California, dated October 29, 2004, referred by the Speaker to the Committee on Budget.

**Quarterly Hazardous Waste Fee Revenue Report
July 1, 2004 through September 30, 2004
(Pursuant to Health and Safety Code Section 25178.1)**

Above transmitted report, together with letter of transmittal from Ramon J. Hirsig, Executive Director, Board of Equalization, dated November 4, 2004, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**2004 Report of Residential Property, Earthquake Claims, and
Automobile Physical Damage Mediation Program
(Pursuant to Insurance Code Sections 10089.3 and 10089.84)**

Above transmitted report, together with letter of transmittal from John Garamendi, Insurance Commissioner, dated November 5, 2004, referred by the Speaker to the Committee on Insurance.

**State Compensation Insurance Fund's Financial Condition
(Pursuant to Senate Bill 228, Chapter 639, Statutes of 2003)**

Above transmitted report, together with letter of transmittal from John Garamendi, Insurance Commissioner, dated November 8, 2004, referred by the Speaker to the Committee on Insurance.

**Metropolitan State Hospital
Quarterly Report to the Legislature on Key Measures
(Pursuant to Senate Bill 1103, Chapter 228, Statutes of 2004)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, referred by the Speaker to the Committee on Budget.

**Using Title XXI Funds for Initiatives to Address
the Health Care Needs of Vulnerable Children in California
(Pursuant to Insurance Code Section 12693.925)**

Above transmitted report, together with letter of transmittal from Lesley Cummings, Executive Director, California Managed Risk Medical Insurance Board, dated October 7, 2004, referred by the Speaker to the Committee on Judiciary.

**California Housing Finance Agency's 2003–2004 Annual Report
(Pursuant to Health and Safety Code Section 51005)**

Above transmitted report, together with letter of transmittal from Theresa A. Parker, Executive Director, California Housing Finance Agency, dated November 1, 2004, referred by the Speaker to the Committee on Housing and Community Development.

**Seventh Annual Evaluation of
the Substance Abuse Program of the
California Substance Abuse Treatment Facility and State Prison at Corcoran
(Pursuant to Assembly Bill 10, Chapter 585, Statutes of 1993)**

Above transmitted report, together with letter of transmittal from J. S. Woodford, Director, Department of Corrections, dated November 1, 2004, referred by the Speaker to the Committee on Public Safety.

**Department of General Services
Revised Energy Savings Benefit Report for Fiscal Year 2002–2003
(Pursuant to Public Resources Code Section 25008.5)**

Above report referenced in communication from Ron Joseph, Director, Department of General Services, dated November 2, 2004, stating availability of report at <http://www.legi.dgs.ca.gov/Publications/2004LegislativeReports.htm>. Referred by the Speaker to the Committee on Natural Resources.

**Job Classifications of Individuals Receiving Benefits from
the Uninsured Employers Benefits Trust Fund
(Pursuant to Labor Code Section 3716.5(b))**

Above transmitted report, together with letter of transmittal from Michael Pro시오, Assistant Secretary, Labor and Workforce Development Agency, dated November 17, 2004, referred by the Speaker to the Committee on Insurance.

**ASSEMBLY COMMITTEE INTERIM HEARINGS
INTERIM STUDY RECESS**

Thursday, September 2, 2004

Human Services, at 10 a.m., in Room 437.

Friday, September 3, 2004

Select Committee on the Status of Health Facilities, in Los Angeles.

Wednesday, September 8, 2004

Health to convene jointly with the Senate Committee on Health and Human Services, in Van Nuys.

Tuesday, September 14, 2004

Health to convene jointly with the Senate Committee on Health and Human Services, in San Jose.

Wednesday, September 15, 2004

Health to convene jointly with Elections, Redistricting and Constitutional Amendments and Senate Committee on Health and Human Services.

Monday, September 20, 2004

Select Committee on the Status of Health Facilities, at 10 a.m., in Los Angeles.

Wednesday, September 22, 2004

Elections, Redistricting and Constitutional Amendments, at 10 a.m., in Room 126.

Health and Revenue and Taxation to convene jointly with the Senate Committees on Health and Human Services and Revenue and Taxation.

Local Government to convene jointly with the Senate Committee on Local Government, in Room 112.

Select Committee on Hate Crimes, at 11 a.m., in San Jose.

Select Committee on Olmstead Implementation, at 10 a.m., in Room 4202.

Thursday, September 23, 2004

Select Committee on Water Management, Storage, Conservation and Supply, at 10 a.m., in Carson.

Public Safety to convene jointly with the Senate Committee on Public Safety, at 10 a.m., in Room 4203.

Friday, September 24, 2004

Select Committee on Adult Education to convene jointly with Jobs, Economic Development and the Economy, in Los Angeles.

Monday, September 27, 2004

Public Safety to convene jointly with the Senate Committee on Public Safety, at 10 a.m., in Room 4203.

Tuesday, September 28, 2004

Revenue and Taxation, at 11 a.m., at the San Diego County Administration Building, in Room 358, in San Diego.

Select Committee on Hate Crimes, at 10 a.m., in Los Angeles.

Wednesday, September 29, 2004

Environmental Safety and Toxic Materials to convene jointly with the Senate Committee on Environmental Quality, in San Jose.

Monday, October 4, 2004

Governmental Organization to hold a Joint Informational Hearing with the Senate Committee on Governmental Organization, at 11 a.m., in Room 3191.

Select Committee on Domestic Violence, at 9 a.m., at the Santa Clara Central Park Library, in Santa Clara.

Tuesday, October 5, 2004

Health to hold a Joint Informational Hearing with the Senate Committee on Health and Human Services, in Room 4202.

Select Committee on Human Trafficking, at 9:30 a.m., at the Firehouse at Fort Mason Center, in San Francisco.

Joint Legislative Committee on Emergency Services and Homeland Security, at 9:30 a.m., at the Balboa Park War Memorial Building, in San Diego.

Thursday, October 7, 2004

Higher Education, at Pasadena College, in Pasadena.

Saturday, November 6, 2004

Education at 9 a.m., at CSU Fresno, in Fresno.

Environmental Safety and Toxic Materials to convene jointly with the Select Committee on Environmental Justice, in Richmond.

Monday, November 8, 2004

Subcommittee No. 1 on Health and Human Services, at 10 a.m., in Room 126.

Tuesday, November 9, 2004

Select Committee on Health Facilities, at 2 p.m., in Los Angeles.

Saturday, November 13, 2004

Education, at 1 p.m., in Chino.

Tuesday, November 16, 2004

Select Committee on Lesbian, Gay, Bisexual and Transgender Families, at 6 p.m., in San Francisco.

Wednesday, November 17, 2004

Public Safety, at 10 a.m., in Room 126.

Tuesday, November 30, 2004

Select Committee on Community Colleges, at 9 a.m., in Compton.

REPORTS OF STANDING COMMITTEES

Committee on Education

November 30, 2004

Mr. Speaker: Your Committee on Education reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2154

Assembly Bill No. 2535

Assembly Bill No. 2180

Assembly Bill No. 2781

GOLDBERG, Chair

Above bills ordered filed with the Chief Clerk.

Committee on Environmental Safety and Toxic Materials

November 30, 2004

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2969

LAIRD, Chair

Above bill ordered filed with the Chief Clerk.

Committee on Governmental Organization

November 30, 2004

Mr. Speaker: Your Committee on Governmental Organization reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2433

JEROME HORTON, Chair

Above bill ordered filed with the Chief Clerk.

Committee on Health

November 30, 2004

Mr. Speaker: Your Committee on Health reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2291

Assembly Bill No. 2996

COHN, Chair

Above bills ordered filed with the Chief Clerk.

Committee on Higher Education

November 30, 2004

Mr. Speaker: Your Committee on Higher Education reports the following bill pursuant to the provisions of Joint Rule 62(a):

Senate Bill No. 1175

LIU, Chair

Above bill ordered filed with the Chief Clerk.

Committee on Human Services

November 30, 2004

Mr. Speaker: Your Committee on Human Services reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2548
Assembly Bill No. 2667

WOLK, Chair

Above bills ordered filed with the Chief Clerk.

Committee on Insurance

November 30, 2004

Mr. Speaker: Your Committee on Insurance reports the following bills pursuant to the provisions of Joint Rule 62(a):

Senate Bill No. 1315
Senate Bill No. 1474

VARGAS, Chair

Above bills ordered filed with the Chief Clerk.

Committee on Judiciary

November 30, 2004

Mr. Speaker: Your Committee on Judiciary reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 1909
Assembly Bill No. 2726

Assembly Bill No. 2737
Assembly Bill No. 2819

CORBETT, Chair

Above bills ordered filed with the Chief Clerk.

November 30, 2004

Mr. Speaker: Your Committee on Judiciary reports the following bill pursuant to the provisions of Joint Rule 62(a):

Senate Bill No. 1722

CORBETT, Chair

Above bill ordered filed with the Chief Clerk.

Committee on Labor and Employment

November 30, 2004

Mr. Speaker: Your Committee on Labor and Employment reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 1995
Assembly Bill No. 2052

KORETZ, Chair

Above bills ordered filed with the Chief Clerk.

Committee on Local Government

November 30, 2004

Mr. Speaker: Your Committee on Local Government reports the following bill pursuant to the provisions of Joint Rule 62(a):

Senate Bill No. 1529

SALINAS, Chair

Above bill ordered filed with the Chief Clerk.

Committee on Natural Resources

November 30, 2004

Mr. Speaker: Your Committee on Natural Resources reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2381
Assembly Bill No. 2497
Assembly Bill No. 2967

JACKSON, Chair

Above bills ordered filed with the Chief Clerk.

Committee on Public Safety

November 30, 2004

Mr. Speaker: Your Committee on Public Safety reports the following bills pursuant to the provisions of Joint Rule 62(a):

- Assembly Bill No. 1837
- Assembly Bill No. 1938
- Assembly Bill No. 1996
- Assembly Bill No. 2143
- Assembly Bill No. 2383
- Assembly Constitutional Amendment No. 18
- Assembly Bill No. 2468
- Assembly Bill No. 2563
- Assembly Bill No. 2640
- Assembly Bill No. 2961
- Assembly Bill No. 2986

LENO, Chair

Above bills ordered filed with the Chief Clerk.

Committee on Transportation

November 30, 2004

Mr. Speaker: Your Committee on Transportation reports the following bill pursuant to the provisions of Joint Rule 62(a):

- Assembly Bill No. 2522

OROPEZA, Chair

Above bill ordered filed with the Chief Clerk.

November 30, 2004

Mr. Speaker: Your Committee on Transportation reports the following bill pursuant to the provisions of Joint Rule 62(a):

- Assembly Constitutional Amendment No. 21

OROPEZA, Chair

Above bill ordered filed with the Chief Clerk.

November 30, 2004

Mr. Speaker: Your Committee on Transportation reports the following bills pursuant to the provisions of Joint Rule 62(a):

- Senate Bill No. 1582
- Senate Bill No. 1800

OROPEZA, Chair

Above bills ordered filed with the Chief Clerk.

Committee on Water, Parks and Wildlife

November 30, 2004

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports the following bills pursuant to the provisions of Joint Rule 62(a):

- Senate Bill No. 1327
- Senate Bill No. 1477

CANCIAMILLA, Chair

Above bills ordered filed with the Chief Clerk.

Committee on Appropriations

November 30, 2004

Mr. Speaker: Your Committee on Appropriations reports the following bills:

- Assembly Bill No. 351
- Assembly Bill No. 974
- Assembly Bill No. 2113

Died in Committee—Concurrence pending.

CHU, Chair

Above bills ordered filed with the Chief Clerk.

Committee on Education

November 30, 2004

Mr. Speaker: Your Committee on Education reports the following bill:

Assembly Bill No. 2567

Died in Committee—Concurrence pending.

GOLDBERG, Chair

Above bill ordered filed with the Chief Clerk.

Committee on Governmental Organization

November 30, 2004

Mr. Speaker: Your Committee on Governmental Organization reports the following bill:

Assembly Bill No. 894

Died in Committee—Concurrence pending.

JEROME HORTON, Chair

Above bill ordered filed with the Chief Clerk.

Committee on Health

November 30, 2004

Mr. Speaker: Your Committee on Health reports the following bill:

Assembly Bill No. 2012

Died in Committee—Concurrence pending.

COHN, Chair

Above bill ordered filed with the Chief Clerk.

Committee on Higher Education

November 30, 2004

Mr. Speaker: Your Committee on Higher Education reports the following bill:

Assembly Bill No. 598

Died in Committee—Concurrence pending.

LIU, Chair

Above bill ordered filed with the Chief Clerk.

Committee on Judiciary

November 30, 2004

Mr. Speaker: Your Committee on Judiciary reports the following bill:

Assembly Bill No. 2932

Died in Committee—Concurrence pending.

CORBETT, Chair

Above bill ordered filed with the Chief Clerk.

Committee on Natural Resources

November 30, 2004

Mr. Speaker: Your Committee on Natural Resources reports the following bills:

Assembly Bill No. 2396

Assembly Bill No. 2911

Died in Committee—Concurrence pending.

JACKSON, Chair

Above bills ordered filed with the Chief Clerk.

Committee on Public Safety

November 30, 2004

Mr. Speaker: Your Committee on Public Safety reports the following bills:

Assembly Bill No. 638
Assembly Bill No. 1760

Died in Committee—Concurrence pending.

LENO, Chair

Above bills ordered filed with the Chief Clerk.

Committee on Revenue and Taxation

November 30, 2004

Mr. Speaker: Your Committee on Revenue and Taxation reports the following bill:

Assembly Bill No. 1412

Died in Committee—Concurrence pending.

BERMUDEZ, Chair

Above bill ordered filed with the Chief Clerk.

Committee on Water, Parks and Wildlife

November 30, 2004

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

Assembly Bill No. 1185

Died in Committee—Concurrence pending.

CANCIAMILLA, Chair

Above bill ordered filed with the Chief Clerk.

Committee on Aging and Long-Term Care

November 30, 2004

Mr. Speaker: Your Committee on Aging and Long-Term Care reports:

Assembly Bill No. 2822

Without action.

BERG, Chair

Committee on Agriculture

November 30, 2004

Mr. Speaker: Your Committee on Agriculture reports:

Assembly Bill No. 2745
Assembly Bill No. 3030

Without action.

MATTHEWS, Chair

November 30, 2004

Mr. Speaker: Your Committee on Agriculture reports:

Senate Bill No. 506
Senate Bill No. 1026
Senate Bill No. 1518

Without action.

MATTHEWS, Chair

Above bills returned to the Senate.

Committee on Appropriations

November 30, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1791	Assembly Bill No. 1844
Assembly Bill No. 1795	Assembly Bill No. 1849
Assembly Bill No. 1797	Assembly Bill No. 1869
Assembly Bill No. 1804	Assembly Bill No. 1872
Assembly Bill No. 1809	Assembly Bill No. 1880
Assembly Bill No. 1815	Assembly Bill No. 1905
Assembly Bill No. 1824	Assembly Bill No. 1915
Assembly Bill No. 1842	Assembly Bill No. 1935
Assembly Bill No. 1843	

Without action.

CHU, Chair

November 30, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 2178	Assembly Bill No. 2267
Assembly Bill No. 2183	Assembly Bill No. 2270
Assembly Bill No. 2187	Assembly Bill No. 2294
Assembly Bill No. 2188	Assembly Bill No. 2315
Assembly Bill No. 2200	Assembly Bill No. 2320
Assembly Bill No. 2225	Assembly Bill No. 2323
Assembly Bill No. 2227	Assembly Bill No. 2324
Assembly Bill No. 2230	Assembly Bill No. 2325
Assembly Bill No. 2260	Assembly Bill No. 2327

Without action.

CHU, Chair

November 30, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1949	Assembly Bill No. 2003
Assembly Bill No. 1952	Assembly Bill No. 2009
Assembly Bill No. 1954	Assembly Bill No. 2033
Assembly Bill No. 1967	Assembly Bill No. 2036
Assembly Bill No. 1972	Assembly Bill No. 2058
Assembly Bill No. 1981	Assembly Bill No. 2083
Assembly Bill No. 1989	Assembly Bill No. 2135
Assembly Bill No. 1993	Assembly Bill No. 2153

Without action.

CHU, Chair

November 30, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 2329	Assembly Bill No. 2368
Assembly Bill No. 2334	Assembly Bill No. 2382
Assembly Bill No. 2344	Assembly Bill No. 2394
Assembly Bill No. 2345	Assembly Bill No. 2402
Assembly Bill No. 2359	Assembly Bill No. 2422
Assembly Bill No. 2360	Assembly Bill No. 2425
Assembly Bill No. 2361	Assembly Bill No. 2440
Assembly Bill No. 2365	Assembly Bill No. 2456
Assembly Bill No. 2367	

Without action.

CHU, Chair

November 30, 2004

Mr. Speaker: Your Committee on Appropriations reports:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 2467 | Assembly Bill No. 2541 |
| Assembly Bill No. 2472 | Assembly Bill No. 2569 |
| Assembly Bill No. 2483 | Assembly Bill No. 2570 |
| Assembly Bill No. 2484 | Assembly Bill No. 2590 |
| Assembly Bill No. 2493 | Assembly Bill No. 2641 |
| Assembly Bill No. 2508 | Assembly Bill No. 2645 |
| Assembly Bill No. 2524 | Assembly Bill No. 2648 |
| Assembly Bill No. 2526 | Assembly Bill No. 2662 |
| Assembly Bill No. 2534 | Assembly Bill No. 2675 |

Without action.

CHU, Chair

November 30, 2004

Mr. Speaker: Your Committee on Appropriations reports:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 2697 | Assembly Bill No. 2794 |
| Assembly Bill No. 2698 | Assembly Bill No. 2802 |
| Assembly Bill No. 2730 | Assembly Bill No. 2808 |
| Assembly Bill No. 2736 | Assembly Bill No. 2815 |
| Assembly Bill No. 2764 | Assembly Bill No. 2825 |
| Assembly Bill No. 2768 | Assembly Bill No. 2847 |
| Assembly Bill No. 2774 | Assembly Bill No. 2852 |
| Assembly Bill No. 2775 | Assembly Bill No. 2863 |
| Assembly Bill No. 2792 | |

Without action.

CHU, Chair

November 30, 2004

Mr. Speaker: Your Committee on Appropriations reports:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 2864 | Assembly Bill No. 2980 |
| Assembly Bill No. 2899 | Assembly Bill No. 3011 |
| Assembly Bill No. 2912 | Assembly Bill No. 3028 |
| Assembly Bill No. 2928 | Assembly Bill No. 3035 |
| Assembly Bill No. 2929 | Assembly Bill No. 3055 |
| Assembly Bill No. 2947 | Assembly Bill No. 3074 |
| Assembly Bill No. 2949 | Assembly Bill No. 3104 |
| Assembly Bill No. 2970 | |

Without action.

CHU, Chair

November 30, 2004

Mr. Speaker: Your Committee on Appropriations reports:

- Assembly Constitutional Amendment No. 5
- Assembly Constitutional Amendment No. 24
- Assembly Constitutional Amendment No. 29
- Assembly Concurrent Resolution No. 86
- Assembly Concurrent Resolution No. 187
- Assembly Concurrent Resolution No. 247
- Assembly Joint Resolution No. 51

Without action.

CHU, Chair

November 30, 2004

Mr. Speaker: Your Committee on Appropriations reports:

- | | |
|---------------------|---------------------|
| Senate Bill No. 70 | Senate Bill No. 383 |
| Senate Bill No. 80 | Senate Bill No. 410 |
| Senate Bill No. 126 | Senate Bill No. 429 |
| Senate Bill No. 132 | Senate Bill No. 481 |
| Senate Bill No. 149 | Senate Bill No. 493 |
| Senate Bill No. 290 | Senate Bill No. 525 |
| Senate Bill No. 300 | Senate Bill No. 557 |
| Senate Bill No. 373 | Senate Bill No. 558 |
| Senate Bill No. 380 | Senate Bill No. 562 |

Without action.

CHU, Chair

Above bills returned to the Senate.

November 30, 2004

Mr. Speaker: Your Committee on Appropriations reports:

- | | |
|---------------------|----------------------|
| Senate Bill No. 574 | Senate Bill No. 962 |
| Senate Bill No. 575 | Senate Bill No. 999 |
| Senate Bill No. 595 | Senate Bill No. 1129 |
| Senate Bill No. 663 | Senate Bill No. 1135 |
| Senate Bill No. 693 | Senate Bill No. 1180 |
| Senate Bill No. 711 | Senate Bill No. 1212 |
| Senate Bill No. 831 | Senate Bill No. 1223 |
| Senate Bill No. 858 | Senate Bill No. 1237 |
| Senate Bill No. 921 | |

Without action.

CHU, Chair

Above bills returned to the Senate.

November 30, 2004

Mr. Speaker: Your Committee on Appropriations reports:

- | | |
|----------------------|----------------------|
| Senate Bill No. 1302 | Senate Bill No. 1421 |
| Senate Bill No. 1305 | Senate Bill No. 1429 |
| Senate Bill No. 1318 | Senate Bill No. 1443 |
| Senate Bill No. 1346 | Senate Bill No. 1446 |
| Senate Bill No. 1348 | Senate Bill No. 1453 |
| Senate Bill No. 1349 | Senate Bill No. 1454 |
| Senate Bill No. 1351 | Senate Bill No. 1463 |
| Senate Bill No. 1390 | Senate Bill No. 1497 |
| Senate Bill No. 1405 | Senate Bill No. 1522 |

Without action.

CHU, Chair

Above bills returned to the Senate.

November 30, 2004

Mr. Speaker: Your Committee on Appropriations reports:

- | | |
|----------------------|----------------------|
| Senate Bill No. 1524 | Senate Bill No. 1681 |
| Senate Bill No. 1587 | Senate Bill No. 1735 |
| Senate Bill No. 1597 | Senate Bill No. 1758 |
| Senate Bill No. 1617 | Senate Bill No. 1778 |
| Senate Bill No. 1640 | Senate Bill No. 1792 |
| Senate Bill No. 1642 | Senate Bill No. 1798 |
| Senate Bill No. 1652 | Senate Bill No. 1802 |
| Senate Bill No. 1657 | Senate Bill No. 1808 |
| Senate Bill No. 1660 | Senate Bill No. 1860 |
| Senate Bill No. 1671 | |

Without action.

CHU, Chair

Above bills returned to the Senate.

November 30, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1875

Senate Bill No. 1899

Senate Bill No. 1882

Senate Bill No. 1900

Senate Bill No. 1887

Senate Bill No. 1903

Senate Bill No. 1890

Without action.

CHU, Chair

Above bills returned to the Senate.

November 30, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Senate Constitutional Amendment No. 8

Senate Joint Resolution No. 9

Senate Joint Resolution No. 32

Without action.

CHU, Chair

Above resolutions returned to the Senate.

Committee on Arts, Entertainment, Sports, Tourism, and Internet Media

November 30, 2004

Mr. Speaker: Your Committee on Arts, Entertainment, Sports, Tourism, and Internet Media reports:

Assembly Bill No. 1830

Assembly Bill No. 2735

Assembly Bill No. 2972

Without action.

CHAVEZ, Chair

November 30, 2004

Mr. Speaker: Your Committee on Arts, Entertainment, Sports, Tourism, and Internet Media reports:

Assembly Joint Resolution No. 92

House Resolution No. 55

Without action.

CHAVEZ, Chair

Committee on Banking and Finance

November 30, 2004

Mr. Speaker: Your Committee on Banking and Finance reports:

Assembly Bill No. 2282

Assembly Bill No. 2374

Assembly Bill No. 3013

Without action.

WIGGINS, Chair

November 30, 2004

Mr. Speaker: Your Committee on Banking and Finance reports:

Senate Bill No. 1496

Senate Bill No. 1904

Senate Bill No. 1528

Senate Bill No. 1916

Without action.

WIGGINS, Chair

Above bills returned to the Senate.

Committee on Budget

November 30, 2004

Mr. Speaker: Your Committee on Budget reports:

Assembly Bill No. 1800

Assembly Bill No. 2099

Assembly Bill No. 1871

Assembly Bill No. 2108

Assembly Bill No. 2098

Assembly Bill No. 2356

Without action.

STEINBERG, Chair

November 30, 2004

Mr. Speaker: Your Committee on Budget reports:

Assembly Constitutional Amendment No. 1

Assembly Constitutional Amendment No. 2

Assembly Joint Resolution No. 95

Without action.

STEINBERG, Chair

Committee on Business and Professions

November 30, 2004

Mr. Speaker: Your Committee on Business and Professions reports:

Assembly Bill No. 1807

Assembly Bill No. 2341

Assembly Bill No. 1976

Assembly Bill No. 2375

Assembly Bill No. 2059

Assembly Bill No. 2482

Assembly Bill No. 2142

Assembly Bill No. 2576

Assembly Bill No. 2241

Without action.

CORREA, Chair

November 30, 2004

Mr. Speaker: Your Committee on Business and Professions reports:

Assembly Bill No. 2090

Assembly Bill No. 2609

Assembly Bill No. 2198

Assembly Bill No. 2700

Assembly Bill No. 2259

Assembly Bill No. 2793

Assembly Bill No. 2262

Assembly Bill No. 2910

Assembly Bill No. 2392

Assembly Bill No. 3052

Assembly Bill No. 2410

Assembly Bill No. 3093

Without action.

CORREA, Chair

November 30, 2004

Mr. Speaker: Your Committee on Business and Professions reports:

Assembly Constitutional Amendment No. 28

Assembly Concurrent Resolution No. 144

Assembly Concurrent Resolution No. 150

Without action.

CORREA, Chair

November 30, 2004

Mr. Speaker: Your Committee on Business and Professions reports:

Senate Bill No. 12

Senate Bill No. 1787

Senate Bill No. 74

Senate Bill No. 1788

Senate Bill No. 584

Senate Bill No. 1834

Senate Bill No. 1279

Senate Bill No. 1893

Without action.

CORREA, Chair

Above bills returned to the Senate.

Committee on Education

November 30, 2004

Mr. Speaker: Your Committee on Education reports:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 1922 | Assembly Bill No. 2453 |
| Assembly Bill No. 2017 | Assembly Bill No. 2461 |
| Assembly Bill No. 2050 | Assembly Bill No. 2664 |
| Assembly Bill No. 2051 | Assembly Bill No. 2728 |
| Assembly Bill No. 2130 | Assembly Bill No. 2757 |
| Assembly Bill No. 2131 | Assembly Bill No. 2765 |
| Assembly Bill No. 2220 | Assembly Bill No. 2824 |
| Assembly Bill No. 2263 | Assembly Bill No. 2944 |
| Assembly Bill No. 2335 | Assembly Bill No. 2993 |
| Assembly Bill No. 2405 | |

Without action.

GOLDBERG, Chair

November 30, 2004

Mr. Speaker: Your Committee on Education reports:

- Assembly Constitutional Amendment No. 6
- Assembly Concurrent Resolution No. 21

Without action.

GOLDBERG, Chair

November 30, 2004

Mr. Speaker: Your Committee on Education reports:

- | | |
|---------------------|----------------------|
| Senate Bill No. 258 | Senate Bill No. 1221 |
| Senate Bill No. 298 | Senate Bill No. 1531 |

Without action.

GOLDBERG, Chair

Above bills returned to the Senate.

Committee on Elections, Redistricting and Constitutional Amendments

November 30, 2004

Mr. Speaker: Your Committee on Elections, Redistricting and Constitutional Amendments reports:

- Assembly Bill No. 2246
- Assembly Bill No. 2607
- Assembly Bill No. 3006

Without action.

LONGVILLE, Chair

November 30, 2004

Mr. Speaker: Your Committee on Elections, Redistricting and Constitutional Amendments reports:

- Assembly Constitutional Amendment No. 19
- Assembly Constitutional Amendment No. 20
- Assembly Constitutional Amendment No. 23

Without action.

LONGVILLE, Chair

November 30, 2004

Mr. Speaker: Your Committee on Elections, Redistricting and Constitutional Amendments reports:

- | | |
|---------------------|---------------------|
| Senate Bill No. 530 | Senate Bill No. 724 |
| Senate Bill No. 641 | Senate Bill No. 850 |

Without action.

LONGVILLE, Chair

Above bills returned to the Senate.

Committee on Environmental Safety and Toxic Materials

November 30, 2004

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 2048

Assembly Bill No. 2732

Assembly Bill No. 2379

Assembly Bill No. 3004

Without action.

LAIRD, Chair

November 30, 2004

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 543

Without action.

LAIRD, Chair

Above bill returned to the Senate.

Committee on Governmental Organization

November 30, 2004

Mr. Speaker: Your Committee on Governmental Organization reports:

Assembly Bill No. 2272

Assembly Bill No. 2887

Assembly Bill No. 2443

Assembly Bill No. 2938

Assembly Bill No. 2511

Assembly Bill No. 3053

Assembly Bill No. 2579

Assembly Bill No. 3054

Assembly Bill No. 2714

Without action.

JEROME E. HORTON, Chair

November 30, 2004

Mr. Speaker: Your Committee on Governmental Organization reports:

Assembly Concurrent Resolution No. 123

Without action.

JEROME E. HORTON, Chair

November 30, 2004

Mr. Speaker: Your Committee on Governmental Organization reports:

Senate Bill No. 676

Senate Bill No. 1586

Senate Bill No. 769

Senate Bill No. 1718

Senate Bill No. 813

Without action.

JEROME E. HORTON, Chair

Above bills returned to the Senate.

Committee on Health

November 30, 2004

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 2025

Assembly Bill No. 2393

Assembly Bill No. 2087

Assembly Bill No. 2494

Assembly Bill No. 2125

Assembly Bill No. 2510

Assembly Bill No. 2163

Assembly Bill No. 2571

Assembly Bill No. 2229

Assembly Bill No. 2588

Assembly Bill No. 2293

Assembly Bill No. 2703

Assembly Bill No. 2300

Assembly Bill No. 2712

Assembly Bill No. 2302

Assembly Bill No. 2769

Assembly Bill No. 2331

Without action.

COHN, Chair

November 30, 2004

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 2798
Assembly Bill No. 2933
Assembly Bill No. 2937
Assembly Bill No. 2963

Assembly Bill No. 2985
Assembly Bill No. 2990
Assembly Bill No. 3012
Assembly Bill No. 3038

Without action.

COHN, Chair

November 30, 2004

Mr. Speaker: Your Committee on Health reports:

Assembly Concurrent Resolution No. 231
Assembly Concurrent Resolution No. 246
Assembly Joint Resolution No. 43

Without action.

COHN, Chair

November 30, 2004

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 679
Senate Bill No. 828
Senate Bill No. 1168
Senate Bill No. 1170

Senate Bill No. 1192
Senate Bill No. 1275
Senate Bill No. 1430
Senate Bill No. 1783

Without action.

COHN, Chair

Above bills returned to the Senate.

Committee on Higher Education

November 30, 2004

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 1932
Assembly Bill No. 2574

Assembly Bill No. 2778
Assembly Bill No. 2833

Without action.

LIU, Chair

November 30, 2004

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Constitutional Amendment No. 13
Assembly Concurrent Resolution No. 37
House Resolution No. 40

Without action.

LIU, Chair

November 30, 2004

Mr. Speaker: Your Committee on Higher Education reports:

Senate Bill No. 193
Senate Bill No. 1535

Without action.

LIU, Chair

Above bills returned to the Senate.

Committee on Housing and Community Development

November 30, 2004

Mr. Speaker: Your Committee on Housing and Community Development reports:

Assembly Bill No. 2264
Assembly Bill No. 2515
Assembly Bill No. 2786

Without action.

LOWENTHAL, Chair

November 30, 2004

Mr. Speaker: Your Committee on Housing and Community Development reports:
Senate Bill No. 1489

Without action.

LOWENTHAL, Chair

Above bill returned to the Senate.

Committee on Human Services

November 30, 2004

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 1803

Assembly Bill No. 2414

Assembly Bill No. 2766

Without action.

WOLK, Chair

November 30, 2004

Mr. Speaker: Your Committee on Human Services reports:

Senate Bill No. 707

Without action.

WOLK, Chair

Above bill returned to the Senate.

Committee on Insurance

November 30, 2004

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 1891

Assembly Bill No. 1965

Assembly Bill No. 2195

Assembly Bill No. 2255

Assembly Bill No. 2310

Assembly Bill No. 2322

Assembly Bill No. 2399

Assembly Bill No. 2426

Assembly Bill No. 2427

Assembly Bill No. 2441

Assembly Bill No. 2495

Assembly Bill No. 2696

Assembly Bill No. 2770

Assembly Bill No. 2771

Assembly Bill No. 2772

Assembly Bill No. 2780

Assembly Bill No. 2890

Assembly Bill No. 2965

Without action.

VARGAS, Chair

November 30, 2004

Mr. Speaker: Your Committee on Insurance reports:

Assembly Joint Resolution No. 1

Without action.

VARGAS, Chair

November 30, 2004

Mr. Speaker: Your Committee on Insurance reports:

Senate Bill No. 691

Senate Bill No. 1291

Senate Bill No. 1564

Without action.

VARGAS, Chair

Above bills returned to the Senate.

Committee on Jobs, Economic Development, and the Economy

November 30, 2004

Mr. Speaker: Your Committee on Jobs, Economic Development, and the Economy reports:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 2245 | Assembly Bill No. 3059 |
| Assembly Bill No. 2564 | Assembly Bill No. 3060 |
| Assembly Bill No. 3057 | Assembly Bill No. 3061 |
| Assembly Bill No. 3058 | |

Without action.

RIDLEY-THOMAS, Chair

November 30, 2004

Mr. Speaker: Your Committee on Jobs, Economic Development, and the Economy reports:

- Senate Bill No. 527
- Senate Bill No. 1699

Without action.

RIDLEY-THOMAS, Chair

Above bills returned to the Senate.

Committee on Judiciary

November 30, 2004

Mr. Speaker: Your Committee on Judiciary reports:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 1811 | Assembly Bill No. 2169 |
| Assembly Bill No. 1817 | Assembly Bill No. 2174 |
| Assembly Bill No. 1863 | Assembly Bill No. 2202 |
| Assembly Bill No. 1917 | Assembly Bill No. 2211 |
| Assembly Bill No. 1968 | Assembly Bill No. 2221 |
| Assembly Bill No. 1978 | Assembly Bill No. 2253 |
| Assembly Bill No. 2071 | Assembly Bill No. 2336 |
| Assembly Bill No. 2081 | Assembly Bill No. 2369 |
| Assembly Bill No. 2084 | Assembly Bill No. 2371 |

Without action.

CORBETT, Chair

November 30, 2004

Mr. Speaker: Your Committee on Judiciary reports:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 2380 | Assembly Bill No. 2599 |
| Assembly Bill No. 2419 | Assembly Bill No. 2610 |
| Assembly Bill No. 2486 | Assembly Bill No. 2670 |
| Assembly Bill No. 2489 | Assembly Bill No. 2689 |
| Assembly Bill No. 2537 | Assembly Bill No. 2806 |
| Assembly Bill No. 2578 | Assembly Bill No. 3103 |
| Assembly Bill No. 2594 | |

Without action.

CORBETT, Chair

November 30, 2004

Mr. Speaker: Your Committee on Judiciary reports:

- Assembly Concurrent Resolution No. 59
- Assembly Concurrent Resolution No. 170
- Assembly Joint Resolution No. 22
- Assembly Joint Resolution No. 67

Without action.

CORBETT, Chair

November 30, 2004

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 185

Senate Bill No. 1330

Senate Bill No. 730

Senate Bill No. 1581

Senate Bill No. 734

Senate Bill No. 1822

Senate Bill No. 1030

Senate Bill No. 1915

Senate Bill No. 1146

Without action.

CORBETT, Chair

Above bills returned to the Senate.

Committee on Labor and Employment

November 30, 2004

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

Assembly Bill No. 2124

Assembly Bill No. 2650

Assembly Bill No. 2194

Assembly Bill No. 2695

Assembly Bill No. 2258

Assembly Bill No. 2939

Without action.

KORETZ, Chair

November 30, 2004

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

Assembly Concurrent Resolution No. 46

Assembly Joint Resolution No. 39

Without action.

KORETZ, Chair

November 30, 2004

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

Senate Bill No. 9

Senate Bill No. 817

Senate Bill No. 360

Senate Bill No. 1511

Without action.

KORETZ, Chair

Above bills returned to the Senate.

Committee on Local Government

November 30, 2004

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 1904

Assembly Bill No. 2707

Assembly Bill No. 1943

Assembly Bill No. 2741

Assembly Bill No. 1970

Assembly Bill No. 2746

Assembly Bill No. 2039

Assembly Bill No. 2779

Assembly Bill No. 2247

Assembly Bill No. 3007

Assembly Bill No. 2256

Assembly Bill No. 3066

Assembly Bill No. 2423

Assembly Bill No. 3067

Assembly Bill No. 2437

Assembly Bill No. 3068

Assembly Bill No. 2438

Without action.

SALINAS, Chair

November 30, 2004

Mr. Speaker: Your Committee on Local Government reports:

Assembly Constitutional Amendment No. 17

Assembly Constitutional Amendment No. 26

Assembly Joint Resolution No. 59

Assembly Joint Resolution No. 84

Without action.

SALINAS, Chair

November 30, 2004

Mr. Speaker: Your Committee on Local Government reports:

Senate Bill No. 537

Senate Bill No. 1609

Senate Bill No. 744

Senate Bill No. 1774

Senate Bill No. 938

Senate Bill No. 1885

Senate Bill No. 1592

Without action.

SALINAS, Chair

Above bills returned to the Senate.

Committee on Natural Resources

November 30, 2004

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 1823

Assembly Bill No. 2652

Assembly Bill No. 1991

Assembly Bill No. 2658

Assembly Bill No. 2299

Assembly Bill No. 2809

Assembly Bill No. 2305

Assembly Bill No. 2826

Assembly Bill No. 2642

Without action.

JACKSON, Chair

November 30, 2004

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Concurrent Resolution No. 55

Without action.

JACKSON, Chair

November 30, 2004

Mr. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 983

Without action.

JACKSON, Chair

Above bill returned to the Senate.

Committee on Public Employees, Retirement and Social Security

November 30, 2004

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 1977
 Assembly Bill No. 2034
 Assembly Bill No. 2415
 Assembly Bill No. 2460
 Assembly Bill No. 2575

Assembly Bill No. 2773
 Assembly Bill No. 2796
 Assembly Bill No. 2903
 Assembly Bill No. 2992

Without action.

NEGRETE McLEOD, Chair

November 30, 2004

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Senate Bill No. 441
 Senate Bill No. 713

Without action.

NEGRETE McLEOD, Chair

Above bills returned to the Senate.

Committee on Public Safety

November 30, 2004

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 1813
 Assembly Bill No. 1861
 Assembly Bill No. 1899
 Assembly Bill No. 1900
 Assembly Bill No. 2011
 Assembly Bill No. 2016
 Assembly Bill No. 2068
 Assembly Bill No. 2133
 Assembly Bill No. 2218

Assembly Bill No. 2223
 Assembly Bill No. 2250
 Assembly Bill No. 2274
 Assembly Bill No. 2308
 Assembly Bill No. 2321
 Assembly Bill No. 2338
 Assembly Bill No. 2501
 Assembly Bill No. 2542

Without action.

LENO, Chair

November 30, 2004

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 2553
 Assembly Bill No. 2694
 Assembly Bill No. 2699
 Assembly Bill No. 2788

Assembly Bill No. 2828
 Assembly Bill No. 2914
 Assembly Bill No. 3097

Without action.

LENO, Chair

November 30, 2004

Mr. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 48
 Senate Bill No. 275
 Senate Bill No. 435
 Senate Bill No. 650
 Senate Bill No. 883

Senate Bill No. 929
 Senate Bill No. 1361
 Senate Bill No. 1533
 Senate Bill No. 1737

Without action.

LENO, Chair

Above bills returned to the Senate.

November 30, 2004

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Joint Resolution No. 82

Without action.

LENO, Chair

Committee on Revenue and Taxation

November 30, 2004

Mr. Speaker: Your Committee on Revenue and Taxation reports:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 1789 | Assembly Bill No. 2192 |
| Assembly Bill No. 1856 | Assembly Bill No. 2357 |
| Assembly Bill No. 1888 | Assembly Bill No. 2421 |
| Assembly Bill No. 1998 | Assembly Bill No. 2463 |
| Assembly Bill No. 2000 | Assembly Bill No. 2544 |
| Assembly Bill No. 2061 | Assembly Bill No. 2546 |
| Assembly Bill No. 2070 | Assembly Bill No. 2592 |
| Assembly Bill No. 2076 | Assembly Bill No. 2597 |
| Assembly Bill No. 2097 | Assembly Bill No. 2646 |

Without action.

BERMUDEZ, Chair

November 30, 2004

Mr. Speaker: Your Committee on Revenue and Taxation reports:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 2801 | Assembly Bill No. 2981 |
| Assembly Bill No. 2859 | Assembly Bill No. 2991 |
| Assembly Bill No. 2958 | Assembly Bill No. 3105 |
| Assembly Bill No. 2977 | |

Without action.

BERMUDEZ, Chair

November 30, 2004

Mr. Speaker: Your Committee on Revenue and Taxation reports:

- Assembly Constitutional Amendment No. 12
- Assembly Constitutional Amendment No. 16
- Assembly Constitutional Amendment No. 22
- Assembly Constitutional Amendment No. 30
- Assembly Joint Resolution No. 23
- Assembly Joint Resolution No. 24
- Assembly Joint Resolution No. 25
- Assembly Joint Resolution No. 26
- Assembly Joint Resolution No. 75
- Assembly Joint Resolution No. 76
- Assembly Joint Resolution No. 77
- Assembly Joint Resolution No. 81

Without action.

BERMUDEZ, Chair

November 30, 2004

Mr. Speaker: Your Committee on Revenue and Taxation reports:

- Senate Bill No. 548
- Senate Bill No. 1877
- Senate Bill No. 1879

Without action.

BERMUDEZ, Chair

Above bills returned to the Senate.

Committee on Rules

November 30, 2004

Mr. Speaker: Your Committee on Rules reports:
Assembly Bill No. 2692

Without action.

MONTANEZ, Chair

November 30, 2004

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 36
Assembly Concurrent Resolution No. 42
Assembly Concurrent Resolution No. 44
Assembly Concurrent Resolution No. 68
Assembly Concurrent Resolution No. 81
Assembly Concurrent Resolution No. 96
Assembly Concurrent Resolution No. 102
Assembly Concurrent Resolution No. 103
Assembly Concurrent Resolution No. 109
Assembly Concurrent Resolution No. 113
Assembly Concurrent Resolution No. 204
Assembly Joint Resolution No. 15
Assembly Joint Resolution No. 16
Assembly Joint Resolution No. 18
Assembly Joint Resolution No. 19

Without action.

MONTANEZ, Chair

November 30, 2004

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 17
House Resolution No. 28
House Resolution No. 36

Without action.

MONTANEZ, Chair

November 30, 2004

Mr. Speaker: Your Committee on Rules reports:

Senate Bill No. 178	Senate Bill No. 706
Senate Bill No. 403	Senate Bill No. 1109
Senate Bill No. 623	Senate Bill No. 1118

Without action.

MONTANEZ, Chair

Above bills returned to the Senate.

November 30, 2004

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 1	Senate Concurrent Resolution No. 23
Senate Concurrent Resolution No. 19	Senate Concurrent Resolution No. 80

Without action.

MONTANEZ, Chair

Above resolutions returned to the Senate.

Committee on Transportation

November 30, 2004

Mr. Speaker: Your Committee on Transportation reports:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 1828 | Assembly Bill No. 2372 |
| Assembly Bill No. 1877 | Assembly Bill No. 2424 |
| Assembly Bill No. 1947 | Assembly Bill No. 2434 |
| Assembly Bill No. 2020 | Assembly Bill No. 2459 |
| Assembly Bill No. 2157 | Assembly Bill No. 2471 |
| Assembly Bill No. 2215 | Assembly Bill No. 2653 |
| Assembly Bill No. 2217 | Assembly Bill No. 2740 |
| Assembly Bill No. 2284 | Assembly Bill No. 2908 |
| Assembly Bill No. 2340 | |

Without action.

OROPEZA, Chair

November 30, 2004

Mr. Speaker: Your Committee on Transportation reports:

- Assembly Concurrent Resolution No. 239
- Assembly Concurrent Resolution No. 249

Without action.

OROPEZA, Chair

November 30, 2004

Mr. Speaker: Your Committee on Transportation reports:

- Senate Bill No. 138
- Senate Bill No. 1078
- Senate Bill No. 1793

Without action.

OROPEZA, Chair

Above bills returned to the Senate.

Committee on Utilities and Commerce

November 30, 2004

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 1833 | Assembly Bill No. 2589 |
| Assembly Bill No. 2432 | Assembly Bill No. 2831 |
| Assembly Bill No. 2539 | Assembly Bill No. 2954 |
| Assembly Bill No. 2577 | Assembly Bill No. 3005 |

Without action.

REYES, Chair

November 30, 2004

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

- Assembly Joint Resolution No. 42

Without action.

REYES, Chair

November 30, 2004

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

- | | |
|---------------------|----------------------|
| Senate Bill No. 107 | Senate Bill No. 874 |
| Senate Bill No. 199 | Senate Bill No. 1624 |
| Senate Bill No. 834 | |

Without action.

REYES, Chair

Above bills returned to the Senate.

November 30, 2004

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

Senate Concurrent Resolution No. 30

Senate Concurrent Resolution No. 39

Senate Joint Resolution No. 14

Without action.

REYES, Chair

Above resolutions returned to the Senate.

Committee on Veterans Affairs

November 30, 2004

Mr. Speaker: Your Committee on Veterans Affairs reports:

Assembly Bill No. 1919

Assembly Bill No. 2540

Without action.

PARRA, Chair

November 30, 2004

Mr. Speaker: Your Committee on Veterans Affairs reports:

Assembly Concurrent Resolution No. 119

Assembly Joint Resolution No. 27

Without action.

PARRA, Chair

November 30, 2004

Mr. Speaker: Your Committee on Veterans Affairs reports:

Senate Bill No. 385

Without action.

PARRA, Chair

Above bill returned to the Senate.

Committee on Water, Parks and Wildlife

November 30, 2004

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

Assembly Bill No. 1805

Assembly Bill No. 2659

Assembly Bill No. 1921

Assembly Bill No. 2668

Assembly Bill No. 2073

Without action.

CANCIAMILLA, Chair

November 30, 2004

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

Senate Bill No. 840

Senate Bill No. 994

Senate Bill No. 909

Senate Bill No. 1374

Without action.

CANCIAMILLA, Chair

Above bills returned to the Senate.

MEASURES WHICH DIED AT DESK

Assembly Bills Nos. 1599*, 1834, 1835, 1862, 1879, 1890, 1892, 1893, 1902, 1974, 2002, 2022, 2044, 2045, 2046, 2053, 2077, 2096, 2134, 2214, 2231, 2235, 2236, 2244, 2265, 2273, 2278, 2287, 2309, 2332, 2349, 2385, 2386, 2418, 2448, 2452, 2487, 2488, 2500, 2543, 2551, 2555, 2556, 2561, 2573, 2595, 2601, 2602, 2603, 2605, 2608, 2612, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2663, 2688, 2731, 2743, 2754, 2789, 2797, 2827, 2843, 2862, 2879, 2881, 2882, 2888, 2892, 2896, 2898, 2907, 2931, 2934, 2935, 2940, 2948, 2951, 2957, 2959, 2960, 2964, 2966, 2968, 2971, 2974, 2975, 2976, 2978, 2979, 2983, 2988, 2995, 2998, 3002, 3009, 3014, 3019, 3026, 3062, 3069, 3086, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117; Assembly Constitutional Amendments Nos. 27, 31, 32; Assembly Concurrent Resolutions Nos. 5, 9, 20, 72, 111, 126, 183, 184, 198, 259; Assembly Joint Resolutions Nos. 17, 20, 78, 80, 97, 98; and House Resolutions Nos. 34, 35, 37, 52, 56, 59, 83, 84, 85.

Senate Bills Nos. 236, 323, 425, 466, 823, 1073, 1082, 1191, 1416, 1420, 1646, 1653, 1833, 1839, 1883, 1884**, 1908**; Senate Constitutional Amendment No. 9; Senate Concurrent Resolutions Nos. 33, 51, 90, 92, 95, 96 and Senate Joint Resolutions Nos. 26, 33, 34.

*NOTE: Bill withdrawn from enrollment and held at desk.

**NOTE: Bills returned from the Senate and held at desk.

MEASURES WHICH DIED ON THE INACTIVE FILE

Assembly Bills Nos. 1838, 1853, 1940, 2082, 2109, 2354, 2391, 2449, 2513, 2582, 2636, 2656, 2818, 2999, 3037; Assembly Constitutional Amendments Nos. 7, 9, 10, 11, 14, 15, 25; Assembly Concurrent Resolution No. 97; Assembly Joint Resolution No. 11.

Senate Bills Nos. 17, 84, 128, 131, 197, 219, 407, 430, 458, 534, 754, 838, 942, 971, 1005, 1043, 1114, 1115, 1116, 1166, 1274, 1317, 1323, 1510, 1539, 1547, 1559, 1571, 1584, 1610, 1695, 1700, 1733, 1795, 1853; Senate Concurrent Resolution No. 59.

The following bills died on the inactive file—concurrence pending:

Assembly Bills Nos. 426, 491, 896, 2047, 2092, 2196, 2451, 2454, 2465, 2562; Assembly Joint Resolution No. 3.

**MEASURES WHICH DIED ON UNFINISHED BUSINESS—
CONCURRENCE PENDING**

Assembly Bills Nos. 1366, 1927.

RECONSIDERATION PENDING

Senate Bill No. 1235.

MEASURES WHICH DIED ON THIRD READING

Assembly Bills Nos. 2102, 2107, 2177; Assembly Concurrent Resolutions Nos. 241, 250.

Senate Bills Nos. 118, 1316, 1368, 1682, 1708, 1886.

MEASURES WHICH DIED IN CONFERENCE

Assembly Bills Nos. 56, 253, 262, 1215, 1483, 1578, 1579, 1749, 1831, 1980, 2101.

MESSAGES FROM THE SENATE

Senate Chamber, November 30, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 21	Assembly Bill No. 207
Assembly Bill No. 23	Assembly Bill No. 212
Assembly Bill No. 45	Assembly Bill No. 235
Assembly Bill No. 46	Assembly Bill No. 249
Assembly Bill No. 57	Assembly Bill No. 259
Assembly Bill No. 62	Assembly Bill No. 265
Assembly Bill No. 69	Assembly Bill No. 270
Assembly Bill No. 70	Assembly Bill No. 271
Assembly Bill No. 73	Assembly Bill No. 286
Assembly Bill No. 81	Assembly Bill No. 292
Assembly Bill No. 83	Assembly Bill No. 298
Assembly Bill No. 84	Assembly Bill No. 329
Assembly Bill No. 91	Assembly Bill No. 357
Assembly Bill No. 108	Assembly Bill No. 387
Assembly Bill No. 111	Assembly Bill No. 392
Assembly Bill No. 150	Assembly Bill No. 402
Assembly Bill No. 151	Assembly Bill No. 406
Assembly Bill No. 153	Assembly Bill No. 428
Assembly Bill No. 155	Assembly Bill No. 442
Assembly Bill No. 204	Assembly Bill No. 445

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

Senate Chamber, November 30, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 454	Assembly Bill No. 571
Assembly Bill No. 459	Assembly Bill No. 574
Assembly Bill No. 460	Assembly Bill No. 575
Assembly Bill No. 465	Assembly Bill No. 610
Assembly Bill No. 473	Assembly Bill No. 614
Assembly Bill No. 476	Assembly Bill No. 618
Assembly Bill No. 477	Assembly Bill No. 621
Assembly Bill No. 480	Assembly Bill No. 625
Assembly Bill No. 482	Assembly Bill No. 633
Assembly Bill No. 496	Assembly Bill No. 655
Assembly Bill No. 521	Assembly Bill No. 665
Assembly Bill No. 527	Assembly Bill No. 666
Assembly Bill No. 532	Assembly Bill No. 688
Assembly Bill No. 537	Assembly Bill No. 714
Assembly Bill No. 541	Assembly Bill No. 731
Assembly Bill No. 548	Assembly Bill No. 746
Assembly Bill No. 549	Assembly Bill No. 775
Assembly Bill No. 557	Assembly Bill No. 788
Assembly Bill No. 559	Assembly Bill No. 804
Assembly Bill No. 567	Assembly Bill No. 808

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

Senate Chamber, November 30, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 815	Assembly Bill No. 1076
Assembly Bill No. 837	Assembly Bill No. 1081
Assembly Bill No. 838	Assembly Bill No. 1096
Assembly Bill No. 842	Assembly Bill No. 1116
Assembly Bill No. 869	Assembly Bill No. 1118
Assembly Bill No. 872	Assembly Bill No. 1143
Assembly Bill No. 886	Assembly Bill No. 1149
Assembly Bill No. 914	Assembly Bill No. 1157
Assembly Bill No. 929	Assembly Bill No. 1169
Assembly Bill No. 960	Assembly Bill No. 1198
Assembly Bill No. 961	Assembly Bill No. 1213
Assembly Bill No. 970	Assembly Bill No. 1224
Assembly Bill No. 985	Assembly Bill No. 1229
Assembly Bill No. 990	Assembly Bill No. 1239
Assembly Bill No. 1006	Assembly Bill No. 1242
Assembly Bill No. 1007	Assembly Bill No. 1255
Assembly Bill No. 1026	Assembly Bill No. 1265
Assembly Bill No. 1035	Assembly Bill No. 1281
Assembly Bill No. 1046	Assembly Bill No. 1283
Assembly Bill No. 1065	Assembly Bill No. 1285

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

Senate Chamber, November 30, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 1300	Assembly Bill No. 1613
Assembly Bill No. 1314	Assembly Bill No. 1616
Assembly Bill No. 1315	Assembly Bill No. 1623
Assembly Bill No. 1317	Assembly Bill No. 1633
Assembly Bill No. 1318	Assembly Bill No. 1642
Assembly Bill No. 1329	Assembly Bill No. 1647
Assembly Bill No. 1331	Assembly Bill No. 1653
Assembly Bill No. 1335	Assembly Bill No. 1687
Assembly Bill No. 1358	Assembly Bill No. 1690
Assembly Bill No. 1397	Assembly Bill No. 1693
Assembly Bill No. 1414	Assembly Bill No. 1699
Assembly Bill No. 1427	Assembly Bill No. 1709
Assembly Bill No. 1442	Assembly Bill No. 1764
Assembly Bill No. 1507	Assembly Bill No. 1767
Assembly Bill No. 1515	Assembly Bill No. 1769
Assembly Bill No. 1522	Assembly Bill No. 1781
Assembly Bill No. 1531	Assembly Bill No. 1784
Assembly Bill No. 1564	Assembly Bill No. 1788
Assembly Bill No. 1567	Assembly Bill No. 1798
Assembly Bill No. 1569	Assembly Bill No. 1816

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

Senate Chamber, November 30, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 1819	Assembly Bill No. 1966
Assembly Bill No. 1826	Assembly Bill No. 1973
Assembly Bill No. 1832	Assembly Bill No. 1983
Assembly Bill No. 1850	Assembly Bill No. 2001
Assembly Bill No. 1864	Assembly Bill No. 2013
Assembly Bill No. 1866	Assembly Bill No. 2023
Assembly Bill No. 1868	Assembly Bill No. 2029
Assembly Bill No. 1882	Assembly Bill No. 2038
Assembly Bill No. 1903	Assembly Bill No. 2041
Assembly Bill No. 1908	Assembly Bill No. 2057
Assembly Bill No. 1911	Assembly Bill No. 2065
Assembly Bill No. 1912	Assembly Bill No. 2078
Assembly Bill No. 1923	Assembly Bill No. 2095
Assembly Bill No. 1926	Assembly Bill No. 2138
Assembly Bill No. 1928	Assembly Bill No. 2172
Assembly Bill No. 1936	Assembly Bill No. 2179
Assembly Bill No. 1941	Assembly Bill No. 2190
Assembly Bill No. 1942	Assembly Bill No. 2203
Assembly Bill No. 1961	Assembly Bill No. 2204
Assembly Bill No. 1962	Assembly Bill No. 2206

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

Senate Chamber, November 30, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 2209	Assembly Bill No. 2442
Assembly Bill No. 2212	Assembly Bill No. 2444
Assembly Bill No. 2219	Assembly Bill No. 2447
Assembly Bill No. 2232	Assembly Bill No. 2458
Assembly Bill No. 2242	Assembly Bill No. 2474
Assembly Bill No. 2249	Assembly Bill No. 2475
Assembly Bill No. 2261	Assembly Bill No. 2478
Assembly Bill No. 2271	Assembly Bill No. 2479
Assembly Bill No. 2279	Assembly Bill No. 2505
Assembly Bill No. 2280	Assembly Bill No. 2506
Assembly Bill No. 2290	Assembly Bill No. 2516
Assembly Bill No. 2297	Assembly Bill No. 2521
Assembly Bill No. 2298	Assembly Bill No. 2547
Assembly Bill No. 2319	Assembly Bill No. 2559
Assembly Bill No. 2333	Assembly Bill No. 2568
Assembly Bill No. 2346	Assembly Bill No. 2604
Assembly Bill No. 2363	Assembly Bill No. 2627
Assembly Bill No. 2389	Assembly Bill No. 2634
Assembly Bill No. 2411	Assembly Bill No. 2639
Assembly Bill No. 2417	Assembly Bill No. 2643

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

Senate Chamber, November 30, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 2651	Assembly Bill No. 2886
Assembly Bill No. 2679	Assembly Bill No. 2889
Assembly Bill No. 2685	Assembly Bill No. 2902
Assembly Bill No. 2704	Assembly Bill No. 2906
Assembly Bill No. 2708	Assembly Bill No. 2924
Assembly Bill No. 2721	Assembly Bill No. 2925
Assembly Bill No. 2729	Assembly Bill No. 2926
Assembly Bill No. 2739	Assembly Bill No. 2936
Assembly Bill No. 2763	Assembly Bill No. 2945
Assembly Bill No. 2767	Assembly Bill No. 2952
Assembly Bill No. 2777	Assembly Bill No. 2953
Assembly Bill No. 2787	Assembly Bill No. 3031
Assembly Bill No. 2799	Assembly Bill No. 3036
Assembly Bill No. 2803	Assembly Bill No. 3039
Assembly Bill No. 2804	Assembly Bill No. 3048
Assembly Bill No. 2812	Assembly Bill No. 3064
Assembly Bill No. 2858	Assembly Bill No. 3072
Assembly Bill No. 2860	Assembly Bill No. 3075
Assembly Bill No. 2865	Assembly Bill No. 3084
Assembly Bill No. 2875	

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

Senate Chamber, November 30, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Concurrent Resolution No. 4
 Assembly Concurrent Resolution No. 8
 Assembly Concurrent Resolution No. 45
 Assembly Concurrent Resolution No. 80
 Assembly Concurrent Resolution No. 84
 Assembly Concurrent Resolution No. 87
 Assembly Concurrent Resolution No. 105
 Assembly Concurrent Resolution No. 108
 Assembly Concurrent Resolution No. 118
 Assembly Concurrent Resolution No. 129
 Assembly Concurrent Resolution No. 154
 Assembly Concurrent Resolution No. 197
 Assembly Concurrent Resolution No. 245
 Assembly Concurrent Resolution No. 256
 Assembly Joint Resolution No. 8
 Assembly Joint Resolution No. 37
 Assembly Joint Resolution No. 52
 Assembly Joint Resolution No. 58
 Assembly Joint Resolution No. 89
 Assembly Joint Resolution No. 90
 Assembly Joint Resolution No. 93
 Assembly Joint Resolution No. 94

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

Senate Chamber, November 30, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 25	Assembly Bill No. 1992
Assembly Bill No. 159	Assembly Bill No. 2008
Assembly Bill No. 380	Assembly Bill No. 2019
Assembly Bill No. 558	Assembly Bill No. 2088
Assembly Bill No. 667	Assembly Bill No. 2119
Assembly Bill No. 694	Assembly Bill No. 2162
Assembly Bill No. 723	Assembly Bill No. 2378
Assembly Bill No. 816	Assembly Bill No. 2400
Assembly Bill No. 921	Assembly Bill No. 2457
Assembly Bill No. 1164	Assembly Bill No. 2499
Assembly Bill No. 1197	Assembly Bill No. 2507
Assembly Bill No. 1453	Assembly Bill No. 2586
Assembly Bill No. 1589	Assembly Bill No. 2725
Assembly Bill No. 1729	Assembly Bill No. 2842
Assembly Bill No. 1889	Assembly Bill No. 3091

GREGORY P. SCHMIDT, Secretary of the Senate
By David Valverde, Assistant Secretary

Senate Chamber, November 30, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 356	Assembly Bill No. 2114
Assembly Bill No. 1275	Assembly Bill No. 2116
Assembly Bill No. 1785	Assembly Bill No. 2117
Assembly Bill No. 2105	Assembly Bill No. 2118
Assembly Bill No. 2110	Assembly Bill No. 2123
Assembly Bill No. 2111	Assembly Bill No. 2751
Assembly Bill No. 2112	Assembly Bill No. 2880

GREGORY P. SCHMIDT, Secretary of the Senate
By David Valverde, Assistant Secretary

Senate Chamber, November 30, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate returned without further action:

Assembly Bill No. 35	Assembly Bill No. 1714
Assembly Bill No. 118	Assembly Bill No. 1755
Assembly Bill No. 1154	Assembly Bill No. 2366
Assembly Bill No. 1186	Assembly Bill No. 2654
Assembly Bill No. 1527	

GREGORY P. SCHMIDT, Secretary of the Senate
By David Valverde, Assistant Secretary

Senate Chamber, November 30, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate returned without further action:

Assembly Bill No. 232	Assembly Bill No. 1583
Assembly Bill No. 503	Assembly Bill No. 2800
Assembly Bill No. 1468	

GREGORY P. SCHMIDT, Secretary of the Senate
By David Valverde, Assistant Secretary

Senate Chamber, November 30, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate returned without further action:

Assembly Bill No. 198	Assembly Bill No. 1808
Assembly Bill No. 572	Assembly Bill No. 2089
Assembly Bill No. 1032	Assembly Bill No. 2326
Assembly Bill No. 1187	Assembly Bill No. 2753
Assembly Bill No. 1657	Assembly Bill No. 2915
Assembly Bill No. 1739	

GREGORY P. SCHMIDT, Secretary of the Senate
By David Valverde, Assistant Secretary

STATEMENT OF ASSEMBLY EXPENDITURES PRINTED IN JOURNAL

The following Statement of Assembly Expenditures was ordered printed in the Journal:

The Honorable Fabian Núñez

Speaker of the Assembly

State Capitol, Sacramento, California

Dear Mr. Speaker: Transmitted herewith is the annual report of Assembly expenses. It includes the total expenditures by Member, committee, leadership office, service operation, and overhead according to various categories for the 12-month period ending November 30, 2003. Every expenditure made from the Assembly Operating Fund during this period is accounted for. Additionally, the report includes an itemization, by Member, of per diem expenditures from the General Fund during the same period of time.

It is important to note that this report is compiled on a cash basis. Therefore, the cost of goods and services incurred by a Member during the preceding reporting period but paid for during the current period are included. Furthermore, some goods and services which were received toward the end of this reporting period were not paid for until the beginning of the December 2003–November 2004 reporting period and are, therefore, not included in this expenditure report.

The following indicates the types of expenditures which are included within each classification:

Staff Salary: This includes the salaries paid to all employees in the Member's district office as well as those employees who work in the Member's Capitol office, provided they are not committee or leadership office personnel. The salaries of the latter group of employees are included in the specific detail report for each of the respective committee and leadership offices.

All Assembly personnel are classified according to job descriptions approved by the Assembly Rules Committee. The committee has established specific salary ranges for each of the classifications. The salary within a range for a specific employee reflects a combination of years of service in his or her position and his or her own job performance since the amount of annual merit salary increases is based on evaluations of each employee's work. Thus, a Member whose office staff includes employees with substantial Assembly seniority, and/or outstanding records of service, will have a higher total expenditure for salaries than will a Member who employs more junior personnel.

Member Travel and Per Diem: Separate totals are shown for in-state travel and out-of-state travel. Most in-state travel expenditures are for attendance at interim committee hearings. Out-of-state travel expenditures are generally for participation in conferences dealing with an issue area pertinent to the legislative specialty of the Member or are for investigative trips.

Staff Travel: This category includes the expenditures incurred for the Capitol and district staff traveling for legislative business. It also includes mileage reimbursements to district office personnel. The staff travel expenditures reported by committee, are generally costs incurred in connection with interim committee hearings which are generally held away from Sacramento for the convenience of citizens who wish to provide testimony to the committees.

Car Lease: The amount reported in this category is the share of the automotive lease payment made by the Assembly Rules Committee. Assembly policy stipulates that a car will be leased for the legislative use of each Member but that the Assembly will pay only 90% of the monthly lease rate or \$400, whichever is less. The Member must pay the difference from personal funds.

Car Maintenance: The costs reported in this category will vary significantly because of the variance in the number of miles driven by the Members. Members in large-sized districts and Members who represent districts wherein air travel between the Capitol and the district is not practical tend to utilize their cars more than other Members. Accordingly, the maintenance costs of such cars is likely to be higher than for others.

Gas and Oil: Expenditures in this category are for gasoline and oil supplied to cars and private aircraft for legislative business. These costs, too, vary for the same reasons as those affecting car maintenance.

Car Rental, Staff and Member: This expenditure category includes the use of state-owned pool cars and commercial rental cars by both the Member and his/her staff in the course of legislative business.

This category, as listed in the Support Services section of the report, includes, in addition to car rental, the costs of gas, oil, and maintenance for cars utilized by the office of the Sergeant at Arms.

District Office Rent, Maintenance and Utilities: Each Member is entitled to rent an office within the district he/she represents so that constituents may have direct access to their legislators. In some of the larger districts, two or three offices are sometimes authorized. Accordingly, Members representing districts in high-rent metropolitan areas or Members representing large districts requiring more than one office will be reported with higher expenditures in this category than will other Members. Costs included in this expenditure item are rent, utilities (except telephone), janitorial service, and incidental maintenance costs.

Telephone and Telegraph: All telephone charges (except some equipment installation charges) are reported in this expenditure category. Included are the charges for district office phones, Capitol phones, and mobile phones. Members who will likely have higher charges than many of their colleagues are those representing districts which are either far from the Capitol, or in regions which cover large geographic areas.

Postage: The category includes the total amount expended for postage except for the postage utilized in the mailing of legislative mailings authorized under provisions of Proposition 73 of June 1988.

Communications: The costs included in this expenditure category are primarily for handling and mailing of legislative mailings authorized under provisions of Proposition 73 of June 1988.

Furniture and Equipment: This category includes the purchase, rental, and maintenance of certain furniture and equipment items utilized in the Capitol and district offices of the Members. It does not include the purchase of items which will, during the course of their usefulness, be utilized by a number of Members during succeeding years. Expenditures for items of that description are reported in the Furniture and Equipment category as General Overhead expenditures.

Office Supplies: Stationery items, other printing costs charged to the Assembly Operating Fund, general office supplies, and related miscellaneous supplies utilized in the Members' Capitol and district offices are reported in this expenditure category.

Subscriptions and Publications: Each Member is authorized to subscribe to the newspapers generally circulated within his/her district and to certain metropolitan daily newspapers. Members representing districts which include many cities and towns will frequently have higher expenditures in this category than will Members representing relatively compact areas. Expenditures for subscriptions and publications incurred by the committees and leadership offices are reported separately. Each committee is authorized to purchase relevant books and to subscribe to periodicals specializing in the subject matter of the committee for which the expenditure is made.

Miscellaneous Services: Most of the expenditures shown in the Miscellaneous Services category for the Members are for services such as telephone answering services in district offices and newspaper clipping services. Included in this category for the committee reports are such items as witness expenses, meeting expenses, data-processing costs, and other miscellaneous services.

A number of operational costs incurred by the Assembly are not directly attributable to any of the Members, committees, leadership offices, or support services. Such expenditures are classified as General Overhead and are reported according to the following categories:

Miscellaneous Salaries: Accrued vacation payments made to terminating employees, and salaries paid to employees on extended sick leave are reported in this category.

Employee Benefits: This expenditure category includes the Assembly's contribution to the OASDI (Social Security) fund, the Public Employees' Retirement System, various health, dental, vision, and life insurance premiums, the Compensation Insurance Fund, unemployment and disability insurance, and any other benefits approved by the Rules Committee.

Building, Rent, Maintenance and Utilities: Reported in this expenditure category are construction and remodeling costs and the rent, maintenance, and utilities for offices (other than Members' individual district offices) utilized and paid for by the Assembly outside the Capitol.

Telephone: This listing is for the cost of telephone equipment installation in all Assembly offices.

Furniture and Equipment: The expenditure indicated in this category is for the purchase, rental, and maintenance of furniture and equipment not reported elsewhere in the report. Most furniture and equipment is considered a capital investment which will be used, through the years, by a number of different Members or other offices and can therefore not be appropriately reported as an expense on behalf of any particular Member or office.

Office Supplies: The amount shown in this expenditure category represents office supplies which were purchased by the Assembly for the use of Members and other offices but which were not distributed to any such offices before the end of this reporting period.

Annotated Codes and Law Books: Each Member's office and certain other Assembly offices are furnished with Annotated California Codes and certain other law books. The cost of these books is

considered a capital expenditure in the same manner as many furniture and equipment items, and is therefore reported in this General Overhead category.

Meeting Expenses: This expenditure category includes certain costs incurred by the Assembly relative to the conduct of Assembly Sessions and Joint Sessions of the Legislature which cannot be readily charged to any other expenditure category, rental costs for some meeting rooms, and some conference registration fees.

Freight, Moving and Delivery: This expenditure category includes costs incurred for the transport of furniture, supplies, and other items which are not chargeable to any particular office.

Other Miscellaneous Services: The major expenditures reported in this category are for the costs of photography services related to official Assembly publications, vehicle liability insurance, and organization memberships.

Study Contracts: From time-to-time the Assembly finds it practical to contract with individuals, firms, universities, and other governmental agencies in order to expand its research capability with respect to specific projects. The costs reported in this category are for payments made under such contracts during this period.

The next report of Assembly expenditures will be for the period between December 1, 2003 and November 30, 2004.

Sincerely,

CINDY MONTAÑEZ
Chair of the Assembly Committee on Rules

TABLE I
 CALIFORNIA STATE ASSEMBLY
 SUMMARY OF EXPENDITURES
 12/1/2002–11/30/2003

	<i>Member Expenditures</i>	<i>Committee Expenditures</i>	<i>Leadership Expenditures</i>	<i>Support Services Expenditures</i>	<i>General Overhead Expenditures</i>	<i>TOTAL EXPENDITURES</i>
Staff Salary.....	\$13,838,047.22	\$20,023,524.04	\$3,974,873.04	\$26,277,628.96	\$3,274,468.33	\$67,388,541.59
Employee Benefits.....	—	—	—	—	16,040,288.91	16,040,288.91
Travel & Per Diem (In-State).....	441,744.96	—	—	—	—	441,744.96
Travel & Per Diem (Out-of-State).....	5,997.86	—	—	—	—	5,997.86
Staff Travel.....	298,410.99	80,931.07	25,824.50	162,568.00	—	567,734.56
Car Lease.....	260,726.94	—	—	—	—	260,726.94
Car Maintenance.....	78,736.15	—	—	—	—	78,736.15
Gas & Oil.....	169,941.64	—	—	—	—	169,941.64
Car Rental—Staff & Member.....	13,095.74	10,512.81	3,002.90	118,785.20	—	145,396.65
Building, Rent, Maint., & Util.	2,811,527.56	—	—	—	425,070.26	3,236,597.82
Office Alterations.....	—	—	—	—	31,728.08	31,728.08
Telephone.....	561,709.04	130,963.07	35,012.77	194,028.26	37,086.04	958,799.18
Telegraph.....	—	—	—	—	—	0.00
Postage.....	309,880.58	1,917.11	324.75	18,719.17	—	330,841.61
Communications.....	2,998,497.43	—	—	—	—	2,998,497.43
Furniture & Equipment.....	132,470.95	—	—	314,684.91	1,154,495.54	1,601,651.40
Office Supplies.....	298,190.41	38,859.66	19,708.09	148,059.04	258,322.11	763,139.31
Subscriptions, Publ., & Codes.....	112,793.47	35,376.32	14,877.24	99,001.57	7,886.39	269,934.99
Meeting Expenses.....	—	—	—	—	16,816.22	16,816.22
Meeting Expenses (Meals).....	—	—	—	—	21,747.10	21,747.10
Freight, Moving, & Delivery.....	62,343.80	711.42	—	43,297.51	179,056.95	285,409.68
Miscellaneous Services.....	302,350.95	76,106.27	34,725.62	1,503,440.14	(440,453.93)	1,476,169.05
Study Contracts.....	—	—	—	—	166,241.81	166,241.81
TOTALS, OPERATING FUND.....	\$22,696,465.69	\$20,398,901.77	\$4,108,348.91	\$28,880,212.76	\$21,172,753.81	\$97,256,682.94
Member Per Diem (General Fund).....	2,168,492.00	—	—	—	—	2,168,492.00
TOTALS, ALL FUNDS.....	\$24,864,957.69	\$20,398,901.77	\$4,108,348.91	\$28,880,212.76	\$21,172,753.81	\$99,425,174.94

TABLE II A
Member Expenditures
12/1/2002–11/30/2003

<i>Member</i>	<i>Staff Salary</i>	<i>Travel & Per Diem (In-State)*</i>	<i>Travel & Per Diem (Out-of-State)*</i>	<i>Staff Travel</i>	<i>Car Lease</i>	<i>Car Maintenance</i>	<i>Gas & Oil</i>
Aghazarian.....	\$121,627.91	\$250.00	—	\$3,171.67	—	\$22.99	\$935.90
Bates.....	196,068.46	8,890.52	—	6,660.91	\$4,200.00	48.20	137.35
Benoit.....	153,092.50	7,619.50	—	1,456.87	3,850.00	629.20	2,425.96
Berg.....	166,698.51	7,112.25	—	5,788.45	3,682.91	81.34	608.51
Bermudez.....	189,355.52	13,786.50	\$45.19	2,615.02	3,850.00	1,394.07	3,662.05
Bogh.....	210,531.40	10,065.02	—	7,385.61	4,200.00	2,183.07	2,817.60
Calderon.....	174,356.01	10,289.50	—	3,222.47	3,850.00	456.51	1,596.58
Campbell.....	149,671.75	9,026.26	—	1,618.39	—	44.97	1,904.86
Canciamilla.....	208,155.45	592.00	—	1,115.57	4,200.00	648.36	1,419.70
Chan.....	154,400.49	1,084.00	—	494.56	4,550.00	415.55	2,426.34
Chavez.....	138,876.00	10,874.00	—	2,381.30	4,200.00	1,416.87	3,838.57
Chu.....	209,245.50	7,998.00	—	6,895.26	2,782.08	—	1,217.05
Cogdill.....	199,242.36	125.00	—	8,447.94	4,200.00	2,397.07	4,542.25
Cohn.....	163,630.95	3,788.00	850.00	2,697.90	4,200.00	2,250.04	3,500.95
Corbett.....	148,062.86	930.00	—	1,905.42	2,759.76	5,105.42	2,584.60
Correa.....	146,832.00	8,295.50	—	1,683.88	2,270.88	876.56	1,725.01
Cox.....	177,317.29	53.50	—	3,389.03	—	129.90	2,044.80
Daucher.....	162,676.66	7,714.89	—	2,960.50	4,200.00	1,390.77	1,035.09
Diaz.....	174,613.73	306.00	—	1,400.05	3,939.93	2,369.19	3,611.21
Dutra.....	190,725.75	2,754.91	—	2,901.71	—	—	—
Dutton.....	168,034.07	6,248.00	—	7,272.91	3,850.00	650.21	2,377.79
Dymally.....	219,841.04	7,501.61	—	7,633.21	3,850.00	522.64	1,444.03
Firebaugh.....	174,453.37	10,876.58	2,022.50	2,121.10	4,200.00	1,027.92	2,529.70
Frommer.....	128,501.44	8,398.00	—	1,462.06	4,183.80	650.10	1,183.41
Garcia.....	36,629.09	6,931.00	—	6,811.75	3,850.00	192.75	3,337.98
Goldberg.....	160,778.66	7,859.25	—	2,616.51	2,675.64	119.22	659.58
Hancock.....	185,300.65	375.00	—	878.44	3,445.75	409.75	877.89
Harman.....	211,608.75	7,385.02	—	1,977.68	4,200.00	276.87	1,350.82
Haynes.....	207,528.50	7,031.00	—	5,534.33	3,850.00	407.92	2,890.54
Horton, Jerome.....	196,826.14	10,939.00	—	2,750.30	4,200.00	761.10	1,412.32
Horton, Shirley.....	87,249.10	6,829.00	—	5,775.78	2,616.80	7.99	580.11
Houston.....	31,280.00	96.50	—	2,924.19	3,850.00	476.24	4,607.19
Jackson.....	185,593.40	8,199.90	—	2,777.29	2,828.32	379.58	831.03
Keene.....	164,750.70	656.30	—	3,839.94	3,850.00	665.93	3,462.99
Kehoe.....	113,419.73	9,257.00	—	1,420.48	2,908.20	—	495.33
Koretz.....	170,393.17	8,544.00	—	1,850.31	1,900.68	621.98	975.31
La Malfa.....	181,013.32	302.20	—	6,336.83	2,189.18	153.54	3,548.14
La Suer.....	267,450.18	5,637.00	—	1,311.19	3,556.56	331.06	1,869.41

Laird	198,105.55	1,326.88	—	7,971.39	4,400.00	702.72	2,160.02
Leno	201,742.64	1,795.00	—	584.70	—	143.35	1,572.03
Leslie	202,579.80	557.26	—	5,610.01	4,200.00	344.55	1,243.38
Levine	181,264.44	5,649.50	—	3,745.68	3,150.00	131.27	1,884.35
Lieber	209,770.80	629.00	—	816.40	3,078.69	587.91	2,097.82
Liu	178,828.03	7,350.50	—	4,013.12	—	—	480.42
Longville	207,427.45	8,306.50	—	2,453.81	3,513.78	3,769.12	1,752.27
Lowenthal	154,272.33	8,375.40	—	1,215.62	4,200.00	317.19	926.96
Maddox	188,977.60	9,094.50	—	3,344.40	3,845.34	2,623.11	2,399.68
Maldonado	168,858.32	3,756.26	—	3,927.51	4,200.00	585.06	521.43
Matthews	183,367.54	139.00	—	2,092.19	3,322.92	1,947.96	2,211.71
Maze	137,568.63	686.12	—	5,655.23	4,200.00	719.99	3,692.38
McCarthy	153,556.84	7,609.49	—	4,343.92	4,200.00	204.56	2,015.63
Montanez	204,976.96	7,558.24	—	7,069.30	—	876.59	1,829.74
Mountjoy	197,046.00	7,519.52	—	186.50	4,200.00	1,389.39	2,432.69
Mullin	179,370.87	1,222.00	—	532.56	2,578.95	582.30	2,078.21
Nakanishi	125,679.75	139.00	—	6,859.31	3,150.00	257.41	2,586.58
Nakano	179,086.00	5,126.00	—	5,983.72	3,828.12	270.73	701.00
Nation	183,710.27	3,552.15	—	867.52	4,200.00	1,946.62	3,649.51
Negrete McLeod	166,129.54	10,256.50	—	2,864.49	4,134.36	36.24	723.15
Nunez	207,488.77	8,347.50	—	1,951.51	3,850.00	249.51	2,442.71
Oropeza	220,330.24	5,591.50	—	1,269.68	3,850.56	735.29	757.98
Pacheco	220,515.60	8,048.02	—	2,741.59	4,177.93	2,564.66	2,520.26
Parra	82,901.11	1,087.50	—	8,921.00	3,440.91	517.59	3,932.92
Pavley	184,942.82	7,522.50	618.00	3,098.79	2,779.44	576.41	1,060.71
Plescia	154,768.39	6,923.00	—	2,009.54	3,850.00	270.85	1,239.77
Reyes	154,007.49	705.50	—	472.38	4,200.00	1,716.57	3,370.12
Richman	185,531.28	8,468.02	—	4,673.27	4,200.00	1,015.00	1,343.84
Ridley-Thomas	201,648.97	10,615.00	—	3,269.21	2,302.63	449.44	1,194.67
Runner	176,415.09	7,384.00	—	8,769.19	3,850.00	326.32	3,298.12
Salinas	144,143.04	466.50	—	7,033.77	3,505.72	1,708.91	4,075.05
Samuelian	144,356.71	1,303.99	—	4,259.35	3,545.74	265.48	3,007.45
Simittian	96,808.58	116.50	—	3,380.68	3,163.20	3,745.80	2,395.25
Spitzer	131,838.10	10,937.16	—	4,810.60	3,850.00	578.07	2,189.55
Steinberg	203,355.64	1,241.05	—	1,526.19	2,982.24	816.19	1,176.06
Strickland	156,594.14	8,152.52	—	7,746.05	4,200.00	229.94	2,957.02
Vargas	232,717.55	9,016.50	498.00	4,200.61	4,200.00	2,057.05	3,486.00
Wesson	183,534.13	12,358.50	580.00	(4,248.00)	4,200.00	943.69	187.89
Wiggins	206,730.92	534.00	—	4,501.61	3,385.92	5,076.97	1,535.80
Wolk	221,610.41	280.00	—	1,975.70	3,850.00	493.15	1,715.32
Wyland	204,793.35	7,351.02	—	3,775.48	—	—	29.00
Yee	183,677.17	921.50	—	2,067.27	—	220.11	3,757.76
Retired	11,185.95	9,102.65	1,384.17	16,581.33	—	7,228.20	8,841.48
TOTALS	\$13,838,047.22	\$441,744.96	\$5,997.86	\$298,410.99	\$260,726.94	\$78,736.15	\$169,941.64

NOTE: Asterisk (*) indicates that expenditure includes committee- or leadership-incurred expenses as well as Member-related expenditures.

TABLE II B
Member Expenditures
12/1/2002–11/30/2003

<i>Member</i>	<i>Car Rental Staff & Member</i>	<i>Dist. Office Rent, Mt., Ut.</i>	<i>Telephone</i>	<i>Telegraph</i>	<i>Freight</i>	<i>Postage</i>	<i>Communications</i>
Aghazarian.....	—	\$33,085.14	\$7,179.78	—	\$103.13	\$4,984.66	\$87,822.31
Bates.....	\$48.49	32,631.36	7,020.48	—	964.27	2,604.93	22,439.00
Benoit.....	—	38,092.47	3,347.30	—	377.10	3,039.64	39,447.62
Berg.....	185.05	20,217.37	10,395.71	—	979.32	6,820.65	34,439.48
Bermudez.....	273.73	39,815.33	11,400.93	—	2,310.18	3,557.13	32,199.66
Bogh.....	576.19	31,974.30	6,953.36	—	931.16	3,543.14	24,032.47
Calderon.....	106.03	49,771.11	8,584.38	—	1,381.55	2,954.70	58,609.96
Campbell.....	—	42,773.54	2,708.24	—	90.49	3,033.15	64,106.84
Canciamilla.....	—	37,463.83	7,177.46	—	189.49	4,901.26	—
Chan.....	—	742.72	7,570.21	—	591.03	7,339.54	49,918.92
Chavez.....	—	63,484.15	9,141.23	—	867.09	4,798.41	91,645.76
Chu.....	—	53,158.83	5,129.57	—	854.14	2,855.79	11,138.83
Cogdill.....	—	35,767.10	6,854.76	—	1,118.08	5,882.53	3,731.13
Cohn.....	—	72,631.64	5,670.38	—	270.76	2,526.04	57,194.66
Corbett.....	142.80	39,782.35	11,097.42	—	318.19	2,327.73	61,252.48
Correa.....	387.86	25,727.05	5,678.27	—	1,373.73	7,954.79	53,984.96
Cox.....	—	38,092.41	2,514.73	—	27.80	10,365.42	26,717.90
Daucher.....	—	38,188.44	3,680.91	—	465.31	3,883.98	43,244.11
Diaz.....	26.49	2,168.82	6,333.81	—	115.73	2,117.50	33,564.99
Dutra.....	—	34,874.71	8,104.53	—	473.71	2,003.37	—
Dutton.....	—	39,840.36	4,733.32	—	204.38	4,053.99	49,589.09
Dymally.....	412.23	29,709.26	6,036.03	—	1,856.90	2,489.43	6,896.67
Firebaugh.....	288.07	94,436.02	15,157.86	—	2,114.29	3,308.83	14,658.92
Frommer.....	63.60	34,880.81	8,044.33	—	1,728.27	3,893.30	15,989.32
Garcia.....	—	38,659.91	8,536.43	—	890.69	3,797.20	126,122.04
Goldberg.....	583.41	36,018.55	6,708.97	—	844.19	1,346.20	—
Hancock.....	—	51,460.48	6,062.84	—	466.27	3,596.12	29,980.86
Harman.....	97.89	40,921.09	6,538.00	—	258.28	1,973.18	26,353.80
Haynes.....	—	33,044.45	5,634.45	—	881.37	4,496.62	—
Horton, Jerome.....	216.73	23,899.12	8,770.97	—	859.05	6,427.46	22,267.42
Horton, Shirley.....	—	21,086.28	5,656.25	—	1,521.69	5,815.95	133,876.25
Houston.....	—	30,678.21	3,652.62	—	284.25	4,785.23	193,170.61
Jackson.....	—	50,732.17	10,095.50	—	942.24	4,075.38	12,649.52
Keene.....	—	31,851.74	3,024.48	—	64.74	3,201.51	52,820.17
Kehoe.....	87.82	52,626.56	5,173.46	—	484.87	3,789.61	45,907.65
Koretz.....	—	50,591.03	8,482.93	—	790.18	5,385.65	36,075.02
La Malfa.....	—	25,385.80	7,264.43	—	152.78	5,109.18	51,366.33
La Suer.....	—	30,193.01	3,527.32	—	639.07	4,584.87	24,467.54
Laird.....	—	24,811.80	6,539.60	—	344.75	2,816.48	7,130.81

Leno	-	714.20	4,549.75	-	375.47	2,135.70	6,987.69
Leslie	350.24	23,447.63	5,320.15	-	59.41	2,268.95	24,537.09
Levine	562.17	388.75	6,055.54	-	263.61	2,509.97	33,298.72
Lieber	59.54	624.37	2,533.51	-	254.79	1,797.35	874.76
Liu	108.76	55,009.32	6,552.89	-	1,537.35	3,849.46	-
Longville	-	21,498.10	5,565.20	-	665.60	3,808.69	5,145.06
Lowenthal	555.89	44,009.05	9,000.09	-	260.46	2,604.52	13,070.21
Maddox	-	36,421.80	5,610.91	-	781.53	3,752.81	49,957.42
Maldonado	139.66	41,899.70	3,274.08	-	364.34	3,093.46	47,319.93
Matthews	-	13,657.32	3,742.30	-	288.23	2,123.96	-
Maze	-	2,889.44	5,499.82	-	323.40	3,214.33	34,003.09
McCarthy	336.30	31,463.41	4,092.17	-	615.50	3,337.71	47,127.67
Montanez	533.54	43,100.60	8,593.25	-	1,021.28	3,943.37	16,506.08
Mountjoy	-	39,338.60	6,952.30	-	443.14	5,727.67	22,132.08
Mullin	-	40,721.19	3,200.42	-	469.64	3,592.08	36,551.15
Nakanishi	-	15,351.52	2,747.40	-	314.10	2,371.53	91,633.54
Nakano	264.67	32,672.24	3,890.44	-	797.85	3,806.99	3,715.82
Nation	152.91	35,657.30	8,896.32	-	155.39	6,048.78	38,858.57
Negrete McLeod	225.48	34,143.77	7,029.42	-	464.85	4,007.91	63,785.01
Nunez	197.44	607.87	9,938.09	-	1,670.59	3,616.24	12,256.68
Oropeza	-	43,036.20	10,034.19	-	1,415.66	2,292.71	9,822.92
Pacheco	-	46,790.53	7,087.26	-	441.82	3,462.97	15,098.63
Parra	76.55	47,139.29	10,239.03	-	1,982.07	3,277.39	108,738.94
Pavley	176.71	33,162.30	4,557.03	-	429.74	3,487.28	41,438.05
Plescia	-	39,321.00	3,899.89	-	686.47	3,889.28	59,330.52
Reyes	821.73	718.25	10,614.53	-	1,572.49	3,664.71	25,972.28
Richman	48.71	31,374.90	6,091.60	-	643.93	2,560.12	28,664.95
Ridley-Thomas	164.86	573.97	5,310.96	-	1,436.80	1,756.52	-
Runner	-	36,630.77	9,436.98	-	400.17	5,124.89	41,646.88
Salinas	-	10,781.35	5,865.40	-	695.05	2,982.09	10,527.75
Samuelian	460.20	41,322.74	8,586.29	-	487.96	4,126.92	85,527.23
Simittian	1,122.14	109,422.44	6,544.19	-	1,287.51	9,906.27	96,903.50
Spitzer	-	25,800.12	7,528.27	-	2,210.14	3,419.68	72,068.50
Steinberg	100.90	42,573.80	5,641.44	-	88.02	2,435.58	27,705.62
Strickland	-	35,614.95	8,809.94	-	1,491.60	4,387.50	52,637.69
Vargas	1,323.80	40,627.02	6,023.18	-	910.44	1,373.81	1,839.11
Wesson	-	97,766.55	9,279.87	-	3,697.22	5,149.90	50,634.09
Wiggins	103.11	14,770.75	8,314.19	-	345.37	4,335.36	22,078.92
Wolk	-	35,661.10	5,328.01	-	150.23	3,889.22	-
Wyland	-	46,144.76	3,533.55	-	384.50	3,440.76	46,326.76
Yee	-	647.65	7,363.61	-	26.48	4,202.59	8,961.42
Retired	1,714.04	46,761.62	32,392.33	-	1,303.08	663.00	-
TOTALS	\$13,095.74	\$2,811,527.56	\$561,709.04	\$0.00	\$62,343.80	\$309,880.58	\$2,998,497.43

TABLE II C
Member Expenditures
12/1/2002–11/30/2003

<i>Member</i>	<i>Furniture & Equipment</i> *	<i>Office Supplies</i>	<i>Subscr. & Publications</i>	<i>Misc. Services</i>	<i>TOTAL</i>	<i>Member Per Diem (Gen. Fund)</i>	<i>TOTAL EXP. (ALL FUNDS)</i>
Aghazarian	\$1,316.84	\$3,422.45	\$1,224.69	\$8,828.39	\$273,975.86	\$28,279.00	\$302,254.86
Bates.....	815.94	1,996.24	2,184.57	2,588.88	289,299.60	27,625.00	316,924.60
Benoit.....	523.34	2,207.55	876.63	3,175.74	260,161.42	28,279.00	288,440.42
Berg.....	1,188.92	6,120.88	1,970.67	2,683.76	268,973.78	28,121.00	297,094.78
Bermudez	1,022.06	5,047.29	1,353.69	5,726.65	317,415.00	28,279.00	345,694.00
Bogh.....	499.50	670.35	1,045.30	1,575.82	308,984.29	28,279.00	337,263.29
Calderon.....	813.12	3,321.18	925.29	1,831.81	322,070.20	28,121.00	350,191.20
Campbell.....	828.72	1,342.35	916.31	1,466.09	279,531.96	27,529.00	307,060.96
Canciamilla.....	1,881.94	3,093.17	763.33	3,200.27	274,801.83	28,121.00	302,922.83
Chan.....	217.97	6,606.56	2,474.25	5,136.19	243,968.33	28,139.00	272,107.33
Chavez.....	572.79	2,067.86	1,349.22	2,355.48	337,868.73	28,121.00	365,989.73
Chu.....	—	2,547.17	1,324.95	6,544.84	311,692.01	28,121.00	339,813.01
Cogdill	112.50	2,376.91	1,119.82	3,105.21	279,022.66	28,279.00	307,301.66
Cohn.....	1,790.85	3,885.10	1,413.96	2,498.43	328,799.66	22,496.00	351,295.66
Corbett.....	2,592.93	4,372.79	2,514.36	14,458.43	300,207.54	28,200.00	328,407.54
Correa.....	—	2,910.99	519.50	3,533.78	263,754.76	24,686.00	288,440.76
Cox.....	254.81	7,743.40	2,677.91	2,294.70	273,623.60	27,779.00	301,402.60
Daucher.....	481.37	1,578.46	1,148.86	2,919.75	275,569.10	27,779.00	303,348.10
Diaz.....	9,200.38	4,013.13	786.74	1,899.30	246,467.00	28,200.00	274,667.00
Dutra.....	270.39	2,974.72	2,794.58	1,861.78	249,740.16	28,121.00	277,861.16
Dutton	1,035.94	1,443.91	258.35	2,725.48	292,317.80	28,154.00	320,471.80
Dymally.....	1,208.72	4,714.30	3,015.11	3,361.67	300,492.85	27,996.00	328,488.85
Firebaugh.....	1,318.05	10,276.28	1,314.91	8,885.10	348,989.50	28,121.00	377,110.50
Frommer.....	1,968.86	10,204.57	2,305.26	4,854.09	228,311.22	27,982.00	256,293.22
Garcia.....	9,252.66	4,182.22	1,427.31	7,305.95	257,926.98	27,904.00	285,830.98
Goldberg.....	1,582.72	2,624.17	1,085.11	1,804.07	227,306.25	28,121.00	255,427.25
Hancock.....	9,377.31	3,799.07	2,197.06	2,259.94	300,487.43	28,140.00	328,627.43
Harman.....	509.66	898.52	335.60	528.12	305,213.28	28,279.00	333,492.28
Haynes.....	80.00	2,253.79	1,046.31	1,526.82	276,206.10	28,279.00	304,485.10
Horton, Jerome.....	809.97	4,576.34	1,501.90	3,105.53	289,323.35	27,904.00	317,227.35
Horton, Shirley.....	475.46	3,830.27	1,988.60	5,168.11	282,477.64	27,529.00	310,006.64
Houston.....	419.35	1,720.71	305.71	3,498.61	281,749.42	27,904.00	309,653.42
Jackson.....	1,260.24	3,965.68	676.65	4,172.60	289,179.50	27,746.00	316,925.50
Keene.....	5,132.66	3,244.41	1,240.98	856.26	278,662.81	28,279.00	306,941.81
Kehoe.....	86.00	3,432.47	2,101.04	3,112.94	244,303.16	27,621.00	271,924.16
Koretz.....	882.50	3,169.60	1,497.86	3,421.55	294,581.77	28,121.00	322,702.77
La Malfa.....	480.98	1,855.56	1,455.59	2,166.88	288,780.74	28,279.00	317,059.74
La Suer.....	1,085.55	2,617.11	442.00	3,766.24	351,478.11	28,279.00	379,757.11
Laird.....	1,090.16	2,328.99	1,349.24	2,001.48	263,079.87	28,106.00	291,185.87

Leno	1,556.99	6,249.69	1,893.69	4,960.77	235,261.67	27,746.00	263,007.67
Leslie	24.23	1,061.01	1,043.61	1,704.72	274,352.04	28,279.00	302,631.04
Levine	619.00	2,408.95	462.27	1,349.24	243,743.46	27,904.00	271,647.46
Lieber	1,564.54	5,389.11	494.84	1,998.98	232,572.41	27,871.00	260,443.41
Liu	845.04	5,087.84	1,392.86	4,991.57	270,047.16	25,404.00	295,451.16
Longville	162.50	3,022.57	894.19	3,753.60	271,738.44	28,121.00	299,859.44
Lowenthal	513.12	2,106.74	1,519.26	1,025.32	243,972.16	26,621.00	270,593.16
Maddox	109.36	2,013.89	842.81	2,155.32	311,930.48	27,904.00	339,834.48
Maldonado	674.99	1,607.75	1,366.26	6,058.10	287,646.85	21,989.00	309,635.85
Matthews	863.10	3,841.13	1,411.23	5,075.09	224,083.68	28,279.00	252,362.68
Maze	7,125.38	3,527.67	1,095.36	2,518.24	212,719.08	28,279.00	240,998.08
McCarthy	8,708.99	2,364.30	953.20	4,613.48	275,543.17	28,279.00	303,822.17
Montanez	1,242.13	8,063.61	861.60	3,822.03	309,998.32	28,121.00	338,119.32
Mountjoy	1,308.48	3,079.17	187.24	2,806.84	294,749.62	28,279.00	323,028.62
Mullin	189.48	4,558.03	766.24	2,510.53	278,923.65	28,279.00	307,202.65
Nakanishi	-	2,792.83	837.86	2,548.48	257,269.31	28,279.00	285,548.31
Nakano	255.00	1,911.19	4,600.06	2,862.40	249,772.23	25,621.00	275,393.23
Nation	631.70	2,456.13	808.81	993.08	292,585.06	28,154.00	320,739.06
Negrete McLeod	1,028.46	4,307.27	2,732.93	3,369.94	305,239.32	28,121.00	333,360.32
Nunez	1,881.15	6,843.23	2,562.60	3,641.39	267,545.28	28,121.00	295,666.28
Oropeza	1,412.24	4,075.62	2,460.00	2,877.14	309,961.93	28,121.00	338,082.93
Pacheco	99.99	1,220.39	1,813.43	2,199.80	318,782.88	28,279.00	347,061.88
Parra	5,517.85	11,245.44	2,264.89	7,390.51	298,672.99	27,967.00	326,639.99
Pavley	361.11	2,464.37	527.43	634.49	287,837.18	27,967.00	315,804.18
Plescia	931.16	1,995.81	1,323.06	1,488.70	281,927.44	28,140.00	310,067.44
Reyes	1,307.58	1,947.34	451.07	4,066.97	215,609.01	28,121.00	243,730.01
Richman	-	2,021.02	-	1,342.81	277,979.45	28,279.00	306,258.45
Ridley-Thomas	1,742.29	8,248.43	890.95	6,034.40	245,639.10	28,121.00	273,760.10
Runner	9,467.78	1,848.12	1,288.79	2,697.56	308,584.66	28,279.00	336,863.66
Salinas	497.19	5,139.73	1,274.34	3,276.48	201,972.37	28,121.00	230,093.37
Samuelian	2,477.15	6,461.03	661.11	4,028.50	310,877.85	28,279.00	339,156.85
Simitian	1,288.32	5,224.46	1,963.46	31,298.56	374,570.86	28,279.00	402,849.86
Spitzer	6,679.22	2,303.49	416.67	4,757.73	279,387.30	28,140.00	307,527.30
Steinberg	382.23	1,527.53	1,339.44	4,726.28	297,618.21	-	297,618.21
Strickland	377.12	2,033.67	3,508.82	5,054.97	293,795.93	27,904.00	321,699.93
Vargas	234.86	3,188.48	2,168.81	654.45	314,519.67	27,871.00	342,390.67
Wesson	469.52	2,767.53	555.91	(385.23)	367,491.57	28,121.00	395,612.57
Wiggins	790.42	2,841.97	1,906.37	2,435.69	279,687.37	28,121.00	307,808.37
Wolk	1,948.79	5,743.38	1,512.73	2,476.99	286,635.03	-	286,635.03
Wyland	387.49	2,166.63	1,595.35	884.88	320,813.53	27,154.00	347,967.53
Yee	2,985.66	7,808.24	1,893.00	7,144.46	231,676.92	28,279.00	259,955.92
Retired	1,368.18	3,789.10	1,321.70	2,298.95	145,935.78	-	145,935.78
TOTALS	\$132,470.95	\$298,190.41	\$112,793.47	\$302,350.95	\$22,696,465.69	\$2,168,492.00	\$24,864,957.69

NOTE: Asterisk (*) indicates that expenditure includes committee- or leadership-incurred expenses as well as Member-related expenditures.

TABLE III
Committee Expenditures
12/1/2002–11/30/2003

<i>Committee</i>	<i>Staff Salary</i>	<i>Staff Travel</i>	<i>Car Rental</i>	<i>Postage</i>	<i>Freight</i>	<i>Telephone</i>	<i>Telegraph</i>	<i>Subscr. & Publications</i>	<i>Office Supplies</i>	<i>Misc. Services</i>	<i>TOTAL EXP.</i>
Aging & Long-Term Care	\$123,936.00	\$1,010.52	\$43.10	\$36.44	–	\$2,027.38	–	\$186.75	\$631.98	\$79.20	\$127,951.37
Aging & Long-Term Care— Vice-Chair	88,195.00	545.00	–	–	–	–	–	–	–	–	88,740.00
Agriculture	292,519.00	–	–	9.91	–	1,206.78	–	706.98	1,202.91	273.45	295,919.03
Appropriations.....	1,235,302.98	4,130.78	122.03	3.26	–	5,843.12	–	599.06	3,881.24	4,319.23	1,254,201.70
Arts, Entertainment, Sports, Tourism, & Internet Media ..	317,779.50	466.39	–	–	–	1,975.49	–	247.89	810.55	1,602.74	322,882.56
Banking & Finance	354,300.77	58.90	–	48.72	–	942.40	–	2,295.22	499.58	59.51	358,205.10
Budget	906,057.13	4,353.98	1,463.52	10.59	\$6.44	16,340.65	–	485.06	2,027.54	1,365.81	932,110.72
* No. 1-Health & Human Services	155,994.50	380.50	–	–	–	481.51	–	–	–	–	156,856.51
* No. 2-Education Finance	158,374.36	1,375.71	–	–	–	1,120.33	–	–	–	–	160,870.40
* No. 3-Resources	160,516.63	–	–	–	–	1,626.63	–	–	–	–	162,143.26
* No. 4-State Administration ..	154,396.17	739.37	–	–	–	2,241.97	–	–	58.01	–	157,435.52
* No. 5-Information Technology/Transportation...	147,689.60	735.40	–	4.93	5.20	2,098.33	–	–	–	128.22	150,661.68
Business & Professions.....	452,727.81	2,854.84	247.73	10.81	14.25	4,670.00	–	336.65	392.50	105.42	461,360.01
Education.....	553,966.85	1,354.69	97.43	23.04	–	2,059.59	–	–	883.71	395.88	558,781.19
Elections, Redistricting & Constitutional Amendments..	258,136.82	1,807.76	189.85	155.94	42.17	1,704.91	–	349.11	474.37	17,869.83	280,730.76
Environmental Safety & Toxic Materials	359,793.58	457.60	–	19.02	7.23	2,317.56	–	1,551.74	853.52	187.44	365,187.69
Governmental Organization.....	396,498.95	3,614.15	1,133.76	38.98	58.43	2,300.39	–	1,853.89	2,216.88	294.46	408,009.89
Health	562,163.13	574.71	108.25	28.97	57.63	3,186.25	–	–	3,497.95	3,244.93	572,861.82
* Mental Health	73,498.93	130.50	–	46.87	50.00	166.59	–	–	79.87	–	73,972.76
Higher Education	286,553.03	3,529.93	599.50	394.59	18.88	1,337.61	–	347.74	601.25	253.04	293,635.57
Housing & Community Development	381,130.19	1,308.10	48.71	123.50	–	2,513.97	–	255.28	510.15	484.44	386,374.34
Human Services	399,409.58	586.82	–	30.62	12.00	1,705.33	–	1,485.72	2,388.68	432.46	406,051.21
Insurance	568,325.87	2,093.44	–	7.64	–	2,602.79	–	1,957.53	964.26	51.72	576,003.25
Jobs, Economic Development & the Economy	389,131.74	2,118.67	367.46	27.46	–	1,543.50	–	–	1,071.92	629.35	394,890.10
* International Trade	122,700.91	158.50	–	–	–	1,635.11	–	–	–	8,000.00	132,494.52
Judiciary	687,210.32	784.00	244.33	9.44	27.94	9,114.63	–	9,105.03	1,182.86	3,568.03	711,246.58
Labor & Employment	306,486.05	1,264.11	233.05	137.89	9.10	2,422.72	–	742.79	555.16	505.22	312,356.09
Labor & Employment— Vice-Chair	96,507.23	1,102.78	–	–	–	728.06	–	–	–	51.72	98,389.79
Local Government.....	370,128.49	1,165.79	138.42	70.53	–	1,946.43	–	1,827.40	977.87	399.26	376,654.19

Local Government—Vice-Chair ..	91,666.67	—	—	—	—	403.33	—	—	—	—	92,070.00
Natural Resources	403,057.70	158.50	—	186.78	6.27	1,668.11	—	156.00	782.49	192.24	406,208.09
Public Employees, Retirement & Social Security	292,872.93	1,754.96	96.98	7.42	8.06	948.80	—	195.00	718.76	225.99	296,828.90
Public Employees, Retirement & Social Security— Vice-Chair	87,759.00	1,477.00	—	—	—	219.68	—	—	—	—	89,455.68
Public Safety	562,715.11	292.00	233.43	31.49	—	2,047.22	—	1,351.32	2,219.61	3,801.69	572,691.87
Revenue & Taxation	368,508.27	134.05	60.61	90.00	—	3,428.65	—	1,982.44	788.33	231.57	375,223.92
Transportation	538,223.55	2,150.63	574.35	70.69	—	3,884.36	—	1,546.22	1,049.86	297.84	547,797.50
Utilities & Commerce	374,271.04	561.95	260.30	106.60	387.82	5,608.97	—	3,434.02	3,048.44	228.85	387,907.99
Veterans Affairs	292,544.74	2,254.16	1,100.91	—	—	2,638.28	—	556.59	2,266.72	488.52	301,849.92
Water, Parks & Wildlife	410,345.83	1,172.41	—	30.68	—	1,102.79	—	327.31	1,636.97	119.50	414,735.49
<i>Special & Select Committees</i>											
Aerospace Industry	103,292.55	511.60	—	—	—	499.78	—	—	—	—	104,303.93
Air & Water Quality	159,142.91	1,048.40	49.95	—	—	926.06	—	—	—	—	161,167.32
Airports & the Airline Industry ..	74,289.09	381.40	—	—	—	1,872.38	—	—	61.26	—	76,604.13
Alameda Corridor East	162,215.49	772.00	—	—	—	302.95	—	—	—	—	163,290.44
Asian Trade	99,996.00	—	—	—	—	479.27	—	—	—	—	100,475.27
Biotechnology	124,313.17	—	—	—	—	1,092.89	—	—	—	—	125,406.06
Bridging the Achievement Gap ..	116,506.00	—	—	—	—	196.17	—	—	—	—	116,702.17
California Children's School Readiness & Health	86,670.50	—	—	—	—	—	—	—	—	—	86,670.50
California & Latin American Affairs	192,622.82	350.50	518.50	—	—	977.88	—	—	—	—	194,469.70
California Horse Racing Industry	60,992.00	351.43	—	—	—	475.69	—	—	—	24,750.00	86,569.12
California Indian Nations	38,400.00	652.00	292.28	—	—	291.24	—	—	—	—	39,635.52
California Infrastructure	49,685.68	94.64	—	—	—	—	—	—	—	—	49,780.32
California's Foreign Trade Offices	3,542.00	—	—	—	—	—	—	—	—	—	3,542.00
California Ports	124,935.50	691.50	1,004.80	6.94	—	459.15	—	—	—	51.72	127,149.61
California Water Needs & Climate Change	95,760.00	9.00	59.26	—	—	367.54	—	—	—	—	96,195.80
California Wine	85,188.00	492.62	116.93	—	—	1,943.24	—	295.00	—	167.11	88,202.90
Cancer Detection, Prevention & Research	29,363.64	—	—	—	—	—	—	—	—	—	29,363.64
Challenges Facing Dual Language Communities	102,655.50	1,276.56	99.79	—	—	347.10	—	—	—	—	104,378.95
Childhood Obesity & Related Diabetes	90,000.00	—	—	—	—	238.58	—	—	—	—	90,238.58
Children's Physical & Mental Well-being in Diverse California Communities	55,310.00	436.74	40.59	—	—	13.18	—	—	—	—	55,800.51
Coastal Protection	73,476.00	1,620.36	59.23	—	—	645.76	—	—	—	—	75,801.35

Prison Construction & Operations	77,500.00	-	-	-	-	155.35	-	-	-	-	77,655.35
Privacy	179,053.58	188.52	-	-	-	1,005.49	-	-	-	-	180,247.59
Professional Sports	143,738.25	1,531.22	-	-	-	438.76	-	-	-	-	145,708.23
Protection of Inland Waterways..	96,241.09	-	-	-	-	683.79	-	-	-	-	96,924.88
Re-use of El Toro Marine Corps Air Station	114,728.36	1,069.22	128.52	-	-	886.86	-	-	-	-	116,812.96
Runaway Production	91,528.03	740.00	-	-	-	362.02	-	-	-	-	92,630.05
Rural Economic Development....	85,793.86	342.35	-	-	-	538.58	-	-	-	-	86,674.79
Small Business	122,117.42	185.00	-	-	-	174.16	-	-	-	-	122,476.58
Sustainability	95,817.10	825.14	204.20	-	-	-	-	-	-	-	96,846.44
Urban Child	43,650.00	420.24	99.50	-	-	58.05	-	-	-	-	44,227.79
Water Management, Storage, Conservation & Supply	60,032.55	485.00	97.43	-	-	775.29	-	-	-	-	61,390.27
Workforce Investment	150,181.18	84.00	-	-	-	847.62	-	-	-	-	151,112.80
TOTALS	\$20,023,524.04	\$80,931.07	\$10,512.81	\$1,917.11	\$711.42	\$130,963.07	\$0.00	\$35,376.32	\$38,859.66	\$76,106.27	\$20,398,901.77

* Subcommittee of Standing Committee.

TABLE IV
Leadership Expenditures
12/1/2002–11/30/2003

<i>Leadership</i>	<i>Staff Salary</i>	<i>Staff Travel</i>	<i>Car Rental</i>	<i>Postage</i>	<i>Freight</i>	<i>Telephone</i>	<i>Telegraph</i>	<i>Subscr. & Publications</i>	<i>Office Supplies</i>	<i>Misc. Services</i>	<i>TOTAL EXP.</i>
Speaker.....	\$571,854.00	\$1,282.98	\$192.98	\$324.75	—	\$15,394.31	—	\$14,827.28	\$14,721.27	\$32,013.38	\$650,610.95
Speaker pro Tempore.....	484,211.46	2,039.40	288.51	—	—	1,651.51	—	—	—	—	488,190.88
Asst. Speaker pro Tempore.....	176,704.50	957.52	223.46	—	—	178.35	—	—	—	—	178,063.83
Chairman, Rules Committee.....	243,359.92	82.32	—	—	—	1,266.38	—	—	—	—	244,708.62
Member of Rules—Calderon.....	158,051.73	3,973.43	—	—	—	2,089.36	—	—	—	—	164,114.52
Member of Rules—Chu.....	169,519.67	560.00	—	—	—	663.80	—	—	—	—	170,743.47
Member of Rules—Dymally.....	158,068.18	1,233.70	—	—	—	802.87	—	—	—	—	160,104.75
Member of Rules—Hancock.....	41,508.00	34.00	—	—	—	—	—	—	—	—	41,542.00
Member of Rules—Montanez.....	187,693.33	1,238.00	145.51	—	—	240.97	—	—	—	—	189,317.81
Democratic Caucus Chair.....	213,623.00	1,885.92	—	—	—	737.30	—	—	—	119.00	216,365.22
Democratic Whip.....	208,099.40	2,777.12	293.81	—	—	1,645.11	—	49.96	4,928.25	229.80	218,023.45
Majority Floor Leader.....	642,081.16	6,851.96	837.45	—	—	6,358.85	—	—	—	—	656,129.42
Majority Leader.....	396,057.09	249.60	271.77	—	—	2,544.34	—	—	—	—	399,122.80
Asian Pacific Islander Caucus.....	67,510.20	1,015.00	72.51	—	—	—	—	—	—	—	68,597.71
Black Caucus.....	78,740.40	489.17	—	—	—	348.45	—	—	58.57	1,069.31	80,705.90
Latino Legislative Caucus.....	78,664.00	378.50	579.92	—	—	686.99	—	—	—	1,123.88	81,433.29
Lesbian, Gay, Bisexual, & Transgender Caucus.....	32,502.00	—	—	—	—	—	—	—	—	—	32,502.00
Republican Latino Caucus.....	27,592.00	207.50	—	—	—	—	—	—	—	—	27,799.50
Women's Legislative Caucus.....	39,033.00	568.38	96.98	—	—	404.18	—	—	—	170.25	40,272.79
TOTALS.....	\$25,824.50	\$25,824.50	\$3,002.90	\$324.75	\$0.00	\$35,012.77	\$0.00	\$14,877.24	\$19,708.09	\$34,725.62	\$4,108,348.91

TABLE V
Support Services Expenditures
12/1/2002–11/30/2003

	Staff Salary	Staff Travel & Per Diem	Car Rental	Telephone	Tele- graph	Postage	Freight	Furniture & Equip- ment	Office Supplies	Subscr. & Publica- tions	Misc. Services	TOTAL EXP.
Rules Committee	\$4,161,490.06	\$27,495.99	\$32,737.69	\$23,197.71	–	\$15,169.02	\$40,114.02	\$171,959.28	\$52,155.09	\$43,943.60	\$246,961.07	\$4,815,223.53
Democratic Caucus.....	10,497,454.15	99,762.52	12,501.28	101,169.23	–	1,696.15	2,112.85	68,084.15	42,324.30	17,210.41	167,470.93	11,009,785.97
Republican Caucus.....	7,051,093.21	28,589.94	3,017.83	33,060.82	–	251.51	76.29	5,195.85	18,975.46	31,434.16	59,920.43	7,231,615.50
Reproduction Center...	870,682.77	–	179.27	2,038.31	–	60.70	505.65	53,728.89	9,595.04	–	1,003,269.49	1,940,060.12
Chief Clerk	1,483,813.87	966.00	366.32	5,428.46	–	954.36	130.24	127.00	7,330.76	2,974.94	13,537.42	1,515,629.37
Sergeant-at-Arms.....	1,981,295.40	5,753.55	69,982.81	28,056.99	–	587.43	358.46	15,589.74	17,678.39	3,438.46	12,280.80	2,135,022.03
Computer Services	231,799.50	–	–	1,076.74	–	–	–	–	–	–	–	232,876.24
TOTALS	\$26,277,628.96	\$162,568.00	\$118,785.20	\$194,028.26	\$0.00	\$18,719.17	\$43,297.51	\$314,684.91	\$148,059.04	\$99,001.57	\$1,503,440.14	\$28,880,212.76

TABLE VI
General Overhead Expenditures
12/1/2002–11/30/2003

Miscellaneous Salaries	\$3,274,468.33
Employee Benefits	16,040,288.91
Building, Rent, Maintenance, & Utilities	425,070.26
Office Alterations	31,728.08
Telephone	37,086.04
Furniture & Equipment	1,154,495.54
Office Supplies	258,322.11
Subscriptions, Publications, & Codes	7,886.39
Meeting Expenses	16,816.22
Meeting Expenses (Meals)	21,747.10
Freight, Moving, & Delivery	179,056.95
Other Miscellaneous Services	(440,453.93)
Study Contracts	166,241.81
TOTALS	\$21,172,753.81

TABLE VII
Assembly Operating Fund Transfers
12/1/2002–11/30/2003

Department of Parks & Recreation.....	\$366,859.75
Joint Legislative Budget Committee.....	2,776,333.00
TOTALS	\$3,143,192.75

ADJOURNMENT

At 12 p.m., November 30, 2004, pursuant to the provisions of Article IV, Section 3(a) of the Constitution and Joint Rule 51, the 2003–04 Regular Session of the Legislature adjourned *sine die*.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

APPENDICES TO ASSEMBLY JOURNALS

2003–2004 REGULAR SESSION

California State Assembly

Appendix No. 1 to Assembly Journal



Standing Rules of the Assembly,
2003–04 Regular Session

Standing Rules of the Senate,
2003–04 Regular Session

Assembly Chamber
February 7, 2003

(Please direct inquiries or requests for additional copies to the Office of the Chief Clerk at 319-2856.)

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STANDING RULES OF THE ASSEMBLY

2003–04 Regular Session

House Resolution No. 1 (Nation)
(Adopted December 2, 2002, Assembly Journal, p. 52)

STANDING RULES OF THE ASSEMBLY
2003–04 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, Redistricting, and Constitutional Amendments
- Environmental Safety and Toxic Materials
- Governmental Organization
- Health
- Higher Education
- Housing and Community Development
- Human Services
- Insurance
- Jobs, Economic Development, and the Economy
- Judiciary
- Labor and Employment
- Local Government
- Natural Resources
- Public Employees, Retirement and Social Security
- Public Safety
- Revenue and Taxation
- Rules
- Transportation
- Utilities and Commerce
- 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. The committee consists of the chairperson, who shall be a Member selected by the Speaker, and seven other members, four to be selected by the Speaker and three, including the vice chairperson of the committee, to be selected by the Minority Floor Leader. One alternate member of the Committee on Rules shall be selected by each party leader. Members and alternates so selected shall remain in office until their successors are selected as provided for in these rules. The Speaker or the Minority Floor Leader may designate any member of their respective parties in lieu of or in addition to the alternate member to fill a temporary vacancy.

An alternate member may serve when a committee member of the same political party is absent. No regular member of the Committee on Rules may simultaneously serve as a chairperson of any standing committee.

All meetings of the Committee on Rules that are required to be open and public shall be held in a room of appropriate size, and audio or video transmission of those meetings shall be provided.

Organization of Party Caucuses

13.1. Within two days after the general election held in November of each even-numbered year, the caucus of the political party having the greatest number of Members in the Assembly, and the caucus of the political party having the second greatest number of Members, each shall meet for the purpose of selecting their officers for the next regular session. The rules and procedures of each caucus shall be determined by that caucus, but may not be inconsistent with these rules.

Powers of the Committee on Rules

14. (a) The Committee on Rules 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 adoption of this rule.

(c) Following the submission of the recommendations pursuant to subdivision (b), the chair of the subcommittee may cause the subcommittee to convene to review and recommend further changes in procedures as subsequent events may require.

Committee on Rules

15. The Committee on Rules shall continue in existence during any recess of the Legislature and after final adjournment and until the convening of the next regular session, and shall have the same powers and duties as while the Assembly is in session. In dealing with any matter within its jurisdiction, the committee and its members 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 factfinding committee pursuant to Section 11 of Article IV of the California Constitution. The committee is allocated all subjects within the scope of legislative regulation and control, but may not undertake any investigation that another committee has been specifically requested or directed to undertake. The Assembly General Research Committee may act through subcommittees appointed by the Speaker in consultation with the Committee on Rules, and each of these subcommittees may act only on the particular study or investigation assigned by the Speaker in consultation with the Committee on Rules to that subcommittee. Each subcommittee shall be known and designated as a select committee. The Speaker is the Chairperson of the Assembly General Research Committee and may be a voting member of any subcommittee. Each member of the Assembly General Research Committee is authorized and directed to receive and investigate requests for legislative action made by individuals or groups, and to report thereon to the full committee. The Committee on Rules is authorized to allocate to any subcommittee from the Assembly Operating Fund those sums that the Committee on Rules deems necessary to complete the investigation or study conferred upon that subcommittee. The Committee on Rules shall further allocate, from time to time, to the Assembly General Research Committee from the Assembly Operating Fund those sums that are necessary to permit the Assembly General Research Committee and the members thereof to carry out the duties imposed on them. The committee has continuous existence until the time that its existence is terminated by a resolution adopted by the Assembly, and the committee is authorized to act both during and between sessions of the Legislature, including any recess.

(b) The committee and its members shall have and exercise all the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly and the Standing Rules of the Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to the committee and its members.

(c) The committee has the following additional powers and duties:

(1) To contract with other agencies, public or private, for the rendition and affording of services, facilities, studies, and reports to the committee as the committee deems necessary to assist it to carry out the purposes for which it is created.

(2) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this rule and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(3) To report its findings and recommendations to the Legislature and the people from time to time.

(4) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this rule.

Assembly Legislative Ethics Committee

22.5. (a) The Assembly Legislative Ethics Committee is hereby created. The committee shall consist of six Members of the Assembly, appointed by the Speaker. Notwithstanding any other rule of the Assembly, three members of the committee shall be from the political party having the greatest number of Members in the Assembly and three members shall be from the political party having the second greatest number of Members. Any temporary or permanent vacancy on the committee shall be filled within 10 days by a member from the same political party. All appointments, including appointments to fill permanent or temporary vacancies, of members from the political party having the second greatest number of Members in the Assembly shall be made from a list of nominees that the Minority Floor Leader provides to the Speaker. The Speaker shall designate one member of the committee from the political party having the greatest number of Members in the Assembly and one member of the committee from the political party having the second greatest number of Members to serve as co-chairs of the committee. The Speaker shall designate one of the co-chairs to serve as the presiding officer at any meeting or hearing conducted by the committee.

If a verified complaint is filed against a member of the committee, the Speaker shall temporarily replace the member with a Member from the same political party, who shall serve until the complaint is dismissed or the Assembly takes final action on the complaint, whichever occurs first.

(b) The provisions of this rule, and of Rule 11.5 related to investigating committees, 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) (i) If the committee determines that the verified complaint does allege facts, directly or upon information and belief, sufficient to constitute a violation of any standard of conduct, the committee promptly shall investigate the alleged violation and if, after this preliminary investigation, the committee finds that reasonable cause exists for believing the allegations of the complaint, it shall fix a time for a hearing in the matter, which shall be not more than 30 days after that finding. The committee may, however, seek an extension of this period, not to exceed an additional 30 days, which may be granted by a majority vote of the Committee on Rules.

(ii) If, after preliminary investigation, the committee does not find that reasonable cause exists for believing the allegations of the complaint, the committee shall dismiss the complaint. In either event, the committee shall notify the complainant and the respondent of its determination.

(3) The committee shall make its determination under paragraph (1) or (2) of this subdivision, pursuant to a vote in accordance with subdivision (n), not later than 90 days after first receiving a complaint that satisfies subdivision (e). The committee may, however, seek an extension, not to exceed 30 days, which may be granted by a majority vote of the membership of the Committee on Rules. If the committee has requested a law enforcement agency to investigate the complaint or if the committee knows the complaint is being investigated by a law enforcement agency, the time limits set forth in this subdivision shall be tolled until the investigation is completed.

(4) The committee's determination under paragraph (1) or (2) of this subdivision shall be stated in writing, with reasons given therefor, and shall be provided to the Assembly, and, in any case concerning an alleged violation of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, shall be provided to the appropriate law enforcement agency. This written determination is a public record and is open to public inspection.

(5) Any deliberations of the committee from the time of receipt of a complaint until it decides to dismiss the complaint or to set a hearing shall not be open to the public unless the respondent requests a public meeting.

(g) After the complaint has been filed, the respondent shall be entitled to examine and make copies of all evidence in the possession of the committee relating to the complaint.

(h) If a hearing is held pursuant to subdivision (f), the committee, before the hearing has commenced, shall issue subpoenas and subpoenas duces tecum at the request of any party in accordance with Chapter 4 (commencing with Section 9400) of Part 1 of Division 2 of Title 2 of the Government Code. All of the provisions of that chapter,

except Section 9410 of the Government Code, shall apply to the committee and the witnesses before it.

(i) At any hearing held by the committee:

(1) Oral evidence shall be taken on oath or affirmation.

(2) Each party shall have these rights: to be represented by legal counsel; to call and examine witnesses; to introduce exhibits; and to cross-examine opposing witnesses.

(3) The hearing shall be open to the public.

(j) Any official or other person whose name is mentioned at any investigation or hearing of the committee, and who believes that testimony has been given that adversely affects him or her, shall have the right to testify or, at the discretion of the committee, to testify under oath relating solely to the material relevant to the testimony regarding which he or she complains.

(k) The committee shall have 15 days following the hearing within which to deliberate and reach its final determination on the matter as follows:

(1) If the committee finds that the respondent has not violated any standard of conduct, it shall order the action dismissed, shall notify the respondent and complainant thereof, and, in cases concerning an alleged violation of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, shall transmit a copy of the complaint and the fact of dismissal to the appropriate law enforcement agency. The complaint and the fact of dismissal transmitted pursuant to this paragraph are public records and open to public inspection.

(2) If the committee finds that the respondent has violated any standard of conduct, it shall state its findings of fact and submit a report thereon to the Assembly. This report shall be accompanied by a House Resolution, authored by the committee, which shall be introduced at the Chief Clerk's desk and then referred by the Committee on Rules to the Ethics Committee. The House Resolution shall include a statement of the committee's findings and the committee's recommendation for disciplinary action. Within seven days, the committee shall adopt the final form of the House Resolution and report it to the Assembly for placement on the Daily File. The committee also shall send a copy of those findings and report to the complainant and respondent, and, in cases concerning an alleged violation of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, shall report thereon to the appropriate law enforcement agency. The report submitted pursuant to this paragraph is a public record and open to public inspection.

After the receipt of a copy of the committee's final report and House Resolution, the Assembly expeditiously shall take appropriate action with respect to the respondent.

(l) The filing of a complaint with the committee pursuant to this rule suspends the running of the statute of limitations applicable to any violation of any standard of conduct alleged in the substance of that complaint while the complaint is pending.

(m) The committee shall maintain a record of its investigations, inquiries, and proceedings. All records, complaints, documents, and reports filed with or submitted to or made by the committee, and all records and transcripts of any investigations, inquiries, or hearings of the committee under this rule shall be deemed confidential and shall not

be open to inspection, without the express permission of the committee, by any person other than a member of the committee, or an employee of the committee or other state employee designated to assist the committee, except as otherwise specifically provided in this rule. The committee may, by adoption of a resolution, authorize the release to the Attorney General or a district attorney of the appropriate county of any information, records, complaints, documents, reports, and transcripts in its possession that are material to any matter pending before the Attorney General or that district attorney. All matters presented at a public hearing of the committee and all reports of the committee stating a final finding of fact pursuant to subdivision (k) shall be public records and open to public inspection. Any employee of the committee who divulges any matter that is deemed to be confidential by this subdivision shall be subject to discipline by the Committee on Rules.

(n) The committee may take any action authorized by this rule only upon the vote of not less than two members from the registered political party having the greatest number of Members in the Assembly and two members from the registered political party having the second greatest number of Members. Any vacancy on the committee does not reduce the votes required to take action.

(o) The committee may render advisory opinions to Members of the Assembly with respect to the standards of conduct and their application and construction. The committee may secure an opinion from the Legislative Counsel for this purpose or issue its own opinion. Any committee advisory opinion shall be prepared by committee members or staff and shall be adopted by the committee pursuant to subdivision (n).

(p) The committee shall conduct, at least semiannually, an orientation course on the relevant statutes and regulations governing official conduct. The curriculum and presentation of the course shall be established by the Committee on Rules.

Pursuant to Section 8956 of the Government Code, the committee shall conduct, at least annually, an orientation course on the relevant ethical issues and laws relating to lobbying. The committee shall impose fees on lobbyists for attending this course at an amount that will permit the participation of lobbyists to the fullest extent possible.

At least once each biennial session, each Member of the Assembly and each designated employee of the Assembly shall attend one of these courses.

Printing of Committee Reports

23. All requests for the printing of reports of Assembly committees shall be referred to the Committee on Rules. The Committee on Rules shall determine the number of copies needed and whether the report shall be printed in the Journal. In no event may more than 1,000 copies of any committee report be authorized by the Committee on Rules on the first printing, exclusive of the Journal copies if the report is to be printed therein, unless the Committee on Rules finds and determines that there is a special need for that report in greater numbers.

Upon determination by the Committee on Rules that additional copies of an Assembly committee report are required at any time following the first printing of the authorized number of copies, the Committee on Rules may authorize one or more additional printings in

the numbers found by it to be necessary and may make funds available therefor.

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, and their respective chairpersons and vice-chairpersons. The Speaker has approval power over the appointment of subcommittees of those standing and special committees.

(7) To establish a schedule of meetings of standing committees or subcommittees and to approve special meetings at a time different from the scheduled time.

(8) To have general control and direction over the Journals, papers, and bills of the Assembly.

(9) To act as Chairperson of the Committee of the Whole.

(10) To order the Lobby and Gallery cleared whenever he or she deems it necessary.

(11) To authenticate by his or her signature, when necessary or required by law, all bills, memorials, resolutions, orders, proceedings, writs, warrants, and subpoenas issued by order of the Assembly.

(b) The Speaker shall be ex officio member of all Assembly and joint committees with all of the rights and privileges of that membership, except the right to vote. In counting a quorum of any of those committees, the Speaker shall not be counted as a member.

(c) The Speaker shall, at each regular session, appoint a Member of the Assembly to serve on the Judicial Council pursuant to Section 6 of Article VI of the California Constitution.

Funerals and Other Ceremonies and Events

27. The Speaker may designate any one or more of the Members of the Assembly as the representatives of the Assembly to attend funerals and other ceremonies and events in appropriate circumstances. The Members so designated shall receive their expenses as provided in Joint Rule 35.

Selection of Officers

28. (a) The Speaker shall appoint all nonelected officers of the Assembly except the Minority Floor Leader.

(b) The Minority Floor Leader shall be selected by the caucus of the political party having the second greatest number of Members in the Assembly.

Duties of the Speaker pro Tempore

29. The Speaker pro Tempore shall perform those duties assigned by the Speaker, including the responsibility of presiding over sessions of the Assembly and advising the Members on parliamentary procedures of the house.

Majority Floor Leader

30. It 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. Each bill shall be signed by each Member who is an author or coauthor of the bill before it is introduced. If any bill is introduced that does not contain the signature of its author or coauthor, the bill, on motion of the Member whose name appears thereon without that signature, shall be stricken from the file by an affirmative recorded vote of 41 or more Members. In each legislative session, on the first day when bills are introduced under “Introduction and Reference of Bills,” the roll shall be called from A to Z and, as each Member’s name is called, the Member may introduce one bill, constitutional amendment, or concurrent or joint resolution. After this roll call, the preprint bills shall be introduced in numerical order.

After the introduction of preprinted bills, and subject to the provisions of the Joint Rules of the Senate and Assembly, any Member desiring to introduce a bill, constitutional amendment, or concurrent or joint resolution may at any time during a session send the same to the Chief Clerk’s desk.

When received at the Chief Clerk’s desk it shall, under the proper order of business, be numbered, read the first time, printed, and referred to a standing committee, and a copy thereof shall be placed upon the desk of each Member before final passage.

All bills, constitutional amendments, and concurrent or joint resolutions introduced before the standing committees of the Assembly are appointed shall be referred to committee, the references to take effect when the committees are appointed.

Any committee may introduce a bill germane to any subject within the proper consideration of the committee in the same manner as any Member. 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.

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.

(b) This rule does not apply to a constitutional amendment, any type of resolution, or a bill introduced by a committee pursuant to Rule 47.

(c) This rule may be suspended with respect to a particular bill by approval of the Committee on Rules.

Reference of Bills to Committee

51. Except as otherwise provided in this rule, the Committee on Rules shall refer each bill to a committee by a majority vote of the membership of the committee, unless upon a motion the Assembly, by an affirmative recorded vote of 41 or more Members, 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, unless otherwise ordered by unanimous consent or an affirmative recorded vote of two thirds of the Members present. All scheduled committee hearings, together with the list of bills to be heard, shall be published in the Daily File.

Copies of Bills for Action on Floor

64. 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. (a) A subcommittee of the Committee on Budget may not meet until the Chairperson of the Committee on Budget establishes in writing the General Fund appropriations limit for each subcommittee.

(b) Between the date upon which a committee on conference of the Budget Bill is appointed and the date the Assembly adopts the report of the conference committee, the Chairperson of the Committee on Budget shall provide weekly written reports to the Members on the progress of the conference committee deliberations. The weekly report shall detail all major resolved and outstanding issues before the conference committee on the Budget Bill.

The Budget Bill may not be voted upon on the floor of the Assembly unless it does all of the following:

- (1) Balances expenditures with anticipated revenues.
- (2) Provides for a General Fund reserve of not less than 3 percent of the total of all General Fund appropriations made in the Budget Bill for the fiscal year, or provides for a reserve of not less than 1 percent and a specific plan to phase in a reserve of at least 3 percent within three years. The percentage of the General Fund reserve shall be calculated by dividing the reserve of the General Fund by estimated revenues of the General Fund for the fiscal year. The phase-in plan shall be contained in another bill or in a section of the Budget Bill and shall have detail sufficient to instruct future sessions of the Legislature regarding the manner in which the 3 percent reserve requirement is to be met.
- (3) Is based upon no external borrowing by the state other than borrowing that the enacted Budget Bill or other statute would require to be repaid during that fiscal year.

Committee Amendments

67. Committee amendments reported with bills shall be considered upon their second reading, and the amendments may be adopted by majority vote of the Members present and voting. Assembly and Senate bills amended on second reading by committee amendment shall be ordered reprinted and returned to the second reading file. Assembly bills so amended shall be engrossed after printing.

Committee amendments reported with bills shall be prepared, or approved as to form, by the Legislative Counsel. Five copies of the committee amendments to Assembly bills and five copies of the committee amendments to Senate bills shall be delivered to the Chief Clerk's desk.

The Chief Clerk shall cause to be transmitted to the Assembly Floor Analysis Unit a copy of each committee report and committee amendment, unless the committee report or committee amendment is relative to a joint, concurrent, or house resolution.

Adoption of amendments to any bill in the Assembly prior to third reading, other than by a roll call, shall not preclude subsequent consideration in committee, or on the third reading by the Assembly, of the bill, those amendments, or any part thereof.

Author's Amendments

68. Upon request of the author of a bill, the chairperson of the committee to which the bill has been referred may, by his or her individual action taken independently of any committee meeting, cause the bill to be reported to the Assembly with the recommendation that amendments submitted by the author be adopted and the bill be reprinted as amended and re-referred to the committee.

Notwithstanding any other rule, a bill to be amended pursuant to this rule may not be placed on the second reading file for the adoption of those amendments.

Vote on Passage of Bill as Amended

68.5. Except as otherwise provided in this rule, a vote on passage of any bill in a standing committee or subcommittee shall be taken only when the bill is in print, including any previously adopted amendments to the bill. A vote on passage of an amended bill, when the amended form of the bill is not in print, may be taken only if the sole effect of the amendment is to add coauthors to the bill or if the committee determines that the effect of the amendment upon the bill can be readily understood by all of the members and audience present at the hearing. In that circumstance, any member may require that the amendments be in writing at the time of their adoption.

Bill Analysis Prior to Third Reading

68.6. 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 three legislative days preceding the scheduled commencement of the interim study recess or the scheduled commencement of the final recess as specified by the Joint Rules of the Senate and Assembly. Paragraph (2) may be suspended temporarily by two-thirds vote of the Members present and voting. 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 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.

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.

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.

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STANDING RULES OF THE SENATE

2003–04 Regular Session

Senate Resolution No. 4 (Knight)
(Adopted December 2, 2002, Senate Journal, p. 5)

**STANDING RULES OF THE SENATE
CONVENING AND SESSIONS**

Hours of Meeting

1. The Senate shall meet at 9:00 a.m. daily, except Saturdays and Sundays, unless otherwise ordered by the Senate.

Calling to Order

2. The President, President pro Tempore, Vice Chair of the Committee on Rules, or senior member present shall call the Senate to order at the hour stated and, if a quorum is present, shall proceed with the order of business.

Attendance of Members

3. No Senator may absent himself or herself from attendance upon the Senate without first obtaining leave. A lesser number than a quorum of the Senate is authorized to send the Sergeant at Arms for any and all absent Senators at the expense of the absent Senators, unless an excuse for nonattendance made to the Senate when a quorum is present shall be judged sufficient, and in that case the expense shall be paid out of the Senate Operating Fund. The President pro Tempore or Presiding Officer, or less than a quorum present, shall have the power to issue process directly to the Sergeant at Arms to compel the attendance of Senators absent without leave. Any Senator who refuses to obey that process, unless sick or unable to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant at Arms shall have power to use force as may be necessary to compel the attendance of the absent Senator, and for this purpose he or she may command the force of the county, or of any county in the state.

Order of Business

4. The order of business shall be as follows:
- (1) Rollcall.
 - (2) Prayer by the Chaplain.
 - (3) Pledge of Allegiance.
 - (4) Privileges of the Floor.
 - (5) Communications and Petitions.
 - (6) Messages from the Governor.
 - (7) Messages from the Assembly.
 - (8) Reports of Committees.
 - (9) Motions, Resolutions and Notices.
 - (10) Introduction and First Reading of Bills.
 - (11) Consideration of Daily File:
 - (a) Second Reading.
 - (b) Special Orders.
 - (c) Unfinished Business.
 - (d) Third Reading.
 - (12) Announcement of Committee Meetings.
 - (13) Leaves of Absence.
 - (14) Adjournment.

Executive Sessions

5. When a motion is adopted to close the doors of the Senate, on the discussion of any business that may require an executive session, the President shall require all persons, except the Senators, Secretary, Minute Clerk, and Sergeant at Arms, to withdraw, and during the discussion of that business the doors shall remain closed. Every Senator and officer present shall keep secret all matters and proceedings concerning which secrecy shall be enjoined by order of the Senate.

OFFICERS OF THE SENATE**The President**

6. The President shall maintain order in the Senate Chamber and, in case of a disturbance or disorderly conduct outside the bar, or in the gallery, the President (or Chair of the Committee of the Whole) shall have the power to order the same cleared.

The President pro Tempore

7. The President pro Tempore shall take the Chair and call the Senate to order at the hour of the meetings of the Senate. The President pro Tempore is the Presiding Officer of the Senate.

It shall be the particular responsibility of the President pro Tempore to secure the prompt and businesslike disposition of bills and other business before the Senate.

The President pro Tempore shall serve ex officio as a member of all Senate and joint committees of which he or she is not a regular member, with all of the rights and privileges of that membership except the right to vote. In counting a quorum of any of these committees, the President pro Tempore may not be counted as a member.

The Vice Chair of the Committee on Rules shall, in the absence of the President pro Tempore, perform the duties, and have all powers and authority, of the President pro Tempore.

Presiding by Senators

8. The President pro Tempore of the Senate may name any Senator to perform the duties of the Chair in his or her absence. The Senator so named shall be vested, during that time, with all the powers of the President pro Tempore, and the Senator who performs these duties shall be known as the Presiding Officer.

Secretary of the Senate

9. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, and read all bills, amendments, and resolutions, and all papers ordered read by the Senate or the Presiding Officer.

The Secretary of the Senate shall superintend all printing to be done for the Senate.

The Secretary of the Senate shall certify to, and transmit to, the Assembly all bills, joint and concurrent resolutions, constitutional amendments, and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

The Secretary of the Senate shall also keep a correct Journal of the proceedings of the Senate, and shall notify the Assembly of the action by the Senate on all matters originating in the Assembly and requiring action on the part of the Senate.

The Secretary of the Senate shall have custody of all bills, documents, papers, and records of the Senate and may not permit any of the bills, documents, records, or papers to be taken from the Desk or out of his or her custody by any person, except in the regular course of the business of the Senate.

The Secretary of the Senate is the Executive Officer of the Committee on Rules and shall act as its authorized representative in all matters delegated to him or her by the committee.

Initiative measures received by the Secretary of the Senate in accordance with Section 9034 of the Elections Code shall be transmitted to the Committee on Rules and referred by the Committee on Rules to the appropriate committee.

Sergeant at Arms of the Senate

10. The Sergeant at Arms shall attend the Senate during all of its sittings, and shall execute the commands of the Senate from time to time, together with all process issued by its authority, as shall be directed to him or her by the President. The Sergeant at Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found in loud conversation or otherwise making a noise to the disturbance of the Senate. The actual expenses for the Sergeant at Arms for every arrest and for each day's custody and release, and his or her traveling expenses, shall be paid out of the Senate Operating Fund.

The Sergeant at Arms shall place copies of all bills, joint and concurrent resolutions, constitutional amendments, Journals, Histories, and Files, when printed, on the desks of Senators, at least one hour previous to the opening of the session.

Elected and Appointed Officers

10.5. On the first day of each session, the President pro Tempore, members of the Committee on Rules, Secretary of the Senate, and Sergeant at Arms shall be elected by a majority vote of the duly elected and qualified Members of the Senate and shall serve until their successors are elected and qualify. The Committee on Rules shall appoint an Assistant Secretary, a Minute Clerk, a Chaplain, and other employees with such duties as the committee requires.

Officers and Employees Compensation: Approval

10.6. The Controller is hereby authorized and directed to draw his or her warrants in favor of officers and employees who render services to the Senate, as certified by the Committee on Rules or by its authorized representative, from the fund set aside for the pay of officers and employees of the Senate at the rate of compensation certified by the committee or its representative, and the Treasurer is hereby directed to pay the same.

COMMITTEES OF THE SENATE

Appointment of Committees

11. The Committee on Rules shall consist of the President pro Tempore of the Senate, who shall be the chair of the committee, and four other Members of the Senate to be elected by the Senate. There is a vacancy on the committee in the event a member ceases to be a Member of the Senate or resigns from the Committee on Rules. Any vacancy occurring during a summer, interim study, or final recess, except in the case of the President pro Tempore, shall be filled by the remaining

members of the Committee on Rules. A vacancy occurring at any other time shall be filled by election by the Senate.

The Committee on Rules shall appoint all other committees of the Senate and shall designate a chair and vice chair of each committee.

In making committee appointments, the Committee on Rules shall give consideration to seniority, preference, and experience. However, in making committee appointments, the Committee on Rules shall, as far as practicable, give equal representation to all parts of the state.

Standing Committees

12. The standing committees of the Senate, the number of members, and subjects to be referred to each are set out below. The provisions set forth below as to the assignment of bills are intended as a guide to the Committee on Rules, but are not binding upon the committee.

(1) Agriculture and Water Resources, 11 members. Bills relating to agriculture and water supply management.

(2) Appropriations, 13 members. Bills that are subject to Joint Rule 10.5 and are not referred to the Budget and Fiscal Review Committee. Bills that constitute a state-mandated local program.

(3) Banking, Commerce and International Trade, 9 members. Bills relating to financial institutions, commerce, international trade, retail credit interest rates, and corporations.

(4) Budget and Fiscal Review, 13 members. The Budget Bill and bills implementing the Budget. Bills that directly affect the State Budget, including deficiencies and reappropriations.

(5) Business and Professions, 7 members. Bills relating to business and professional practices and regulations other than bills relating to horseracing, alcoholic beverages, oil, mining, geothermal, or forestry industries.

(6) Constitutional Amendments, 5 members. Bills relating to constitutional amendments and constitutional amendments, when favorably reported out of the standing committee having jurisdiction of the subject matter.

(7) Education, 14 members. Bills relating to education, higher education, and certificated educational personnel.

(8) Elections and Reapportionment, 5 members. Bills relating to elections and reapportionment.

(9) Energy, Utilities, and Communications, 9 members. Bills relating to utilities, energy companies, alternative energy development and conservation, and communications development and technology.

(10) Environmental Quality, 7 members. Bills relating to environmental quality, air quality, water quality, integrated waste management, toxics, and hazardous waste.

(11) Governmental Organization, 13 members. Bills relating to state government organization, horseracing, public gaming, alcoholic beverages, management of public safety emergencies and disaster response, and legislation permitting the use of state-controlled lands. Bills that have been considered by other committees having jurisdiction of the appropriate subject, for consideration of any question relating to state government.

(12) Health and Human Services, 12 members. Bills relating to public health, welfare, social services, the blind and disabled, substance abuse, mental health, and institutions related thereto.

(13) Housing and Community Development, 7 members. Bills relating to housing and community development.

(14) Insurance, 9 members. Bills relating to insurance, indemnity, surety, warranty agreements, liens, claims, unclaimed property, collections, and franchises.

(15) Judiciary, 7 members. Bills amending the following:

- (a) Civil Code, except measures related to retail credit interest rates.
- (b) Code of Civil Procedure.
- (c) Evidence Code, except matters relating to criminal procedure.
- (d) Family Code.
- (e) Probate Code.

(16) Labor and Industrial Relations, 8 members. Bills relating to labor, industrial safety, unemployment, workers' compensation and insurance, and noncertificated public school employees.

(17) Local Government, 6 members. Bills relating to local governmental procedure and organization. Bills relating to land use. Bills that have been considered by other committees having jurisdiction of the appropriate subject, for consideration of any questions relating to local government administration.

(18) Natural Resources and Wildlife, 9 members. Bills relating to conservation and the management of public resources, fish and wildlife, regulation of oil, mining, geothermal development, acid deposition, wetlands and lakes, global atmospheric effects, ocean and bay pollution, forestry practices, recreation, parks, and historical resources, and beverage container recycling.

(19) Public Employment and Retirement, 5 members. Bills relating to state and local nonschool public employees and public employee retirement.

(20) Public Safety, 6 members. Bills amending the following:

- (a) Evidence Code, relating to criminal procedure.
- (b) Penal Code.
- (c) Statutes of a penal nature not related closely to a subject included in another subdivision of this rule.
- (d) Bills relating to the Youth and Adult Corrections Agency.

(21) Revenue and Taxation, 6 members. Bills relating to state and local revenues and taxation, except bills described in subdivision (a) of Rule 28.9.

(22) Rules, 5 members. Proposed amendments to the rules and other matters relating to the business of the Legislature.

(23) Transportation, 15 members. Bills relating to the operation, safety, equipment, transfer of ownership, licensing, and registration of vehicles, aircraft, and vessels. Legislation affecting the Department of Transportation and the Department of Motor Vehicles. Bills relating to waterways, harbors, highways, public transportation systems, and airports.

(24) Veterans Affairs, 5 members. Bills relating to veterans, military affairs, and armories. Bills amending the Military and Veterans Code.

The standing committees of any regular session shall be the standing committees of concurrent special or extraordinary sessions unless otherwise ordered by the Senate.

Committee on Legislative Ethics

12.3. (a) (1) The Committee on Legislative Ethics is hereby created. The committee shall be appointed by the Committee on Rules and shall consist of six Senators, at least two of whom are members of the political party having the greatest number of members in the Senate and at least two of whom are members of the political party having the second greatest number of members in the Senate. The members of the committee shall serve two-year terms. The President pro Tempore and the Minority Floor Leader shall serve as ex officio, nonvoting members of the committee.

(2) The Committee on Rules shall select a Chair and a Vice Chair, who may not be members of the same political party. The Chair may not serve more than two consecutive two-year terms, and the Committee on Rules shall select a successor who is not a member of the same political party as the immediately previous Chair.

(3) Vacancies in the committee shall be filled within 30 days by the Committee on Rules for the remainder of a term.

(4) If a complaint is filed against a member of the committee, the Committee on Rules shall temporarily replace the member with a Senator of the same political party, who shall serve until the complaint is dismissed by the committee or the Senate takes action as it deems appropriate, whichever occurs earlier.

(5) The Committee on Rules, upon the recommendation of the Committee on Legislative Ethics, shall appoint a Chief Counsel to assist the committee in carrying out its functions. The staff of the committee shall be considered permanent and professional, and shall perform their duties in a nonpartisan manner. No staff of the committee may engage in partisan activities regarding a Senate election campaign. The committee may retain independent counsel when necessary for specific investigations.

(b) The committee shall do all of the following:

(1) The committee shall formulate and recommend, for adoption by the Senate, standards of conduct for Senators and officers and employees of the Senate in the performance of their legislative responsibilities. The Ethics Manual for Members, Officers, and Employees of the United States House of Representatives, as prepared by the Staff of the Committee on Standards of Official Conduct, 102nd Congress Second Session (United States Government Printing Office, Washington, 1992), the Code of Ethics (Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code), and Joint Rule 44 shall serve as guides in the formulation of the standards of conduct.

(2) At the request of any Senator or officer or employee of the Senate, the committee shall provide an advisory opinion with respect to the standards of conduct of the Senate on the general propriety of past, current, or anticipated conduct of that Senator, officer, or employee. The opinion shall be rendered within 21 days unless the Chair and Vice Chair agree otherwise. The committee may, with appropriate deletions to ensure the privacy of the individuals concerned, publish the advisory opinions for the guidance of other Senators, officers, or employees.

(3) The committee shall develop, issue, and annually update a clear, informative, and usable manual for the Senate based on the standards of conduct adopted by the Senate, including any advisory opinions published pursuant to paragraph (2).

(4) The committee shall conduct periodic workshops, at least once each calendar year, for Senators and officers and employees of the Senate, including workshops specifically designed for newly elected Senators and newly appointed officers and employees. At least once in each biennial session, each Senator, and each officer or employee of the Senate who is a designated employee under the Senate Conflict of Interest Code, shall attend one of these workshops. The workshops shall include, but not be limited to, a comprehensive review of all applicable statutes and Senate rules.

(5) After adoption by the Senate of the standards of conduct, the committee shall receive and review complaints alleging violations of the standards of conduct by Senators, or officers or employees of the Senate, in accordance with the procedures specified in subdivisions (c) to (s), inclusive.

(6) The committee shall maintain a record of its investigations, hearings, and other proceedings. All records, complaints, documents, and reports filed with, submitted to, or made by the committee, and all records and transcripts of any investigations or hearings of the committee shall be confidential and may not be open to inspection by any person other than a member of the committee or the staff of the committee, except as otherwise specifically provided for in this rule. Any member of the committee or any person on the staff of the committee who discloses any record, complaint, document, report, or transcript that is confidential shall be subject to discipline. The committee may, by a majority vote of the membership of the committee, authorize the release of any records, complaints, documents, reports, and transcripts in its possession to the appropriate enforcement agency if the committee determines that there is probable cause to believe that the violation or violations alleged in the complaint would constitute a felony or if the committee determines that the information is material to any matter pending before the enforcement agency.

(c) (1) Any person may file a complaint with the committee that alleges a violation of the standards of conduct.

(2) Except as provided in paragraphs (3) and (4), a complaint may not be filed more than 18 months after the date that the alleged violation occurred.

(3) If the committee determines that the person filing the complaint did not know, or through the exercise of reasonable diligence could not have known, of the alleged violation within 18 months after the date that the alleged violation occurred, the complaint may be filed within three years after the date that the alleged violation occurred.

(4) If a complaint is filed within 60 days prior to an election at which a Senator or officer or employee is a candidate for elective office, the complaint shall be returned to the person filing the complaint, and the person shall be informed that the complaint may be filed with an appropriate enforcement agency and may be refiled with the committee after the election. The period of time for filing the complaint shall be extended for 60 days.

(5) A complaint may not be filed if it alleges a violation that occurred prior to the adoption of the standards of conduct.

(d) A complaint shall satisfy all of the following requirements:

(1) It shall be in writing.

(2) It shall state the name of the person filing the complaint.

(3) It shall state the name of Senator, or the name and position or title

of the officer or employee of the Senate, who is alleged to have committed a violation of the standards of conduct.

(4) It shall set forth allegations that, if true, would constitute a violation of the standards of conduct. The allegations shall be stated with sufficient clarity and detail to enable the committee to make a finding pursuant to subdivision (h).

(5) It shall state the date of the alleged violation.

(6) It shall include a statement that the allegations are true of the person's own knowledge or that the person believes them to be true, and shall be signed by the person under penalty of perjury.

(e) The committee, on its own motion, two-thirds of the membership concurring, may initiate a proceeding by filing a complaint that complies with paragraphs (1) to (5), inclusive, of subdivision (d).

(f) The committee shall promptly send a copy of a complaint to the Senator, or officer or employee of the Senate, alleged to have committed the violation, who shall thereafter be designated as the respondent.

(g) If a complaint is filed by a person other than the committee, the Chair and Vice Chair of the committee shall examine the complaint to determine whether it was filed in accordance with this rule and any rules of the committee. Within 15 days after the complaint is filed, the Chair and Vice Chair shall provide to the committee a copy of the complaint and their opinion as to whether the allegations in the complaint, if true, would constitute a violation of the standards of conduct. If the committee, by a two-thirds vote of its membership, finds that the allegations, if true, would constitute a violation of the standards of conduct, the committee shall hold a hearing within 30 days to conduct a preliminary inquiry. If two-thirds of the membership of the committee fails to find that the allegations, if true, would constitute a violation of the standards of conduct, it shall dismiss the complaint and so notify the person who filed the complaint and the respondent, and the complaint shall not be made public.

(h) At the preliminary inquiry, the respondent may respond to the allegations in the complaint by written statement or oral testimony. If two-thirds of the membership of the committee finds that probable cause exists for believing that the respondent committed a violation of the standards of conduct, the committee shall issue a count-by-count statement of alleged violations. If two-thirds of the membership of the committee fails to find that probable cause exists, the committee shall dismiss the complaint. In either event, the committee shall immediately notify the respondent and the person who filed the complaint of its action. If the committee finds that probable cause exists, the statement of alleged violations shall be made public within seven days.

(i) Within 21 days after the issuance of the statement of alleged violations, the respondent may file an answer that admits or denies each count. Upon request of the respondent, the committee may grant the respondent an additional 21 days to respond.

(j) Within 60 days after the issuance of the statement of alleged violations, the committee shall hold a disciplinary hearing. If a majority of the membership of each party on the committee fails to find that the respondent committed a violation of the standards of conduct, the committee shall dismiss the complaint. If a majority of the membership of each party on the committee finds by clear and convincing evidence

that the respondent committed a violation of the standards of conduct, the committee shall take the following action:

(1) If the respondent is a Senator, it shall hold a hearing to determine an appropriate sanction.

(2) If the respondent is an officer or employee, it shall transmit its findings to the Committee on Rules for appropriate action.

(k) (1) At the hearing to determine an appropriate sanction, two-thirds of the membership of the committee shall determine whether the violation is serious or minor.

(2) If the committee determines that a violation is minor or fails to determine that a violation is serious, two-thirds of the membership of the committee (A) shall, if it determines that the violation bears upon the exercise of a right or privilege, recommend that the Committee on Rules deny or limit that right or privilege and shall transmit its findings and recommendation to the Committee on Rules, or (B) shall impose any lesser sanction. Within 15 days after the imposition of a lesser sanction, the respondent may appeal the sanction imposed to the Committee on Rules.

(3) If the committee determines that a violation is serious, two-thirds of the membership of the committee shall recommend that the Senate take one or more of the following actions and shall transmit its findings and recommendation to the Senate:

(A) The denial or limitation of any right or privilege, if the violation bears upon the exercise of that right or privilege.

(B) A reprimand for a serious violation.

(C) A censure for a more serious violation.

(D) An expulsion for a most serious violation.

(l) The Senate shall, within 15 legislative days after receiving the findings and recommendation, vote on the recommendation of the committee. The Senate, by 21 votes, may deny or limit any right or privilege of, reprimand, or censure the Senator or, by 27 votes, may expel the Senator.

(m) The committee or Senate may defer any action required by this rule if other proceedings have been commenced on the same matter.

(n) (1) At all hearings, the Chief Counsel of the committee shall present the case. All relevant and probative evidence is admissible unless it is privileged. Witnesses may be called and cross-examined by the committee and the respondent, and exhibits and other documents may be entered into the record. The respondent has the right to be represented by legal counsel or any other person of his or her choosing.

(2) If the committee receives, at any time, any exculpatory information relating to the alleged violation, the committee shall make the information available to the respondent.

(o) If the committee determines that the complaint was filed with malicious intent, it may request that the Committee on Rules reimburse the expenses incurred by the respondent.

(p) At any time during the proceedings, the respondent may admit that he or she committed a violation of the standards of conduct. If the respondent admits some but not all of the violations alleged in the complaint or the counts set forth in the statement of alleged violations, the committee shall find that the admitted violations constituted a violation of the standards of conduct and may continue the proceedings to determine whether the other alleged violations constituted violations of the standards of conduct. If the respondent admits to all alleged

violations, the committee shall find that the admitted violations constituted a violation of the standards of conduct, terminate the preliminary inquiry or disciplinary hearing, and take the action required by paragraph (1) or (2) of subdivision (j).

(q) Meetings of the committee may not be open to the public until the committee finds that probable cause exists for believing that the respondent committed a violation of the standards of conduct. Subsequent meetings of the committee or Senate shall be public, and notice of any meeting shall be published in the Senate File for four calendar days prior to the meeting.

(r) If the committee finds that probable cause exists for believing that the respondent committed a violation of the standards of conduct, the transcript of any testimony given, or any documents admitted into evidence, at a public hearing and any report prepared by the committee subsequent to that finding that states a final finding or recommendation shall be open to public inspection.

(s) Upon request of the respondent, the committee may permit the respondent to inspect, copy, or photograph books, papers, documents, photographs, or other tangible objects that relate to the allegations in the complaint. If the committee finds that probable cause exists for believing that the respondent committed a violation of the standards of conduct, the committee shall permit the respondent to inspect, copy, or photograph books, papers, documents, photographs, or other tangible objects that relate to the statement of alleged violations.

(t) (1) A Senator or officer or employee of the Senate may not directly or indirectly use or attempt to use his or her official authority or influence to intimidate, threaten, coerce, command, or attempt to intimidate, threaten, coerce, or command any person for the purpose of interfering with the right of that person to file a complaint with the committee, testify before, or in any way cooperate with, the committee or any panel.

(2) For the purpose of paragraph (1), “use of official authority or influence” includes promising to confer, or conferring, any benefit; effecting, or threatening to effect, any reprisal; or taking, or directing others to take, or recommending, processing, or approving, any personnel action, including, but not limited to, appointment, promotion, transfer, assignment, performance evaluation, suspension, or other disciplinary action.

(3) Nothing in this subdivision may be construed to authorize any person to disclose information the disclosure of which is otherwise prohibited by law.

(u) The committee may adopt rules governing its proceedings not inconsistent with this rule. The provisions of Joint Rule 36 relating to investigating committees apply to the committee to the extent those provisions are consistent with this rule.

(v) The powers and procedures set forth in subdivisions (b) to (u), inclusive, confer independent authority and may not be limited or altered by Joint Rule 45.

General Research Committee

12.5. The General Research Committee is hereby created pursuant to Section 11 of Article IV of the California Constitution, which relates to legislative committees. The committee consists of the 40 Senators, and the President pro Tempore is its chair. The committee is allocated all subjects within the scope of legislative regulation and control, but may not undertake any investigation that another committee has been specifically requested or directed to undertake. The General Research Committee may at through subcommittees appointed by the Senate Committee on Rules, and each of the subcommittees may act only on the particular study or investigation assigned by the Committee on Rules to that subcommittee. Each member of the General Research Committee is authorized and directed to receive and investigate requests for legislative action made by individuals or groups and to report thereon to the full committee.

The committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Senate Rules and the Joint Rules of the Senate and Assembly. However, neither the committee nor its members may issue a subpoena without the prior approval of the Committee on Rules. The committee has the following additional powers and duties:

(a) To contract with other agencies, public or private, for the rendition and affording of services, facilities, studies, and reports to the committee as the committee deems necessary to assist it to carry out the purposes for which it is created.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope established by this rule, and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(c) To meet and act at any place within the State of California and, when authorized in writing by the Committee on Rules to do so, to meet and act outside the state to carry out its duties.

(d) To report its findings and recommendations to the Legislature and the people from time to time.

(e) To act during sessions of the Legislature, including any recess.

(f) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this rule.

The Committee on Rules may allocate, from time to time, to the General Research Committee from the Senate Operating Fund those sums that are necessary to permit the General Research Committee and the members thereof to carry out the duties imposed on them. In addition, the Committee on Rules may allocate to any subcommittee from the Senate Operating Fund those sums that the Committee on Rules deems necessary to complete the investigation or study conferred upon that subcommittee.

Additional Committee on Rules Powers

12.7. In addition to other rights, duties and powers vested in the Committee on Rules, the committee and the members thereof shall have and exercise all of the rights, duties, and powers of the General Research

Committee and the members thereof, as provided in Rule 12.5, with authority to act on any subject allocated by Rule 12.5 to the General Research Committee.

Committee on Rules

13. (a) The Committee on Rules is charged with the general responsibility for the administrative functioning of the Senate. The committee has general charge of the books, documents, and other papers and property of the Senate and shall see that the same are properly kept, cared for, filed, or otherwise disposed of in accordance with applicable law and rules. The committee also has the duties of making studies and recommendations designed to promote, improve, and expedite the business and procedure of the Senate and its committees, including investigating committees consisting wholly or in part of Members of the Senate, and of proposing any amendments to the rules deemed necessary to accomplish those purposes.

(b) The Committee on Rules shall continue in existence during any recess of the Legislature until the convening of the next regular session, and shall have the same powers and duties as while the Senate is in session. The committee has the authority to fill vacancies in any Senate committee or in the Senate membership of any joint committee.

(c) The committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to the Committee on Rules and its members.

(d) The committee may make available to any Senate or joint committee, or any Member of the Senate, assistance in connection with the duties of the committee or other legislative matters as the personnel resources under the direction of the committee or its other facilities permit.

(e) All employees on the payroll of the Senate are employees of the Senate and not of individual members, and they are under the direct control of the Committee on Rules. The Committee on Rules has general supervision over all employees of the Senate and the powers and duties to suspend, discipline, or discharge any employees when necessary. Any insubordination or inefficiency on the part of any employee shall be reported to the Committee on Rules.

(f) The committee shall make available and furnish to the Members of the Senate, and the Senate committees, personnel resources as may be reasonably necessary for the Members and the committees to carry out their duties.

(g) The Committee on Rules constitutes the Committee on Introduction of Bills and has charge of the engrossment and enrollment of bills, the contingent expenses of the Senate, and legislative printing, except insofar as these functions are delegated to the Secretary of the Senate.

(h) The rooms, passages, and buildings set apart for the use of the Senate are under the direction of the Committee on Rules, and the committee may assign the press desks in the Senate Chamber to accredited newspaper representatives.

(i) Executive communication of nominations sent by the Governor to the Senate for confirmation shall be referred to the Committee on Rules, unless otherwise ordered by the Senate, without debate.

(j) The Committee on Rules shall, at each regular session, appoint a Member of the Senate to serve on the Judicial Council and has the authority during any joint recess to fill any vacancy in that position that occurs during the recess.

(k) When a report of a joint legislative committee is delivered to the Senate Desk, the Committee on Rules shall refer it to a standing committee for review and appropriate action.

Expenses of Senate Committees

13.1. All claims for expenses incurred by investigating committees of the Senate, the Secretary of the Senate, and the Sergeant at Arms shall be approved by the Committee on Rules or its authorized representative before the claims are presented to the Controller.

All proposed expenditures, including furniture, equipment, and other property, but not including stationery supplies, shall be approved by the Committee on Rules or its authorized representatives before the expenses are incurred, unless the expenditure is specifically exempted from the provisions of this rule by the resolution authorizing it.

A warrant may not be drawn in payment of any claim for expenses until the approval of the Committee on Rules, or its authorized representative, has been obtained in accordance with this rule.

The Committee on Rules may adopt rules and regulations limiting the amount, time, and place of expenses and allowances to be paid to employees of Senate investigating committees and regulating the terms and conditions of employment of their employees. Copies of all rules and regulations adopted pursuant to this rule shall be distributed to the chair of every investigating committee.

Alteration, Repair, Improvement to Senate

13.2. The Committee on Rules is authorized and directed to incur and pay expenses of the Senate not otherwise provided for as the committee determines are reasonably necessary, including the repair, alteration, improvement, and equipping of the Senate Chamber and the offices provided for the Senate in the State Capitol.

In order to avoid unanticipated reversions of appropriations for contingent expenses, the Committee on Rules may designate the appropriation from which payment shall be made pursuant to allocations to committees or for other purposes. If insufficient money is available in any appropriation to pay all claims pursuant to allocations charged against it, the committee shall designate another appropriation from which the allocations shall be paid.

Rooms and Property of Senate

13.3. The Committee on Rules is responsible for the safekeeping of Senate property. The Director of General Services is directed to maintain the Senate Chamber and all the committee rooms and other rooms used by the Senators and officers of the Senate in a condition that they will be available for the use of the Senate at any time. It is further directed that no persons other than the Members, officers, and employees of the Senate may occupy or use the offices, committee

rooms, or other rooms now occupied by the Senate without permission as hereinafter provided, that the desks, furniture, and other equipment of the Senate shall be at the disposal of the Committee on Rules, and that no person except Members of the Senate may occupy any of the Senate's offices or make use of Senate equipment without permission of the committee or its authorized representative.

Inventory of Senate Property

13.4. The Committee on Rules is authorized and directed, through its authorized representative, to make and maintain a complete inventory of all property of the Senate, including all property in the possession or control of any Senate committee. The Committee on Rules has custody and control of all property of the Senate and shall adopt rules or orders as it may determine are necessary relating to the purchase, care, custody, and use or disposal thereof.

Status of Standing Rules for Regular Session

13.5. The adoption of the Standing Rules for any special session are not to be construed as modifying or rescinding the Standing Rules of the Senate for a regular session.

Operating Expense Fund

13.6. The Committee on Rules is the committee identified in Section 9126 of the Government Code. The balance of all money in the Senate Operating Fund, including money now or hereafter appropriated by the Legislature, except sums that are made available specifically for purposes other than the expenses of designated committees, is hereby made available to the Committee on Rules for any charges or claims it may incur in carrying out the duties imposed upon it by these rules or by Senate or concurrent resolution.

Rules Committee Appointees

13.8. The Committee on Rules shall review its nonlegislator appointees every two years. That review shall be completed not later than the 120th calendar day of the regular session in which the review is undertaken.

Schedule of Committee Meetings

14. The Committee on Rules shall propose to the Senate such schedules for regular meetings of the standing committees as will permit all members of each committee to attend without a conflict of committee engagements.

The committee may also propose such special committee meetings or special schedules of committee meetings as will facilitate the business of the Senate. Those schedules may provide a special schedule of committee meetings upon certain days of the week or to meet any special condition that may arise.

Powers of Standing Committees

16. Each standing committee of the Senate to which a proposed law or bill is assigned has full power and authority during the session of the Legislature, or any recess thereof, to make an investigation and study concerning any proposed law or bill as the committee shall determine necessary to enable it to properly act thereon.

In the exercise of the power granted by this rule, each committee may appoint a secretary and employ clerical, legal, and technical assistants

as may appear necessary when money has been made available therefor by the Senate.

Each standing committee is authorized and empowered to summon and subpoena witnesses, to require the production of papers, books, accounts, reports, documents, records, and papers of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary. However, no committee may issue a subpoena without the prior approval of the Committee on Rules.

The Sergeant at Arms, or other person designated by the Sergeant at Arms or by the committee, shall serve any and all subpoenas, orders, and other process that may be issued by the committee, when directed to do so upon a vote of the majority of the membership of the committee.

Each of the members of the standing committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4 (commencing with Section 9400) of Part 1 of Division 2 of Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, apply to the committees.

All officers of this state, including the head of each department, agency, and subdivision thereof, all employees of the departments, agencies, and subdivisions of the state, the Legislative Counsel, and all other persons, whether connected with the state government or not, shall give and furnish to these committees upon request such information, records, and documents as the committees deem necessary or proper for the achievement of the purposes for which each standing committee was created.

Each standing committee may meet at the State Capitol and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it, and may expend such money as may be made available by the Senate for that purpose, except that no committee may incur any indebtedness unless money has been first made available therefor.

Funerals

17.5. The Chair or Vice Chair of the Committee on Rules may designate any one or more of the Members of the Senate as a Senate committee to attend funerals in appropriate circumstances. The Members so designated may receive expenses as provided in Joint Rule 35.

The Chair or Vice Chair of the Committee on Rules, or any Member of the Senate designated by either of these officers, may incur such expense as may be necessary for the purchase on behalf of the Senate of suitable floral pieces for the funeral.

All expenses incurred pursuant to this rule shall be paid out of the money allocated from the Senate Operating Fund to the Committee on Rules and disbursed, after certification by the Chair or Vice Chair of the committee or by the committee's disbursing officer appointed and designated therefor by the committee, upon warrants drawn by the Controller upon the Treasury.

Expenditures

18. A member of a committee may not incur any expense chargeable to the Senate unless authorized by resolution of the Senate.

The Committee on Rules shall provide, by rules and regulations, for the manner of authorizing expenditures by Members, committees, and officers and employees of the Senate that are not otherwise authorized by law, these rules, or the Joint Rules of the Senate and Assembly, and for the payment of the expenditures from the Senate Operating Fund upon certification of claims therefor to the Controller by the Committee on Rules or its authorized representative.

Printing of Reports

18.5. All requests for the printing of reports of Senate committees shall be made to the Committee on Rules.

The Committee on Rules shall determine if the report is to be printed, the number of copies needed, and whether or not the report shall be printed in the Journal.

If the report is to be printed by the State Printer, he or she shall hold the type for each Senate committee report for a period of 90 days from the date of the first printing or for such other time as the Committee on Rules deems necessary.

PROCEDURES AND RULES**Joint and Concurrent Resolutions and Constitutional Amendments**

19. Joint and concurrent resolutions and constitutional amendments shall be treated the same as bills under these rules, except that they shall have only one official reading, which reading shall occur after they have been reported by committee.

Parliamentary Rules

20. In all cases not provided for by the Constitution, these rules, the Joint Rules of Senate and Assembly, or statute, the authority shall be the latest edition of Mason's Manual.

Suspension of Rules or Amending of Rules

21. A standing rule of the Senate may not be adopted, amended, or repealed except upon an affirmative vote of a majority of the membership of the Senate, one day's notice being given, except that any rule not requiring more than a majority vote may be temporarily suspended without that notice by a vote of a majority of the membership of the Senate. A rule requiring a two-thirds vote on any question may be amended only by a two-thirds vote on one day's notice, except that a rule requiring a two-thirds vote may be temporarily suspended without that notice by a two-thirds vote.

All proposed amendments to these rules shall, upon presentation, be referred to the Committee on Rules without debate.

Suspension of the Joint Rules

21.1. Pursuant to Joint Rule 33, a joint rule may not be suspended by the Senate except with the concurrence of 27 Members unless a lower vote is prescribed by these rules or the Joint Rules of the Senate and the Assembly.

Permission of Committee on Rules

21.2. Notwithstanding Rule 21 or 21.1, a Senate or Joint Rule may not be suspended unless the Committee on Rules determines that an extraordinary circumstance exists that justifies the suspension.

Rules Governing Standing Committees

21.5. Except as otherwise provided in these rules, standing committees of the Senate shall be governed as follows:

(a) The officers of each Senate committee shall be a chair, vice chair, and secretary.

(b) The chair shall preside at meetings when present except when the committee is considering a bill of which he or she is the sole author or the lead author. Whenever the chair is not presiding, the vice chair shall assume the duties of the chair. In the absence of both, a member designated by the chair shall preside.

(c) The secretary shall keep a complete record of the meetings and actions taken by the committee. Bills and other measures favorably acted upon shall be reported to the Senate as expeditiously as the reports can be prepared.

(d) The committee shall meet in regular session on the day and hour designated by the Committee on Rules. Adjourned meetings or special meetings shall be held at the time fixed in the adjourning motion, or, for a special meeting, on the call of the chair.

(e) A special meeting may be called by the chair, with the approval of the Committee on Rules, by giving reasonable notice to all members of the committee, either in writing or by telephone, specifying the purpose of the meeting, the time and place thereof, and the matters to be considered at the meeting. Notice of hearing of bills as required by subdivision (a) of Joint Rule 62 may also be given in the Daily File. A matter may not be considered at the special meeting unless specified in the notice.

A special meeting shall be scheduled so as to permit all members of the committee to attend without conflict with other scheduled committee meetings.

(f) A majority of the membership of the committee shall constitute a quorum. A vote of a majority of the membership of the committee shall be required to table a bill, remove it from the table, or reconsider a vote on a bill.

(g) Action may not be taken on any measure outside of a duly constituted committee meeting.

(h) The chair shall set the hearings of bills and arrange the calendar for committee hearings. Notice of hearing of any bill shall be given to the author and other persons requiring notice. A bill may not be considered in the absence of the author without his or her consent, except that a bill may be presented by the author's representative who is authorized in writing.

(i) A committee or a subcommittee thereof, by a majority vote of the membership of the committee, may meet in executive session for any purpose authorized by Section 9029 of the Government Code. Otherwise, all meetings shall be open and public.

(j) The chair shall direct the order of presentation of the arguments for and against matters for consideration by the committee, and shall permit questions to be asked by members of the committee in an orderly fashion and in keeping with proper decorum.

(k) Further consideration of a bill that has been voted out of a committee or defeated shall be by reconsideration only, as follows:

(1) A motion to reconsider a vote by which a bill is voted out shall be in order, and shall be voted upon at the same meeting. If the motion is carried by a vote of a majority of the membership of the committee, the bill may be considered at that meeting, provided the author is present, or at a subsequent meeting.

(2) The procedure for reconsideration of a bill that has been defeated shall conform to the requirements of subdivision (a) of Joint Rule 62. Any bill as to which reconsideration has been granted pursuant to this paragraph may not be heard again until a subsequent meeting of the committee, after being calendared in the Daily File.

(l) Any bill that has been laid on the table and is removed from the table at a later meeting may not be heard again until a subsequent meeting of the committee, after being calendared in the Daily File and after notice.

(m) When a committee adopts proposed amendments to a bill, the bill may be taken up for vote at that meeting or, if the committee or author requests, sent out to print before final action. If the amendments are not in proper form, they shall be prepared and submitted to the chair for approval before being reported to the Desk. Amendments submitted by the author that, in the opinion of the committee chair, are major or substantial shall be submitted to the committee at least two legislative days before the bill is scheduled for hearing.

(n) A bill may not be set for hearing, nor may any notice thereof be published, by a Senate committee until the bill has been referred to the committee by the Committee on Rules.

(o) The chair may appoint, with the permission of the Committee on Rules, subcommittees of one or more members to consider and recommend to the full committee action on matters as may be assigned to the subcommittee for consideration from time to time by the chair. The chair may assign and reassign members of, and matters to, the various subcommittees. The recommendation of a subcommittee may be accepted by a vote of a majority of the members of the committee.

(p) In all cases not provided for by this rule, the Senate Rules, the Joint Rules of the Senate and Assembly, or statute, the authority shall be the latest edition of Mason's Manual.

Additional Rules

21.6. Committees may adopt additional rules that are not in conflict with Rule 21.5 or other rules.

Reporting Measures Out of Committee

21.7. The vote of a majority of the membership of a standing committee shall be required to report a bill, constitutional amendment, concurrent resolution, or joint resolution out of committee.

A vote of a majority of all members of a standing committee who are present and voting shall be required to report a Senate resolution out of committee.

Press Participation

21.8. Accredited press representatives may not be excluded from any public legislative meeting or hearing, and may not be prohibited

from taking photographs of, televising, or recording the committee or house hearings, subject to the following conditions:

- (1) This rule extends to all public legislative meetings.
- (2) Lights may be used only when cameras are filming and, when possible, proceedings in hearing rooms and the chamber shall be filmed without lights.
- (3) Every effort should be made to set up filming equipment before hearings or sessions begin.
- (4) The committee chair or the Committee on Rules shall be notified, as far in advance of the proceedings as possible, that recordings and television cameras will be present and filming.
- (5) To the extent practical, flash cameras shall not be used.
- (6) Photographs shall be taken in an orderly and expeditious manner so as to cause the least possible inconvenience to the committee or to the Members in the chamber.

However, the chair of a committee may request any person to relocate or remove any object, or discontinue the use of any equipment, that is situated or used in a manner so as to disrupt the proceedings or to create a potential danger to, or substantially obstruct the view of, members of the committee or the public.

In case any person fails to respond to a request of the chair to relocate, remove, or discontinue the use of the objects or equipment, the committee may, by majority vote, require it.

INTRODUCTION AND REFERENCE OF MEASURES

Introduction, First Reading, and Reference of Measures

22. Any Senator desiring to introduce a bill, constitutional amendment, concurrent resolution, joint resolution, or Senate resolution shall send it to the Senate Desk.

When received at the Secretary's desk, a bill shall, under the proper order of business, be numbered, read, printed, and referred by the Committee on Rules to a standing committee. The Committee on Rules shall check all Assembly measures before reference to committee and shall designate the committee to which they shall be referred.

All joint resolutions, concurrent resolutions, and Senate resolutions shall be automatically referred to the Committee on Rules upon introduction, and may be rereferred to any other standing committee upon the vote of a majority of the membership of the Committee on Rules.

Unless otherwise ordered by the Senate without debate, the assignment of the measure shall then be complete and, after printing, the Secretary shall deliver the measure to the committee designated by the Committee on Rules.

Under the order of Messages from the Assembly, the Secretary shall read each Assembly bill the first time and shall read the name of the committee to which the bill has been assigned by the Committee on Rules. Unless otherwise ordered by the Senate without debate the assignment of the bill shall then be complete, and the Secretary shall deliver the bill to the committee so designated.

Bill Introduction Limitation

22.5. (a) A Member of the Senate may introduce not more than 65 bills in the regular session.

(b) This rule may be suspended with respect to a particular bill by approval of the Committee on Rules.

(c) This rule does not apply to a constitutional amendment, any type of resolution, or a bill introduced by a committee.

Short Title

22.6. A bill may not add a short title that names a current or former Member of the Legislature.

Introduction of Bills by a Committee

23. (a) Any committee may introduce a bill germane to any subject within the proper consideration of the committee in the same manner as any Member. A committee bill shall contain the signatures of a majority of the membership of the committee, including the chair.

(b) A committee may amend into a bill related provisions germane to the subject and embraced within the title and, with the consent of the author, may constitute that bill a committee bill.

Bill Introduction Deadline

23.5. The Senate Desk shall remain open for the introduction of bills from 9:00 a.m. to 5:00 p.m. on the days designated in subdivision (a) of Joint Rule 54 as the deadlines for the introduction of bills in the first and second years of the regular session.

Introduction of Bills at Special Sessions

24. Whenever, at any special session, a bill is received at the Desk, under the order of Introduction of Bills, it shall be referred to the Committee on Rules, which shall decide whether or not the bill can properly be considered at the session. If, in the judgment of the Committee on Rules, the bill can be considered, the committee shall report the bill back and designate the committee to which it shall be assigned. Thereafter the bill shall be assigned a number by the Secretary, read the first time, and referred to the committee recommended by the Committee on Rules unless otherwise referred on motion without debate.

Resolutions

24.5. A Senate concurrent resolution or Senate resolution may be introduced relating to a present or former state or federal elected official or a member of his or her immediate family. Other resolutions for the purpose of commendation or congratulation of any person, group, or organization, or for the purpose of expressing sympathy, regret, or sorrow on the death of any person, shall be prepared as Rules Committee resolutions and presented to the Committee on Rules for appropriate action.

The Committee on Rules may approve exceptions to this rule for Senate resolutions. The Secretary may not accept for introduction any Senate resolution that is contrary to this rule unless it is accompanied by the approval of the Committee on Rules.

Senate Resolutions

25. All Senate resolutions eligible to be introduced under the rules, upon being presented, shall be given a number by the Secretary. A Senate resolution shall be printed, and indexed in the History and Journal.

Bills Authored by a Former Member

26. Whenever a bill in the Senate is authored by an individual who is no longer a Member of the Legislature, upon a request of a committee or current Member of the house in which the bill was introduced, the Senate Committee on Rules may authorize that committee or Member to be the author of that bill. Absent that authorization, action may not be taken by a committee or the Senate with respect to a bill authored by a former Member.

BILLS IN COMMITTEE

Author's Amendments

27. Upon request of the author of a bill, the chair of the committee to which the bill has been referred may, by his or her individual action taken independently of any committee meeting, cause the bill to be reported to the Senate with the recommendation that amendments submitted by the author be adopted and the bill be reprinted as amended and rereferred to the committee.

Withdrawing a Bill From Committee

28. A bill or resolution may not be withdrawn from committee except upon written notice being first given to the Committee on Rules and by 21 votes of the Senate.

Consent Calendar

28.3. (a) If a Senate bill or Assembly bill is amended in the Senate to create a new bill or to rewrite the bill, a standing committee may not place the bill on its consent calendar, and may not report the bill out of committee with the recommendation that it be placed on the consent calendar on the floor.

(b) For purposes of this rule, an amendment creates a new bill or rewrites the bill if the amendment (1) changes the subject of the bill to a new or different subject, or (2) adds a new subject to the bill that is different from, and not related to, the contents of the bill.

Referral of Bills

28.4. (a) If a Senate bill or Assembly bill is amended in the Committee on Appropriations to create a new bill or to rewrite the bill and the chair of the committee determines pursuant to Senate Rule 28.8 that (1) any additional state costs are not significant and do not and will not require the appropriation of additional state funds, and (2) the bill will cause no significant reduction in revenues, the bill shall be reported to the Senate with the recommendation that it be placed on second reading, except that the bill first shall be referred to the Committee on Rules. Upon receipt of the bill, the Committee on Rules shall either refer the bill to an appropriate policy committee or order that the bill be placed on second reading.

(b) For purposes of this rule, an amendment creates a new bill or rewrites the bill if the amendment (1) changes the subject of the bill to a new or different subject, or (2) adds a new subject to the bill that is different from, and not related to, the contents of the bill.

Measures to be Authored

28.5. Each bill, constitutional amendment, or resolution shall be authored by a Member or committee of the Legislature before it is considered or voted on by a committee or the Senate. Each amendment

to a bill, constitutional amendment, or resolution shall be signed by a Member or committee of the Legislature prior to adoption by the Senate. A bill may be authored only by a Member or committee of the house of origin. A Member other than a Member of the house of origin may be a “principal coauthor” or “coauthor.”

Vote in Committee

28.7. Voting on the disposition of bills, constitutional amendments, concurrent resolutions, and joint resolutions by committees shall be by rollcall vote only. A rollcall vote shall be taken on a motion to amend only if requested by any member of the committee or the author of the measure. All rollcall votes taken in committees shall be promptly transmitted by their respective chairs to the Secretary of the Senate, who shall cause a record of the rollcall votes to be printed in the Journal, together with the text of amendments voted upon where the rollcall has been recorded and the amendments adopted.

This rule does not apply to:

- (a) Procedural motions that do not have the effect of disposing of a bill.
- (b) Withdrawal of a bill from a committee calendar at the request of an author.
- (c) A committee’s return of a bill to the Senate, if the bill has not been voted on by the committee.
- (d) The assignment of bills to committee.

On a legislative day when the President pro Tempore or Minority Floor Leader is in attendance, he or she, in the absence of any objection, may instruct the committee secretary of a committee of which he or she is a member to add his or her vote to any previously announced vote that was taken while he or she was performing the responsibilities of the office of President pro Tempore or Minority Floor Leader, provided the outcome of the vote is not thereby changed. This provision does not apply to any rollcall after adjournment of the legislative day during which the rollcall in question was taken. The intent of this paragraph is to allow the President pro Tempore and the Minority Floor Leader to carry out the unique and special duties of their offices without losing the opportunity to vote on matters before the committees of which they are members.

Appropriations Committee

28.8. Any bill referred to the Committee on Appropriations pursuant to Joint Rule 10.5 that does not appropriate money may not be set for hearing and shall, along with any nonsubstantive amendments, promptly be reported to the Senate with the recommendation it be placed on second reading if the chair of the committee determines that (a) any additional state costs are not significant and do not and will not require the appropriation of additional state funds, and (b) the bill will cause no significant reduction in revenues.

State-Mandated Local Program Bills

- 28.9. (a) Any bill having a digest that, pursuant to Section 17575 of the Government Code, indicates that the bill requires state reimbursement to local agencies or school districts for costs mandated by the state shall be rereferred to the Committee on Appropriations. The bill may not be rereferred to the Committee on Revenue and Taxation.
- (b) Any bill rereferred to the Committee on Appropriations pursuant

to this rule that does not appropriate money and does not contain a complete disclaimer of all of the provisions of Section 905.2 of, and Part 7 (commencing with Section 17500) of Division 4 of Title 2 of, the Government Code, need not be set for hearing and may, along with any nonsubstantive amendments, be reported to the Senate with the recommendation that it be placed on second reading if the chair of the committee determines, after consideration of the analyses of local costs prepared by the Legislative Analyst and the Department of Finance, that (1) any additional local costs are not significant and (2) the bill will cause no significant reduction in local revenues.

For the purposes of this rule, “complete disclaimer” means a provision in a bill that prohibits local agencies and school districts from filing claims with the State Board of Control for reimbursement for the costs of unfunded mandated programs or services.

(c) Whenever the Assembly amends and passes a Senate bill and the Senate must concur in the amendments, upon the request of any Senator the bill shall be rereferred to the Committee on Appropriations if, based upon the Legislative Counsel’s Digest of the Assembly amendments, the bill (1) imposes state-mandated local costs without providing adequate reimbursement, or (2) contains a complete disclaimer. The Committee on Appropriations shall make a recommendation to the Senate regarding whether the Senate should concur in the Assembly amendments.

(d) Any bill referred to the Committee on Appropriations solely pursuant to this rule, and that otherwise would not be rereferred to the committee pursuant to Joint Rule 10.5, is not subject to subparagraph (a)(1), (a)(6), (b)(3), or (b)(8) of Joint Rule 61.

CONSIDERATION OF BILLS

Order of Making Files

29. When bills are reported from committee they shall be placed upon the Daily File, to be kept by the Secretary as follows: All bills when reported to the Senate by the committee shall be placed at the foot of the Second Reading Senate or Assembly File, in the order in which the reports are made and, after the second reading, shall be placed at the foot of the Senate or Assembly Third Reading File, in the order of reading. Unless otherwise ordered by the Senate the File shall be taken up in the following order: Senate Second Reading File, Assembly Second Reading File, Special Orders, Unfinished Business, Senate Third Reading File, Assembly Third Reading File. The bills upon the third reading shall be considered in the order in which they appear upon the File, unless otherwise ordered by the Senate.

A Senate bill returned from the Assembly for concurrence in Assembly amendments may not be considered until it appears under Unfinished Business on the Daily File pursuant to Joint Rule 26.5 and an analysis is provided to each Senator pursuant to Senate Rule 29.8.

An inactive file shall be kept, to which bills and resolutions may be transferred at the request of the author, or on motion. Bills shall be so transferred when they have been passed on third reading file without action three successive times. Bills and resolutions may be transferred from the inactive file to the second reading file on motion and, after being read the second time, the bills shall take their place regularly on third reading file and be available for consideration and passage.

Bills, resolutions, and other questions may be transferred from the

unfinished business file to the inactive file upon request or motion and may be returned to the unfinished business file by request or on motion.

Placement of any question on the inactive file shall not prejudice the question.

Strike From File

29.2. A motion to strike any bill, resolution, or other question from the File shall require 21 votes. That bill, resolution, or other question may not be acted upon again during the session.

Measures Amended From the Floor

29.3. The consideration of a bill, constitutional amendment, concurrent resolution, joint resolution, or Senate resolution that has been amended by amendments offered from the floor, except committee amendments reported with measures or amendments offered with a motion to amend and refer to committee, is not in order until the amended measure has been in print for not less than one legislative day. Any measure so amended shall be placed on the second reading file.

Amended Forms of Measures

29.5. No bill, constitutional amendment, concurrent resolution, joint resolution, or Senate resolution may be considered for passage unless and until a copy of the measure as last amended is on the desk of each Member.

Conference Reports

29.6. (a) No conference committee on any bill, other than the Budget Bill and the budget implementation bills, may approve any substantial policy change in any bill if that substantial policy change has been defeated in a policy committee of the Senate during the current legislative session.

(b) For purposes of subdivision (d) of Joint Rule 29.5, the term “heard” means that a printed bill with substantially similar language was before the appropriate committee and taken up at a regular or special hearing of the committee during the current legislative session, or that an amendment, which was drafted and given a request number or approved as to form by Legislative Counsel, was before the committee and taken up at a regular or special hearing of the committee.

Conference Committee Meetings

29.7. Before the adoption of a conference report by the Senate, any Senator may raise a point of order and put the following question to the chair of the committee on conference from the Senate: “Did the Committee on Conference meet at a public meeting attended by at least two of the Assembly Members and two of the Senate Members of the Committee on Conference and adopt the conference report by an affirmative rollcall vote of not less than two of the Assembly Members and two of the Senate Members constituting the Committee on Conference?” If the chair answers this question in the negative, the conference report shall be returned to the Committee on Conference and may not be further considered by the Senate until the committee has met at a public meeting attended by at least two of the Assembly Members and two of the Senate Members of the committee, and has adopted the conference report by an affirmative rollcall vote of not less than two of the Assembly Members and two of the Senate Members constituting the committee.

Analysis of Measures, Conference Reports, and Floor Amendments

29.8. (a) With the exception of the Budget Bill and the budget implementation bill, no bill, constitutional amendment, concurrent resolution, joint resolution, Senate resolution, unfinished business item, or report of a conference committee may be considered unless and until an analysis thereof has been prepared by the Office of Senate Floor Analyses and placed upon the desks of the Senators, unless otherwise ordered by the President pro Tempore.

(b) An amendment from the floor is not in order unless and until the amendment has been reviewed by the Office of Senate Floor Analyses. Upon a request by the Chair or Vice Chair of the Committee on Rules, or by the lead author of the measure to which a substantive amendment is proposed from the floor, an analysis thereof shall be prepared by the Office of Senate Floor Analyses and placed upon the desks of the Senators.

Consideration of Conference Reports

29.9. No conference report may be adopted by the Senate until it has been in print for two days prior to being taken up by the Senate.

Referral of Bills

29.10. (a) If the analysis, prepared in accordance with subdivision (b) of Rule 29.8, of proposed floor amendments to a bill, other than the Budget Bill, discloses that the amendments create a new bill or rewrite the current form of the bill, the amendments shall, prior to consideration of the amendments by the Senate, be referred to the Committee on Rules. If the amendments to the bill are proposed by any Senator other than the author of the bill or the Senator presenting the Assembly bill on the floor, action on the bill shall be deferred until after the Committee on Rules acts upon the amendments. Upon receipt of the amendments, the Committee on Rules by a vote of a majority of its membership may either (1) refer the amendments to an appropriate standing committee, or (2) return the amendments to the Senate floor for consideration.

If the amendments are referred to a standing committee, the committee shall meet and act upon the amendments no later than the next scheduled hearing of the committee. If the amendments are referred to a standing committee during a time when standing committees are not meeting, the standing committee shall meet and act upon the amendments as directed by the Committee on Rules and, in any event, within two legislative days of receipt of the amendments. Upon receipt of the amendments, the committee by a vote of a majority of the membership may do any of the following: (1) hold the amendments, (2) return the amendments to the Senate floor for consideration, or (3) return amendments as approved by the committee to the Senate floor.

If the amendments are referred to a standing committee during the time when no committee may meet, the Committee on Rules shall grant permission to suspend the joint rule to allow the committee to meet as directed by the Committee on Rules.

If the amendments are referred to the Committee on Rules on the last legislative day preceding a joint recess, the Committee on Rules and, if the amendments are referred to a standing committee, the standing committee, shall meet and act upon the amendments before adjourning for the recess. If the amendments are referred to the Committee on Rules on any of the three legislative days preceding February 1 or September 1

of an even-numbered year, the Committee on Rules and, if the amendments are referred to a standing committee, the standing committee, shall meet and act upon the amendments on the same legislative day.

(b) If the analysis, prepared in accordance with subdivision (a) of Rule 29.8, of a bill, other than the Budget Bill, that is returned to the Senate for a vote on concurrence discloses that the Assembly amendments create a new bill or rewrite the bill as passed by the Senate, action on the bill shall be deferred until the Committee on Rules acts upon the bill. The Committee on Rules by a vote of a majority of its membership may either (1) refer the bill to an appropriate standing committee, or (2) recommend that the bill be taken up for consideration of the Assembly amendments.

If the bill is referred to a standing committee, the committee shall meet and act upon the bill no later than the next scheduled hearing of the committee. If the bill is referred to a standing committee during a time when standing committees are not meeting, the standing committee shall meet and act upon the bill as directed by the Committee on Rules and, in any event, within two legislative days of receipt of the bill. Upon receipt of the bill, the committee by a majority vote of the membership may either (1) hold the bill, or (2) return the bill to the Senate floor for consideration of the Assembly amendments.

If the bill is referred to a standing committee during the time when no committee may meet, the Committee on Rules shall grant permission to suspend the joint rule to allow the committee to meet as directed by the Committee on Rules.

If the bill is referred to the Committee on Rules on the last legislative day preceding a joint recess, the Committee on Rules and, if the bill is referred to a standing committee, the standing committee, shall meet and act upon the bill before adjourning for the recess. If the bill is referred to the Committee on Rules on any of the three legislative days preceding February 1 or September 1 of an even-numbered year, the Committee on Rules and, if the bill is referred to a standing committee, the standing committee, shall meet and act upon the bill on the same legislative day.

(c) An amendment creates a new bill or rewrites the bill if the amendment (1) changes the subject of the bill to a new or different subject, or (2) adds a new subject to the bill that is different from, and not related to, the contents of the bill.

This rule applies only to the 2003–04 Regular Session.

Special Order

30. Any measure or subject may, by vote of a majority of those voting, be made a special order and, when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

Messages From the Governor or Assembly

31. Messages from the Governor or from the Assembly may be introduced at any stage of business except while a question is being put, while the ayes and noes are being called, or while a Senator is addressing the Senate.

Messages from the Governor or from the Assembly may be considered when indicated in the order of business or at any other time by unanimous consent or upon motion.

Engrossing Bills

32. All Senate bills, constitutional amendments, and joint and concurrent resolutions shall be engrossed after each amendment and before final action is taken on them in the Senate. Engrossment shall consist of comparing the printed engrossed bill with the original bill introduced and any amendments adopted to ascertain that it is correct. When a bill is reported correctly engrossed it shall be substituted for the original bill.

Enrolling Bills

33. All Senate bills shall be enrolled immediately following their final passage and receipt from the Assembly. An enrolled copy of every bill, amendment, or resolution shall be printed and examined to ascertain that it is a true and accurate copy of the measure as it was passed. It shall then be authenticated by the signature of the Secretary or an Assistant Secretary of the Senate and the Chief Clerk or an Assistant Clerk of the Assembly, and transmitted to the Governor.

DEBATE

Statement of Motion

34. A motion may not be debated until it is distinctly announced by the President, and it shall be reduced to writing if desired by the President or any Senator, and read by the Secretary, before it is debated.

Regulations as to Speaking

35. (a) When a Senator desires to address the Senate, he or she shall rise in his or her place, address the President, and, when recognized, proceed to speak through the public address system.

(b) A Senator may not speak more than twice in any one debate on the same day, and at the same stage of the bill, without leave; Senators who have once spoken are not again entitled to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.

(c) When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

(d) A Senator may not be interrupted when speaking, and no question may be asked of him or her except through the presiding officer.

(e) The author of a bill, motion, or resolution shall have the privilege of closing the debate.

Order in Debate

36. When a Senator is called to order he or she shall sit down until the President has determined whether or not he or she is in order. Every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator is called to order for words spoken, the objectionable language shall immediately be taken down in writing by the Secretary of the Senate.

Right to Address the Senate

37. A person other than a Member of the Senate, or the President thereof, may not address the Senate while it is in session, except that the Senate may resolve itself into a Committee of the Whole and, while sitting as a Committee of the Whole, may be addressed by persons other than Members.

QUESTIONS AND MOTIONS**Amendments to Measures**

38. When amendments to a measure are reported by a committee or offered from the floor, the amendments shall be submitted in writing.

Adoption of amendments to any measure in the Senate prior to third reading, other than by rollcall, shall not preclude subsequent consideration, in committee or on the third reading of the measure, of the amendments or any part thereof by the Senate.

Amendments to Be Germane

38.5. Every amendment proposed must be germane. In order to be germane, an amendment must relate to the same subject as the original bill, resolution, or other question under consideration.

A point of order may be raised that the proposed amendment or an amendment now in the bill, resolution, or other question under consideration is not germane, so long as the question is within control of the body. In that case the President pro Tempore shall decide whether the point of order is well taken. In the absence of the President pro Tempore, the Vice Chair of the Committee on Rules shall decide whether the point of order is well taken. If, in the opinion of the President pro Tempore or the Vice Chair of the Committee on Rules, the point of order is well taken, the question of germaneness shall on his or her motion be referred to the Committee on Rules for determination. The Committee on Rules shall make its determination by the following legislative day. If the point of order is raised and referral is made on the last legislative day preceding a joint recess, the Committee on Rules shall make its determination before adjourning for the recess.

The proposition shall remain on file until the determination is made. If, upon consideration of the matter, the Committee on Rules determines that the amendment is not germane, the bill, resolution, or other question shall be stricken from the file and may not be acted upon during the remainder of the session, provided that the author of a bill, resolution, or other question shall be given the opportunity to amend the bill, resolution, or other question to delete the portions that are not germane, in which case the bill, resolution, or other question may continue to be acted upon. If the Committee on Rules determines that the amendment is germane, the bill, resolution, or other question may thereafter be acted upon by the house.

Notwithstanding Rule 21, this rule may not be suspended unless the Committee on Rules determines that an extraordinary circumstance and overwhelming public interest exist that justify the suspension.

Amendments From the Floor

38.6. Amendments to a bill, constitutional amendment, concurrent resolution, joint resolution, or Senate resolution offered from the floor, except committee amendments reported with measures or amendments offered with a motion to amend and rerefer to committee, are not in order unless and until a copy of the proposed amendments provided by the author has been placed upon the desks of the Members.

Motion to Lay on the Table

39. When an amendment proposed to any pending measure is laid on the table, it may not carry with it or prejudice the measure.

Division of a Question

40. If a question in debate contains more than one distinct proposition, any Senator may have the same divided.

The Previous Question

41. The previous question shall be put in the following form: "Shall the question be now put?" It shall require a majority vote of the Senators present, and its effect shall be to put an end to all the debate except that the author of the bill or the amendment shall have the right to close, and the question under discussion shall thereupon be immediately put to a vote.

Call of the Senate

42. Upon a motion being carried for a call of the Senate, the President shall immediately order the doors to be closed, and shall direct the Secretary to call the names of the absentees as disclosed by the last previous rollcall. Thereupon, a Member may not be permitted to leave the Senate Chamber except by written permission of the President pro Tempore or, in his or her absence, of the Vice Chair of the Committee on Rules, or, in the absence of both, of another member of the Committee on Rules designated for that purpose by the President pro Tempore or the Vice Chair of the Committee on Rules. Those Members who are found to be absent and for whom no excuse or insufficient excuses are made may, by order of those present, be taken into custody, as they appear, or may be sent for and then taken into custody by the Sergeant at Arms whenever found, or by special messenger to be appointed for that purpose. In the absence of a quorum, a majority of the Members present may order a rollcall of the Senate and compel the attendance of absentees in the manner above provided.

A call of the Senate may be ordered after the roll has been called and prior to the announcement of the vote. A call of the Senate may be dispensed with at any time upon a majority vote of the Senators present, that action to become effective upon completion of the rollcall and the announcement of the vote upon the matter for which the call was ordered.

A recess may not be taken during a call of the Senate. During any call, the call may be made to apply also to other items of business by a motion made and adopted by a majority vote of the Members present. Under those circumstances, when the call of the Senate is dispensed with as to any item of business, the call is deemed to be continued in effect until other items of business that have been made subject to the call by a majority of the Members present have been acted upon. When a call of the Senate is ordered, pending the announcement of the vote upon the completion of a rollcall, the pending rollcall shall become unfinished business, the consideration of which shall be continued until further proceedings under the call of the Senate are dispensed with, when it will forthwith become the order of business before the Senate.

A motion to adjourn is not in order during a call of the Senate.

Reconsideration

43. On the day on which a vote has been taken on any question, a motion to reconsider the vote may be made by any Member.

The motion may be considered on the day made or on the succeeding legislative day, but may not be further postponed without the concurrence of 30 Members.

A vote by which a bill was passed may not be reconsidered on the last legislative day preceding the interim study joint recess or the final recess, and a vote by which the bill was passed may not be reconsidered on a Senate bill introduced during the first year of the biennium of the legislative session on January 31, or on the last legislative day immediately preceding January 31, of an even-numbered year.

When reconsideration of the vote by which any bill has passed has been demanded, the Secretary may not transmit it to the Assembly until the demand has been disposed of or the time for reconsideration has expired, but if the bill has already been transmitted to the Assembly the demand for reconsideration shall be preceded by a motion to request the Assembly to return the bill. The motion shall be put to a vote immediately without debate and, if not adopted, shall preclude a demand for reconsideration.

A demand to reconsider the vote on any debatable question opens the main question to debate, and the vote on the reconsideration shall be on the merits of the main question.

VOTING BY SENATE**Rescinding**

43.5. An action whereby a bill has been passed or defeated may not be rescinded without the concurrence of 27 Members.

Voting on Rollcall

44. Whenever a rollcall is required by the Constitution or rules, or is ordered by the Senate or demanded by three Members, every Member within the Senate shall without debate answer “Aye” or “No” when his or her name is called.

The names of Members shall be called alphabetically.

A Senator may not vote or change his or her vote after the announcement of the vote by the presiding officer.

On a legislative day when the President pro Tempore or Minority Floor Leader is in attendance throughout a session, he or she, in the absence of any objection, may instruct the Secretary of the Senate to add his or her vote to any previously announced vote that was taken while he or she was performing the responsibilities of the office of President pro Tempore or Minority Floor Leader, provided the outcome of the vote is not thereby changed. This provision does not apply to any rollcall after adjournment of the legislative day during which the rollcall in question was taken. The intent of this paragraph is to allow the President pro Tempore and the Minority Floor Leader to carry out the unique and special duties of their offices without losing the opportunity to vote on matters before the Senate.

Excused From Voting

45. When a Senator declines or fails to vote on call of his or her name, he or she may, after completion of the rollcall and before the announcement of the vote, be required to assign his or her reasons therefor and, the Senator having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him or her, be excused from voting?" which question shall be decided without debate. Unless the Senator is excused from voting he or she shall be required to vote.

Voting by Presiding Senator

46. When the President pro Tempore or any other Member of the Senate is presiding over the Senate he or she shall vote on rollcall the same as though he or she were not presiding.

Vote Required

47. Unless otherwise required by the Constitution, the Joint Rules of the Senate and Assembly, or these rules, any action that can be taken by the Senate requires only a majority vote of the Senate, a quorum being present.

The following actions require 32 votes:

(1) To pass a bill amending specified provisions of the Tobacco Tax and Health Protection Act of 1988 (Prop. 99, Nov. 8, 1988; Sec. 30130, R.& T.C.).

(2) To pass a bill amending the Clean Air and Transportation Improvement Act of 1990 (Prop. 116, June 5, 1990; Sec. 99605, P.U.C.).

(3) To pass a bill amending the California Wildlife Protection Act of 1990 (Sec. 8, Prop. 117, June 5, 1990).

The following actions require 30 votes:

(4) To dispense with the constitutional provision requiring a 30-calendar-day delay after introduction before a bill may be heard by any committee or acted upon by either house (Constitution, Art. IV, Sec. 8(a)).

(5) To postpone the reconsideration of a vote beyond the first legislative day succeeding the day the motion was made.

The following actions require 27 votes:

(6) To pass an urgency clause and urgency statute (Constitution, Art. IV, Sec. 8(d)).

(7) To dispense with the constitutional provision requiring the reading of bills on three several days (Constitution, Art. IV, Sec. 8(b)).

(8) To pass a bill over the Governor's veto (Constitution, Art. IV, Sec. 10).

(9) To prescribe compensation and reimbursement for travel and living expenses of the Members of the Legislature (Constitution, Art. IV, Sec. 4).

(10) To propose an amendment to or revision of the Constitution (Constitution, Art. XVIII, Secs. 1, 2).

(11) To amend or withdraw a proposed legislative constitutional amendment or revision (Constitution, Art. XVIII, Sec. 1).

(12) To classify or exempt personal property for property taxation purpose (Constitution, Art. XIII, Sec. 2).

(13) To permit an exemption of real property from taxation (Constitution, Art. XIII, Sec. 7).

(14) To remove a member of the Public Utilities Commission (Constitution, Art. XII, Sec. 1).

(15) To reconsider the vote by which a concurrent resolution proposing a constitutional amendment is defeated.

(16) To rescind the action whereby a bill has been passed or defeated.

(17) To suspend the rule against lobbying in the Senate Chamber.

(18) To concur in Assembly amendments to, or adopt a report of a committee on conference concerning, a constitutional amendment or bill that requires 27 votes for passage.

(19) To concur in Assembly amendments to, or adopt a report of a committee on conference concerning, a Senate bill that contains an item or items of appropriation subject to Section 12(d) of Article IV of the Constitution.

(20) To amend an initiative statute that permits that action and requires 27 votes for passage.

The following actions require 21 votes:

(21) To adopt, amend, or suspend the rules, except as provided in Rule 21.

(22) To pass a bill, unless under other rules a greater vote is required (Constitution, Art. IV, Sec. 8(b)).

(23) To adopt a joint or concurrent resolution.

(24) To reconsider a bill, or a joint or concurrent resolution.

(25) To confirm an appointment by the Governor, unless a greater vote is required by statute, or to reconsider the same.

(26) To recall a bill from committee.

(27) To concur in Assembly amendments to, or adopt a report of a committee on conference concerning, a joint or concurrent resolution or bill that requires 21 votes for passage.

(28) To change a rate of bank and corporation taxation, or tax on insurers, for state purposes (Constitution, Art. XIII, Secs. 27, 28).

(29) To strike from file.

Actions requiring 14 votes:

(30) To reconsider a vote by which a concurrent resolution proposing a constitutional amendment was adopted.

Vote Required for Amendments

48. A constitutional amendment or bill requiring a vote of two-thirds of the Members elected to the Senate for final adoption or passage may be amended by a majority of those voting.

CONTENTS OF SENATE JOURNAL

Proceedings to Be Printed

49. The proceedings of the Senate, when not acting as a Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

The Journal shall state the name of the Senator presenting each Assembly bill, concurrent or joint resolution, or constitutional amendment to the Senate for final action.

Every vote of the Senate shall be recorded in the Journal.

Titles of Measures to Be Printed

50. The titles of all bills, joint and concurrent resolutions, and constitutional amendments when introduced and when acted upon by the Senate, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall be printed in the Journal.

Other Matters to Be Printed

51. Messages from the Governor (other than annual messages and inaugural addresses) shall be printed in the Journal, unless otherwise ordered by the Senate.

Letters of transmittal presenting reports of committees and reports of state departments and agencies as shall be made to the Senate pursuant to law or resolution adopted by the Senate shall be printed in the Journal, but the reports shall be printed in the Appendix to the Journal unless otherwise directed by the Senate.

Duty of Secretary to Order Printing

52. It shall be the duty of the Secretary of the Senate, and he or she is hereby directed, to order for the Senate the necessary printing, including stationery for the Members, and to audit and approve all bills for printing to be charged to the Senate. The Secretary of the Senate shall order from the State Printer the number of copies of bills, Journals, Histories, Files, forms, and other printing as shall be necessary.

It shall further be the duty of the Secretary of the Senate to order bills and other legislative publications for which there is a demand, to be printed before the supply of same shall become exhausted.

Printing Only on Written Orders; Rush Orders

53. The State Printer may not charge any printing or other work to the Senate except as required by law unless he or she has a written order from the Secretary of the Senate prior to beginning the printing or other work. All printing orders by the Secretary of the Senate shall be delivered as directed by him or her. The Secretary of the Senate may, when necessity requires it, order from the State Printer the printing that he or she deems necessary to be printed in advance of the regular order of business, under a specially prepared written order to be known as a "Rush Order."

THE SENATE CHAMBER

Admission to the Senate Chamber

55. (a) Persons who are not Members, officers, or employees of the Senate may be admitted to the Senate Chamber only as follows:

1. The Members, officers, and assistant clerks of the Assembly.
2. The Legislative Counsel or his or her representatives.
3. The accredited press, radio, and television representatives.
4. Former State Senators and Assembly Members.
5. Visitors in the chairs reserved for that purpose, on invitation of the President or a Senator or on presentation of a pass.

(b) While the Senate is in session a person, except Members of the Legislature, may not engage in influencing the passage or defeat of legislation in any way in the Senate Chamber.

(c) A person meeting the definition of a lobbyist in Section 82039 of the Government Code may not be admitted to the Senate Chamber while the Senate is in session.

(d) Only Members and officers of the Senate and Assembly, former Members of the Senate, assistant clerks of the Senate and the Assembly, the Legislative Counsel or his or her representatives, Senate employees for the purpose of delivering messages and when so directed by a Member of the Senate, and members of the press who have seats assigned to them may be permitted on the Floor of the Senate.

(e) The Senate Chamber is the Senate Chamber proper, the adjoining hallway, Rooms 3030, 3046, 3191, 3195, and 3196 of the Capitol Annex, and Room 215 of the Capitol.

(f) The Floor of the Senate is all of the Senate Chamber except the adjoining hallway and the rooms listed in subdivision (e), the visitors seating area, and the western portion of Room 3191.

(g) Notwithstanding any other provision of this rule, any person may be admitted to Room 3191 and Room 215 to attend a meeting of a Senate, Assembly, joint, or conference committee.

(h) Notwithstanding any other provision of this rule, a person may not be permitted on the Floor of the Senate while it is in session unless the person is wearing appropriate attire. Appropriate attire includes coats and ties for men. Accredited camerapersons, sound technicians, and photographers are excepted from this requirement. Floor of the Senate, for this purpose, has the same meaning set forth in subdivision (f).

(i) This rule may be suspended by a vote of two-thirds of the Members of the Senate.

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**STANDARDS OF CONDUCT
OF THE SENATE**

(adopted by the Senate May 4, 1992)

**Standards of Conduct
of the Senate
(adopted by the Senate May 4, 1992)**

The Standards of Conduct of the Senate are as follows:

First—That each Senator and each officer and employee of the Senate has an obligation to exercise his or her independent judgment on behalf of the people of California, rather than for any personal gain or private benefit.

(a) No Senator or officer or employee of the Senate should accept anything from anyone that would interfere with the exercise of his or her independent judgment.

(b) No Senator or officer or employee of the Senate should accept outside employment that is inconsistent with the conscientious performance of his or her duties.

(c) No Senator should use the prestige of his or her office, and no Senate officer or employee of the Senate should use the status of his or her position for material or financial gain or private benefit.

Second—That each Senator has an obligation to provide energetic and diligent representation, and each officer and employee of the Senate has an obligation to provide energetic and diligent service on behalf of the Senate, with due consideration for the interests of all of the people of California.

(a) Each Senator and each officer and employee of the Senate has an obligation to be informed and prepared, recognizing all sides of an issue.

(b) Each Senator and each officer and employee of the Senate, when intervening on behalf of a constituent with any governmental agency should make every effort to ensure that decisions affecting any constituent are made on their merits and in a fair and equitable manner.

(c) Each Senator should be accessible to all constituents, making a special effort to attend to the concerns of those who might not otherwise be heard.

(d) Each Senator should fairly characterize the issues confronting the Legislature and accurately inform the public regarding the conduct of his or her office.

Third—That each Senator and each officer and employee of the Senate has an obligation to the public and to his or her colleagues to be informed about, and abide by, the rules that govern the proceedings of the Senate and the Legislature.

(a) Each Senator should perform his or her duties with courtesy and respect for both colleagues and those who may appear before them.

(b) In exercising the power of confirmation, each Senator should act with due regard for the general welfare of the people of California.

(c) Each Senator and each officer and employee of the Senate, when exercising oversight functions with respect to any governmental agency, should act in an informed fashion, with attention to the underlying policies being implemented and with due respect for the independence of the agency.

Fourth—Each Senator, when acting in a position of leadership, should exercise his or her power and carry out his or her responsibility so as to enhance reasoned and visible decisionmaking by the Senate.

Fifth—Each Senator has an obligation to treat every officer and employee of the Senate with fairness and without discrimination, and to ensure that each officer and employee performs only those tasks for which there is a legislative or governmental purpose.

Sixth—Each officer and employee of the Senate has an obligation to perform his or her properly assigned duties using his or her best judgment with diligence and a duty of loyalty to the Senate as an institution.

Seventh—Each Senator and each officer and employee of the Senate has an obligation to make proper use of public funds.

(a) No Senator and no officer or employee of the Senate may use state resources for personal or campaign purposes.

(b) Each officer and employee of the Senate is free to volunteer for, and participate in, campaign activities on his or her own time, but no officer or employee of the Senate may be intimidated, coerced, or compelled, as a condition of continued appointment or employment, to either volunteer time or contribute money to a candidate or campaign.

Eighth—Each Senator and each officer and employee of the Senate shall uphold the Constitution of California and the Constitution of the United States, and shall adhere to the spirit and the letter of the laws, rules, and regulations governing officeholder conduct.

Ninth—Each Senator and each officer and employee of the Senate shall conduct himself or herself in the performance of his or her duties in a manner that each does not discredit the Senate.

Tenth—Each Senator and each officer and employee of the Senate, is encouraged to report to the proper authority any apparent and substantial violation of these standards, or related statutes, regulations, and rules, and to consult with the Senate Committee on Legislative Ethics, or any other appropriate governmental agency, regarding the propriety of any conduct.

California State Assembly

Appendix No. 2 to Assembly Journal



Standing Rules of the Assembly,
2003-04 Regular Session

Standing Rules of the Senate,
2003-04 Regular Session

Temporary Joint Rules of the Senate and Assembly
1997-98

(Usage and Custom)

Assembly Chamber
November, 2003

(Please direct inquiries or requests for additional copies to the Office of the Chief Clerk at 319-2856.)

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STANDING RULES OF THE ASSEMBLY

2003–04 Regular Session

House Resolution No. 1 (Nation)
(Adopted December 2, 2002, Assembly Journal, p. 52)

STANDING RULES OF THE ASSEMBLY
2003–04 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, Redistricting, and Constitutional Amendments
- Environmental Safety and Toxic Materials
- Governmental Organization
- Health
- Higher Education
- Housing and Community Development
- Human Services
- Insurance
- Jobs, Economic Development, and the Economy
- Judiciary
- Labor and Employment
- Local Government
- Natural Resources
- Public Employees, Retirement and Social Security
- Public Safety
- Revenue and Taxation
- Rules
- Transportation
- Utilities and Commerce
- 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. The committee consists of the chairperson, who shall be a Member selected by the Speaker, and seven other members, four to be selected by the Speaker and three, including the vice chairperson of the committee, to be selected by the Minority Floor Leader. One alternate member of the Committee on Rules shall be selected by each party leader. Members and alternates so selected shall remain in office until their successors are selected as provided for in these rules. The Speaker or the Minority Floor Leader may designate any member of their respective parties in lieu of or in addition to the alternate member to fill a temporary vacancy.

An alternate member may serve when a committee member of the same political party is absent. No regular member of the Committee on Rules may simultaneously serve as a chairperson of any standing committee.

All meetings of the Committee on Rules that are required to be open and public shall be held in a room of appropriate size, and audio or video transmission of those meetings shall be provided.

Organization of Party Caucuses

13.1. Within two days after the general election held in November of each even-numbered year, the caucus of the political party having the greatest number of Members in the Assembly, and the caucus of the political party having the second greatest number of Members, each shall meet for the purpose of selecting their officers for the next regular session. The rules and procedures of each caucus shall be determined by that caucus, but may not be inconsistent with these rules.

Powers of the Committee on Rules

14. (a) The Committee on Rules 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 adoption of this rule.

(c) Following the submission of the recommendations pursuant to subdivision (b), the chair of the subcommittee may cause the subcommittee to convene to review and recommend further changes in procedures as subsequent events may require.

Committee on Rules

15. The Committee on Rules shall continue in existence during any recess of the Legislature and after final adjournment and until the convening of the next regular session, and shall have the same powers and duties as while the Assembly is in session. In dealing with any matter within its jurisdiction, the committee and its members 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 factfinding committee pursuant to Section 11 of Article IV of the California Constitution. The committee is allocated all subjects within the scope of legislative regulation and control, but may not undertake any investigation that another committee has been specifically requested or directed to undertake. The Assembly General Research Committee may act through subcommittees appointed by the Speaker in consultation with the Committee on Rules, and each of these subcommittees may act only on the particular study or investigation assigned by the Speaker in consultation with the Committee on Rules to that subcommittee. Each subcommittee shall be known and designated as a select committee. The Speaker is the Chairperson of the Assembly General Research Committee and may be a voting member of any subcommittee. Each member of the Assembly General Research Committee is authorized and directed to receive and investigate requests for legislative action made by individuals or groups, and to report thereon to the full committee. The Committee on Rules is authorized to allocate to any subcommittee from the Assembly Operating Fund those sums that the Committee on Rules deems necessary to complete the investigation or study conferred upon that subcommittee. The Committee on Rules shall further allocate, from time to time, to the Assembly General Research Committee from the Assembly Operating Fund those sums that are necessary to permit the Assembly General Research Committee and the members thereof to carry out the duties imposed on them. The committee has continuous existence until the time that its existence is terminated by a resolution adopted by the Assembly, and the committee is authorized to act both during and between sessions of the Legislature, including any recess.

(b) The committee and its members shall have and exercise all the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly and the Standing Rules of the Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to the committee and its members.

(c) The committee has the following additional powers and duties:

(1) To contract with other agencies, public or private, for the rendition and affording of services, facilities, studies, and reports to the committee as the committee deems necessary to assist it to carry out the purposes for which it is created.

(2) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this rule and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(3) To report its findings and recommendations to the Legislature and the people from time to time.

(4) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this rule.

Assembly Legislative Ethics Committee

22.5. (a) The Assembly Legislative Ethics Committee is hereby created. The committee shall consist of six Members of the Assembly, appointed by the Speaker. Notwithstanding any other rule of the Assembly, three members of the committee shall be from the political party having the greatest number of Members in the Assembly and three members shall be from the political party having the second greatest number of Members. Any temporary or permanent vacancy on the committee shall be filled within 10 days by a member from the same political party. All appointments, including appointments to fill permanent or temporary vacancies, of members from the political party having the second greatest number of Members in the Assembly shall be made from a list of nominees that the Minority Floor Leader provides to the Speaker. The Speaker shall designate one member of the committee from the political party having the greatest number of Members in the Assembly and one member of the committee from the political party having the second greatest number of Members to serve as co-chairs of the committee. The Speaker shall designate one of the co-chairs to serve as the presiding officer at any meeting or hearing conducted by the committee.

If a verified complaint is filed against a member of the committee, the Speaker shall temporarily replace the member with a Member from the same political party, who shall serve until the complaint is dismissed or the Assembly takes final action on the complaint, whichever occurs first.

(b) The provisions of this rule, and of Rule 11.5 related to investigating committees, 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) (i) If the committee determines that the verified complaint does allege facts, directly or upon information and belief, sufficient to constitute a violation of any standard of conduct, the committee promptly shall investigate the alleged violation and if, after this preliminary investigation, the committee finds that reasonable cause exists for believing the allegations of the complaint, it shall fix a time for a hearing in the matter, which shall be not more than 30 days after that finding. The committee may, however, seek an extension of this period, not to exceed an additional 30 days, which may be granted by a majority vote of the Committee on Rules.

(ii) If, after preliminary investigation, the committee does not find that reasonable cause exists for believing the allegations of the complaint, the committee shall dismiss the complaint. In either event, the committee shall notify the complainant and the respondent of its determination.

(3) The committee shall make its determination under paragraph (1) or (2) of this subdivision, pursuant to a vote in accordance with subdivision (n), not later than 90 days after first receiving a complaint that satisfies subdivision (e). The committee may, however, seek an extension, not to exceed 30 days, which may be granted by a majority vote of the membership of the Committee on Rules. If the committee has requested a law enforcement agency to investigate the complaint or if the committee knows the complaint is being investigated by a law enforcement agency, the time limits set forth in this subdivision shall be tolled until the investigation is completed.

(4) The committee's determination under paragraph (1) or (2) of this subdivision shall be stated in writing, with reasons given therefor, and shall be provided to the Assembly, and, in any case concerning an alleged violation of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, shall be provided to the appropriate law enforcement agency. This written determination is a public record and is open to public inspection.

(5) Any deliberations of the committee from the time of receipt of a complaint until it decides to dismiss the complaint or to set a hearing shall not be open to the public unless the respondent requests a public meeting.

(g) After the complaint has been filed, the respondent shall be entitled to examine and make copies of all evidence in the possession of the committee relating to the complaint.

(h) If a hearing is held pursuant to subdivision (f), the committee, before the hearing has commenced, shall issue subpoenas and subpoenas duces tecum at the request of any party in accordance with Chapter 4 (commencing with Section 9400) of Part 1 of Division 2 of Title 2 of the Government Code. All of the provisions of that chapter,

except Section 9410 of the Government Code, shall apply to the committee and the witnesses before it.

(i) At any hearing held by the committee:

(1) Oral evidence shall be taken on oath or affirmation.

(2) Each party shall have these rights: to be represented by legal counsel; to call and examine witnesses; to introduce exhibits; and to cross-examine opposing witnesses.

(3) The hearing shall be open to the public.

(j) Any official or other person whose name is mentioned at any investigation or hearing of the committee, and who believes that testimony has been given that adversely affects him or her, shall have the right to testify or, at the discretion of the committee, to testify under oath relating solely to the material relevant to the testimony regarding which he or she complains.

(k) The committee shall have 15 days following the hearing within which to deliberate and reach its final determination on the matter as follows:

(1) If the committee finds that the respondent has not violated any standard of conduct, it shall order the action dismissed, shall notify the respondent and complainant thereof, and, in cases concerning an alleged violation of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, shall transmit a copy of the complaint and the fact of dismissal to the appropriate law enforcement agency. The complaint and the fact of dismissal transmitted pursuant to this paragraph are public records and open to public inspection.

(2) If the committee finds that the respondent has violated any standard of conduct, it shall state its findings of fact and submit a report thereon to the Assembly. This report shall be accompanied by a House Resolution, authored by the committee, which shall be introduced at the Chief Clerk's desk and then referred by the Committee on Rules to the Ethics Committee. The House Resolution shall include a statement of the committee's findings and the committee's recommendation for disciplinary action. Within seven days, the committee shall adopt the final form of the House Resolution and report it to the Assembly for placement on the Daily File. The committee also shall send a copy of those findings and report to the complainant and respondent, and, in cases concerning an alleged violation of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, shall report thereon to the appropriate law enforcement agency. The report submitted pursuant to this paragraph is a public record and open to public inspection.

After the receipt of a copy of the committee's final report and House Resolution, the Assembly expeditiously shall take appropriate action with respect to the respondent.

(l) The filing of a complaint with the committee pursuant to this rule suspends the running of the statute of limitations applicable to any violation of any standard of conduct alleged in the substance of that complaint while the complaint is pending.

(m) The committee shall maintain a record of its investigations, inquiries, and proceedings. All records, complaints, documents, and reports filed with or submitted to or made by the committee, and all records and transcripts of any investigations, inquiries, or hearings of the committee under this rule shall be deemed confidential and shall not

be open to inspection, without the express permission of the committee, by any person other than a member of the committee, or an employee of the committee or other state employee designated to assist the committee, except as otherwise specifically provided in this rule. The committee may, by adoption of a resolution, authorize the release to the Attorney General or a district attorney of the appropriate county of any information, records, complaints, documents, reports, and transcripts in its possession that are material to any matter pending before the Attorney General or that district attorney. All matters presented at a public hearing of the committee and all reports of the committee stating a final finding of fact pursuant to subdivision (k) shall be public records and open to public inspection. Any employee of the committee who divulges any matter that is deemed to be confidential by this subdivision shall be subject to discipline by the Committee on Rules.

(n) The committee may take any action authorized by this rule only upon the vote of not less than two members from the registered political party having the greatest number of Members in the Assembly and two members from the registered political party having the second greatest number of Members. Any vacancy on the committee does not reduce the votes required to take action.

(o) The committee may render advisory opinions to Members of the Assembly with respect to the standards of conduct and their application and construction. The committee may secure an opinion from the Legislative Counsel for this purpose or issue its own opinion. Any committee advisory opinion shall be prepared by committee members or staff and shall be adopted by the committee pursuant to subdivision (n).

(p) The committee shall conduct, at least semiannually, an orientation course on the relevant statutes and regulations governing official conduct. The curriculum and presentation of the course shall be established by the Committee on Rules.

Pursuant to Section 8956 of the Government Code, the committee shall conduct, at least annually, an orientation course on the relevant ethical issues and laws relating to lobbying. The committee shall impose fees on lobbyists for attending this course at an amount that will permit the participation of lobbyists to the fullest extent possible.

At least once each biennial session, each Member of the Assembly and each designated employee of the Assembly shall attend one of these courses.

Printing of Committee Reports

23. All requests for the printing of reports of Assembly committees shall be referred to the Committee on Rules. The Committee on Rules shall determine the number of copies needed and whether the report shall be printed in the Journal. In no event may more than 1,000 copies of any committee report be authorized by the Committee on Rules on the first printing, exclusive of the Journal copies if the report is to be printed therein, unless the Committee on Rules finds and determines that there is a special need for that report in greater numbers.

Upon determination by the Committee on Rules that additional copies of an Assembly committee report are required at any time following the first printing of the authorized number of copies, the Committee on Rules may authorize one or more additional printings in

the numbers found by it to be necessary and may make funds available therefor.

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, and their respective chairpersons and vice-chairpersons. The Speaker has approval power over the appointment of subcommittees of those standing and special committees.

(7) To establish a schedule of meetings of standing committees or subcommittees and to approve special meetings at a time different from the scheduled time.

(8) To have general control and direction over the Journals, papers, and bills of the Assembly.

(9) To act as Chairperson of the Committee of the Whole.

(10) To order the Lobby and Gallery cleared whenever he or she deems it necessary.

(11) To authenticate by his or her signature, when necessary or required by law, all bills, memorials, resolutions, orders, proceedings, writs, warrants, and subpoenas issued by order of the Assembly.

(b) The Speaker shall be ex officio member of all Assembly and joint committees with all of the rights and privileges of that membership, except the right to vote. In counting a quorum of any of those committees, the Speaker shall not be counted as a member.

(c) The Speaker shall, at each regular session, appoint a Member of the Assembly to serve on the Judicial Council pursuant to Section 6 of Article VI of the California Constitution.

Funerals and Other Ceremonies and Events

27. The Speaker may designate any one or more of the Members of the Assembly as the representatives of the Assembly to attend funerals and other ceremonies and events in appropriate circumstances. The Members so designated shall receive their expenses as provided in Joint Rule 35.

Selection of Officers

28. (a) The Speaker shall appoint all nonelected officers of the Assembly except the Minority Floor Leader.

(b) The Minority Floor Leader shall be selected by the caucus of the political party having the second greatest number of Members in the Assembly.

Duties of the Speaker pro Tempore

29. The Speaker pro Tempore shall perform those duties assigned by the Speaker, including the responsibility of presiding over sessions of the Assembly and advising the Members on parliamentary procedures of the house.

Majority Floor Leader

30. It 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. Each bill shall be signed by each Member who is an author or coauthor of the bill before it is introduced. If any bill is introduced that does not contain the signature of its author or coauthor, the bill, on motion of the Member whose name appears thereon without that signature, shall be stricken from the file by an affirmative recorded vote of 41 or more Members. In each legislative session, on the first day when bills are introduced under “Introduction and Reference of Bills,” the roll shall be called from A to Z and, as each Member’s name is called, the Member may introduce one bill, constitutional amendment, or concurrent or joint resolution. After this roll call, the preprint bills shall be introduced in numerical order.

After the introduction of preprinted bills, and subject to the provisions of the Joint Rules of the Senate and Assembly, any Member desiring to introduce a bill, constitutional amendment, or concurrent or joint resolution may at any time during a session send the same to the Chief Clerk’s desk.

When received at the Chief Clerk’s desk it shall, under the proper order of business, be numbered, read the first time, printed, and referred to a standing committee, and a copy thereof shall be placed upon the desk of each Member before final passage.

All bills, constitutional amendments, and concurrent or joint resolutions introduced before the standing committees of the Assembly are appointed shall be referred to committee, the references to take effect when the committees are appointed.

Any committee may introduce a bill germane to any subject within the proper consideration of the committee in the same manner as any Member. 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.

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.

(b) This rule does not apply to a constitutional amendment, any type of resolution, or a bill introduced by a committee pursuant to Rule 47.

(c) This rule may be suspended with respect to a particular bill by approval of the Committee on Rules.

Reference of Bills to Committee

51. Except as otherwise provided in this rule, the Committee on Rules shall refer each bill to a committee by a majority vote of the membership of the committee, unless upon a motion the Assembly, by an affirmative recorded vote of 41 or more Members, 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, unless otherwise ordered by unanimous consent or an affirmative recorded vote of two thirds of the Members present. All scheduled committee hearings, together with the list of bills to be heard, shall be published in the Daily File.

Copies of Bills for Action on Floor

64. 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. (a) A subcommittee of the Committee on Budget may not meet until the Chairperson of the Committee on Budget establishes in writing the General Fund appropriations limit for each subcommittee.

(b) Between the date upon which a committee on conference of the Budget Bill is appointed and the date the Assembly adopts the report of the conference committee, the Chairperson of the Committee on Budget shall provide weekly written reports to the Members on the progress of the conference committee deliberations. The weekly report shall detail all major resolved and outstanding issues before the conference committee on the Budget Bill.

The Budget Bill may not be voted upon on the floor of the Assembly unless it does all of the following:

- (1) Balances expenditures with anticipated revenues.
- (2) Provides for a General Fund reserve of not less than 3 percent of the total of all General Fund appropriations made in the Budget Bill for the fiscal year, or provides for a reserve of not less than 1 percent and a specific plan to phase in a reserve of at least 3 percent within three years. The percentage of the General Fund reserve shall be calculated by dividing the reserve of the General Fund by estimated revenues of the General Fund for the fiscal year. The phase-in plan shall be contained in another bill or in a section of the Budget Bill and shall have detail sufficient to instruct future sessions of the Legislature regarding the manner in which the 3 percent reserve requirement is to be met.
- (3) Is based upon no external borrowing by the state other than borrowing that the enacted Budget Bill or other statute would require to be repaid during that fiscal year.

Committee Amendments

67. Committee amendments reported with bills shall be considered upon their second reading, and the amendments may be adopted by majority vote of the Members present and voting. Assembly and Senate bills amended on second reading by committee amendment shall be ordered reprinted and returned to the second reading file. Assembly bills so amended shall be engrossed after printing.

Committee amendments reported with bills shall be prepared, or approved as to form, by the Legislative Counsel. Five copies of the committee amendments to Assembly bills and five copies of the committee amendments to Senate bills shall be delivered to the Chief Clerk's desk.

The Chief Clerk shall cause to be transmitted to the Assembly Floor Analysis Unit a copy of each committee report and committee amendment, unless the committee report or committee amendment is relative to a joint, concurrent, or house resolution.

Adoption of amendments to any bill in the Assembly prior to third reading, other than by a roll call, shall not preclude subsequent consideration in committee, or on the third reading by the Assembly, of the bill, those amendments, or any part thereof.

Author's Amendments

68. Upon request of the author of a bill, the chairperson of the committee to which the bill has been referred may, by his or her individual action taken independently of any committee meeting, cause the bill to be reported to the Assembly with the recommendation that amendments submitted by the author be adopted and the bill be reprinted as amended and re-referred to the committee.

Notwithstanding any other rule, a bill to be amended pursuant to this rule may not be placed on the second reading file for the adoption of those amendments.

Vote on Passage of Bill as Amended

68.5. Except as otherwise provided in this rule, a vote on passage of any bill in a standing committee or subcommittee shall be taken only when the bill is in print, including any previously adopted amendments to the bill. A vote on passage of an amended bill, when the amended form of the bill is not in print, may be taken only if the sole effect of the amendment is to add coauthors to the bill or if the committee determines that the effect of the amendment upon the bill can be readily understood by all of the members and audience present at the hearing. In that circumstance, any member may require that the amendments be in writing at the time of their adoption.

Bill Analysis Prior to Third Reading

68.6. 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 three legislative days preceding the scheduled commencement of the interim study recess or the scheduled commencement of the final recess as specified by the Joint Rules of the Senate and Assembly. Paragraph (2) may be suspended temporarily by two-thirds vote of the Members present and voting. 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.

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.

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.

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STANDING RULES OF THE SENATE

2003–04 Regular Session

Senate Resolution No. 4 (Knight)

(Adopted December 2, 2002, Senate Journal, p. 5;
as amended by Senate Resolution No. 8 (Vincent),
adopted March 10, 2003, Senate Journal, p. 271)

**STANDING RULES OF THE SENATE
CONVENING AND SESSIONS**

Hours of Meeting

1. The Senate shall meet at 9:00 a.m. daily, except Saturdays and Sundays, unless otherwise ordered by the Senate.

Calling to Order

2. The President, President pro Tempore, Vice Chair of the Committee on Rules, or senior member present shall call the Senate to order at the hour stated and, if a quorum is present, shall proceed with the order of business.

Attendance of Members

3. No Senator may absent himself or herself from attendance upon the Senate without first obtaining leave. A lesser number than a quorum of the Senate is authorized to send the Sergeant at Arms for any and all absent Senators at the expense of the absent Senators, unless an excuse for nonattendance made to the Senate when a quorum is present shall be judged sufficient, and in that case the expense shall be paid out of the Senate Operating Fund. The President pro Tempore or Presiding Officer, or less than a quorum present, shall have the power to issue process directly to the Sergeant at Arms to compel the attendance of Senators absent without leave. Any Senator who refuses to obey that process, unless sick or unable to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant at Arms shall have power to use force as may be necessary to compel the attendance of the absent Senator, and for this purpose he or she may command the force of the county, or of any county in the state.

Order of Business

4. The order of business shall be as follows:
- (1) Rollcall.
 - (2) Prayer by the Chaplain.
 - (3) Pledge of Allegiance.
 - (4) Privileges of the Floor.
 - (5) Communications and Petitions.
 - (6) Messages from the Governor.
 - (7) Messages from the Assembly.
 - (8) Reports of Committees.
 - (9) Motions, Resolutions and Notices.
 - (10) Introduction and First Reading of Bills.
 - (11) Consideration of Daily File:
 - (a) Second Reading.
 - (b) Special Orders.
 - (c) Unfinished Business.
 - (d) Third Reading.
 - (12) Announcement of Committee Meetings.
 - (13) Leaves of Absence.
 - (14) Adjournment.

Executive Sessions

5. When a motion is adopted to close the doors of the Senate, on the discussion of any business that may require an executive session, the President shall require all persons, except the Senators, Secretary, Minute Clerk, and Sergeant at Arms, to withdraw, and during the discussion of that business the doors shall remain closed. Every Senator and officer present shall keep secret all matters and proceedings concerning which secrecy shall be enjoined by order of the Senate.

OFFICERS OF THE SENATE**The President**

6. The President shall maintain order in the Senate Chamber and, in case of a disturbance or disorderly conduct outside the bar, or in the gallery, the President (or Chair of the Committee of the Whole) shall have the power to order the same cleared.

The President pro Tempore

7. The President pro Tempore shall take the Chair and call the Senate to order at the hour of the meetings of the Senate. The President pro Tempore is the Presiding Officer of the Senate.

It shall be the particular responsibility of the President pro Tempore to secure the prompt and businesslike disposition of bills and other business before the Senate.

The President pro Tempore shall serve *ex officio* as a member of all Senate and joint committees of which he or she is not a regular member, with all of the rights and privileges of that membership except the right to vote. In counting a quorum of any of these committees, the President pro Tempore may not be counted as a member.

The Vice Chair of the Committee on Rules shall, in the absence of the President pro Tempore, perform the duties, and have all powers and authority, of the President pro Tempore.

Presiding by Senators

8. The President pro Tempore of the Senate may name any Senator to perform the duties of the Chair in his or her absence. The Senator so named shall be vested, during that time, with all the powers of the President pro Tempore, and the Senator who performs these duties shall be known as the Presiding Officer.

Secretary of the Senate

9. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, and read all bills, amendments, and resolutions, and all papers ordered read by the Senate or the Presiding Officer.

The Secretary of the Senate shall superintend all printing to be done for the Senate.

The Secretary of the Senate shall certify to, and transmit to, the Assembly all bills, joint and concurrent resolutions, constitutional amendments, and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

The Secretary of the Senate shall also keep a correct Journal of the proceedings of the Senate, and shall notify the Assembly of the action by the Senate on all matters originating in the Assembly and requiring action on the part of the Senate.

The Secretary of the Senate shall have custody of all bills, documents, papers, and records of the Senate and may not permit any of the bills, documents, records, or papers to be taken from the Desk or out of his or her custody by any person, except in the regular course of the business of the Senate.

The Secretary of the Senate is the Executive Officer of the Committee on Rules and shall act as its authorized representative in all matters delegated to him or her by the committee.

Initiative measures received by the Secretary of the Senate in accordance with Section 9034 of the Elections Code shall be transmitted to the Committee on Rules and referred by the Committee on Rules to the appropriate committee.

Sergeant at Arms of the Senate

10. The Sergeant at Arms shall attend the Senate during all of its sittings, and shall execute the commands of the Senate from time to time, together with all process issued by its authority, as shall be directed to him or her by the President. The Sergeant at Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found in loud conversation or otherwise making a noise to the disturbance of the Senate. The actual expenses for the Sergeant at Arms for every arrest and for each day's custody and release, and his or her traveling expenses, shall be paid out of the Senate Operating Fund.

The Sergeant at Arms shall place copies of all bills, joint and concurrent resolutions, constitutional amendments, Journals, Histories, and Files, when printed, on the desks of Senators, at least one hour previous to the opening of the session.

Elected and Appointed Officers

10.5. On the first day of each session, the President pro Tempore, members of the Committee on Rules, Secretary of the Senate, and Sergeant at Arms shall be elected by a majority vote of the duly elected and qualified Members of the Senate and shall serve until their successors are elected and qualify. The Committee on Rules shall appoint an Assistant Secretary, a Minute Clerk, a Chaplain, and other employees with such duties as the committee requires.

Officers and Employees Compensation: Approval

10.6. The Controller is hereby authorized and directed to draw his or her warrants in favor of officers and employees who render services to the Senate, as certified by the Committee on Rules or by its authorized representative, from the fund set aside for the pay of officers and employees of the Senate at the rate of compensation certified by the committee or its representative, and the Treasurer is hereby directed to pay the same.

COMMITTEES OF THE SENATE

Appointment of Committees

11. The Committee on Rules shall consist of the President pro Tempore of the Senate, who shall be the chair of the committee, and four other Members of the Senate to be elected by the Senate. There is a vacancy on the committee in the event a member ceases to be a Member of the Senate or resigns from the Committee on Rules. Any vacancy occurring during a summer, interim study, or final recess, except in the case of the President pro Tempore, shall be filled by the remaining

members of the Committee on Rules. A vacancy occurring at any other time shall be filled by election by the Senate.

The Committee on Rules shall appoint all other committees of the Senate and shall designate a chair and vice chair of each committee.

In making committee appointments, the Committee on Rules shall give consideration to seniority, preference, and experience. However, in making committee appointments, the Committee on Rules shall, as far as practicable, give equal representation to all parts of the state.

Standing Committees

12. The standing committees of the Senate, the number of members, and subjects to be referred to each are set out below. The provisions set forth below as to the assignment of bills are intended as a guide to the Committee on Rules, but are not binding upon the committee.

(1) Agriculture and Water Resources, 11 members. Bills relating to agriculture and water supply management.

(2) Appropriations, 13 members. Bills that are subject to Joint Rule 10.5 and are not referred to the Budget and Fiscal Review Committee. Bills that constitute a state-mandated local program.

(3) Banking, Commerce and International Trade, 9 members. Bills relating to financial institutions, commerce, international trade, retail credit interest rates, and corporations.

(4) Budget and Fiscal Review, 13 members. The Budget Bill and bills implementing the Budget. Bills that directly affect the State Budget, including deficiencies and reappropriations.

(5) Business and Professions, 7 members. Bills relating to business and professional practices and regulations other than bills relating to horseracing, alcoholic beverages, oil, mining, geothermal, or forestry industries.

(6) Constitutional Amendments, 5 members. Bills relating to constitutional amendments and constitutional amendments, when favorably reported out of the standing committee having jurisdiction of the subject matter.

(7) Education, 14 members. Bills relating to education, higher education, and certificated educational personnel.

(8) Elections and Reapportionment, 5 members. Bills relating to elections and reapportionment.

(9) Energy, Utilities, and Communications, 9 members. Bills relating to utilities, energy companies, alternative energy development and conservation, and communications development and technology.

(10) Environmental Quality, 7 members. Bills relating to environmental quality, air quality, water quality, integrated waste management, toxics, and hazardous waste.

(11) Governmental Organization, 13 members. Bills relating to state government organization, horseracing, public gaming, alcoholic beverages, management of public safety emergencies and disaster response, and legislation permitting the use of state-controlled lands. Bills that have been considered by other committees having jurisdiction of the appropriate subject, for consideration of any question relating to state government.

(12) Health and Human Services, 12 members. Bills relating to public health, welfare, social services, the blind and disabled, substance abuse, mental health, and institutions related thereto.

(13) Housing and Community Development, 7 members. Bills relating to housing and community development.

(14) Insurance, 9 members. Bills relating to insurance, indemnity, surety, warranty agreements, liens, claims, unclaimed property, collections, and franchises.

(15) Judiciary, 7 members. Bills amending the following:

(a) Civil Code, except measures related to retail credit interest rates.

(b) Code of Civil Procedure.

(c) Evidence Code, except matters relating to criminal procedure.

(d) Family Code.

(e) Probate Code.

(16) Labor and Industrial Relations, 8 members. Bills relating to labor, industrial safety, unemployment, workers' compensation and insurance, and noncertificated public school employees.

(17) Local Government, 6 members. Bills relating to local governmental procedure and organization. Bills relating to land use. Bills that have been considered by other committees having jurisdiction of the appropriate subject, for consideration of any questions relating to local government administration.

(18) Natural Resources and Wildlife, 9 members. Bills relating to conservation and the management of public resources, fish and wildlife, regulation of oil, mining, geothermal development, acid deposition, wetlands and lakes, global atmospheric effects, ocean and bay pollution, forestry practices, recreation, parks, and historical resources, and beverage container recycling.

(19) Public Employment and Retirement, 5 members. Bills relating to state and local nonschool public employees and public employee retirement.

(20) Public Safety, 6 members. Bills amending the following:

(a) Evidence Code, relating to criminal procedure.

(b) Penal Code.

(c) Statutes of a penal nature not related closely to a subject included in another subdivision of this rule.

(d) Bills relating to the Youth and Adult Corrections Agency.

(21) Revenue and Taxation, 6 members. Bills relating to state and local revenues and taxation, except bills described in subdivision (a) of Rule 28.9.

(22) Rules, 5 members. Proposed amendments to the rules and other matters relating to the business of the Legislature.

(23) Transportation, 15 members. Bills relating to the operation, safety, equipment, transfer of ownership, licensing, and registration of vehicles, aircraft, and vessels. Legislation affecting the Department of Transportation and the Department of Motor Vehicles. Bills relating to waterways, harbors, highways, public transportation systems, and airports.

(24) Veterans Affairs, 5 members. Bills relating to veterans, military affairs, and armories. Bills amending the Military and Veterans Code.

The standing committees of any regular session shall be the standing committees of concurrent special or extraordinary sessions unless otherwise ordered by the Senate.

Committee on Legislative Ethics

12.3. (a) (1) The Committee on Legislative Ethics is hereby created. The committee shall be appointed by the Committee on Rules and shall consist of six Senators, at least two of whom are members of the political party having the greatest number of members in the Senate and at least two of whom are members of the political party having the second greatest number of members in the Senate. The members of the committee shall serve two-year terms. The President pro Tempore and the Minority Floor Leader shall serve as ex officio, nonvoting members of the committee.

(2) The Committee on Rules shall select a Chair and a Vice Chair, who may not be members of the same political party. The Chair may not serve more than two consecutive two-year terms, and the Committee on Rules shall select a successor who is not a member of the same political party as the immediately previous Chair.

(3) Vacancies in the committee shall be filled within 30 days by the Committee on Rules for the remainder of a term.

(4) If a complaint is filed against a member of the committee, the Committee on Rules shall temporarily replace the member with a Senator of the same political party, who shall serve until the complaint is dismissed by the committee or the Senate takes action as it deems appropriate, whichever occurs earlier.

(5) The Committee on Rules, upon the recommendation of the Committee on Legislative Ethics, shall appoint a Chief Counsel to assist the committee in carrying out its functions. The staff of the committee shall be considered permanent and professional, and shall perform their duties in a nonpartisan manner. No staff of the committee may engage in partisan activities regarding a Senate election campaign. The committee may retain independent counsel when necessary for specific investigations.

(b) The committee shall do all of the following:

(1) The committee shall formulate and recommend, for adoption by the Senate, standards of conduct for Senators and officers and employees of the Senate in the performance of their legislative responsibilities. The Ethics Manual for Members, Officers, and Employees of the United States House of Representatives, as prepared by the Staff of the Committee on Standards of Official Conduct, 102nd Congress Second Session (United States Government Printing Office, Washington, 1992), the Code of Ethics (Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code), and Joint Rule 44 shall serve as guides in the formulation of the standards of conduct.

(2) At the request of any Senator or officer or employee of the Senate, the committee shall provide an advisory opinion with respect to the standards of conduct of the Senate on the general propriety of past, current, or anticipated conduct of that Senator, officer, or employee. The opinion shall be rendered within 21 days unless the Chair and Vice Chair agree otherwise. The committee may, with appropriate deletions to ensure the privacy of the individuals concerned, publish the advisory opinions for the guidance of other Senators, officers, or employees.

(3) The committee shall develop, issue, and annually update a clear, informative, and usable manual for the Senate based on the standards of conduct adopted by the Senate, including any advisory opinions published pursuant to paragraph (2).

(4) The committee shall conduct periodic workshops, at least once each calendar year, for Senators and officers and employees of the Senate, including workshops specifically designed for newly elected Senators and newly appointed officers and employees. At least once in each biennial session, each Senator, and each officer or employee of the Senate who is a designated employee under the Senate Conflict of Interest Code, shall attend one of these workshops. The workshops shall include, but not be limited to, a comprehensive review of all applicable statutes and Senate rules.

(5) After adoption by the Senate of the standards of conduct, the committee shall receive and review complaints alleging violations of the standards of conduct by Senators, or officers or employees of the Senate, in accordance with the procedures specified in subdivisions (c) to (s), inclusive.

(6) The committee shall maintain a record of its investigations, hearings, and other proceedings. All records, complaints, documents, and reports filed with, submitted to, or made by the committee, and all records and transcripts of any investigations or hearings of the committee shall be confidential and may not be open to inspection by any person other than a member of the committee or the staff of the committee, except as otherwise specifically provided for in this rule. Any member of the committee or any person on the staff of the committee who discloses any record, complaint, document, report, or transcript that is confidential shall be subject to discipline. The committee may, by a majority vote of the membership of the committee, authorize the release of any records, complaints, documents, reports, and transcripts in its possession to the appropriate enforcement agency if the committee determines that there is probable cause to believe that the violation or violations alleged in the complaint would constitute a felony or if the committee determines that the information is material to any matter pending before the enforcement agency.

(c) (1) Any person may file a complaint with the committee that alleges a violation of the standards of conduct.

(2) Except as provided in paragraphs (3) and (4), a complaint may not be filed more than 18 months after the date that the alleged violation occurred.

(3) If the committee determines that the person filing the complaint did not know, or through the exercise of reasonable diligence could not have known, of the alleged violation within 18 months after the date that the alleged violation occurred, the complaint may be filed within three years after the date that the alleged violation occurred.

(4) If a complaint is filed within 60 days prior to an election at which a Senator or officer or employee is a candidate for elective office, the complaint shall be returned to the person filing the complaint, and the person shall be informed that the complaint may be filed with an appropriate enforcement agency and may be refiled with the committee after the election. The period of time for filing the complaint shall be extended for 60 days.

(5) A complaint may not be filed if it alleges a violation that occurred prior to the adoption of the standards of conduct.

(d) A complaint shall satisfy all of the following requirements:

(1) It shall be in writing.

(2) It shall state the name of the person filing the complaint.

(3) It shall state the name of Senator, or the name and position or title

of the officer or employee of the Senate, who is alleged to have committed a violation of the standards of conduct.

(4) It shall set forth allegations that, if true, would constitute a violation of the standards of conduct. The allegations shall be stated with sufficient clarity and detail to enable the committee to make a finding pursuant to subdivision (h).

(5) It shall state the date of the alleged violation.

(6) It shall include a statement that the allegations are true of the person's own knowledge or that the person believes them to be true, and shall be signed by the person under penalty of perjury.

(e) The committee, on its own motion, two-thirds of the membership concurring, may initiate a proceeding by filing a complaint that complies with paragraphs (1) to (5), inclusive, of subdivision (d).

(f) The committee shall promptly send a copy of a complaint to the Senator, or officer or employee of the Senate, alleged to have committed the violation, who shall thereafter be designated as the respondent.

(g) If a complaint is filed by a person other than the committee, the Chair and Vice Chair of the committee shall examine the complaint to determine whether it was filed in accordance with this rule and any rules of the committee. Within 15 days after the complaint is filed, the Chair and Vice Chair shall provide to the committee a copy of the complaint and their opinion as to whether the allegations in the complaint, if true, would constitute a violation of the standards of conduct. If the committee, by a two-thirds vote of its membership, finds that the allegations, if true, would constitute a violation of the standards of conduct, the committee shall hold a hearing within 30 days to conduct a preliminary inquiry. If two-thirds of the membership of the committee fails to find that the allegations, if true, would constitute a violation of the standards of conduct, it shall dismiss the complaint and so notify the person who filed the complaint and the respondent, and the complaint shall not be made public.

(h) At the preliminary inquiry, the respondent may respond to the allegations in the complaint by written statement or oral testimony. If two-thirds of the membership of the committee finds that probable cause exists for believing that the respondent committed a violation of the standards of conduct, the committee shall issue a count-by-count statement of alleged violations. If two-thirds of the membership of the committee fails to find that probable cause exists, the committee shall dismiss the complaint. In either event, the committee shall immediately notify the respondent and the person who filed the complaint of its action. If the committee finds that probable cause exists, the statement of alleged violations shall be made public within seven days.

(i) Within 21 days after the issuance of the statement of alleged violations, the respondent may file an answer that admits or denies each count. Upon request of the respondent, the committee may grant the respondent an additional 21 days to respond.

(j) Within 60 days after the issuance of the statement of alleged violations, the committee shall hold a disciplinary hearing. If a majority of the membership of each party on the committee fails to find that the respondent committed a violation of the standards of conduct, the committee shall dismiss the complaint. If a majority of the membership of each party on the committee finds by clear and convincing evidence

that the respondent committed a violation of the standards of conduct, the committee shall take the following action:

(1) If the respondent is a Senator, it shall hold a hearing to determine an appropriate sanction.

(2) If the respondent is an officer or employee, it shall transmit its findings to the Committee on Rules for appropriate action.

(k) (1) At the hearing to determine an appropriate sanction, two-thirds of the membership of the committee shall determine whether the violation is serious or minor.

(2) If the committee determines that a violation is minor or fails to determine that a violation is serious, two-thirds of the membership of the committee (A) shall, if it determines that the violation bears upon the exercise of a right or privilege, recommend that the Committee on Rules deny or limit that right or privilege and shall transmit its findings and recommendation to the Committee on Rules, or (B) shall impose any lesser sanction. Within 15 days after the imposition of a lesser sanction, the respondent may appeal the sanction imposed to the Committee on Rules.

(3) If the committee determines that a violation is serious, two-thirds of the membership of the committee shall recommend that the Senate take one or more of the following actions and shall transmit its findings and recommendation to the Senate:

(A) The denial or limitation of any right or privilege, if the violation bears upon the exercise of that right or privilege.

(B) A reprimand for a serious violation.

(C) A censure for a more serious violation.

(D) An expulsion for a most serious violation.

(l) The Senate shall, within 15 legislative days after receiving the findings and recommendation, vote on the recommendation of the committee. The Senate, by 21 votes, may deny or limit any right or privilege of, reprimand, or censure the Senator or, by 27 votes, may expel the Senator.

(m) The committee or Senate may defer any action required by this rule if other proceedings have been commenced on the same matter.

(n) (1) At all hearings, the Chief Counsel of the committee shall present the case. All relevant and probative evidence is admissible unless it is privileged. Witnesses may be called and cross-examined by the committee and the respondent, and exhibits and other documents may be entered into the record. The respondent has the right to be represented by legal counsel or any other person of his or her choosing.

(2) If the committee receives, at any time, any exculpatory information relating to the alleged violation, the committee shall make the information available to the respondent.

(o) If the committee determines that the complaint was filed with malicious intent, it may request that the Committee on Rules reimburse the expenses incurred by the respondent.

(p) At any time during the proceedings, the respondent may admit that he or she committed a violation of the standards of conduct. If the respondent admits some but not all of the violations alleged in the complaint or the counts set forth in the statement of alleged violations, the committee shall find that the admitted violations constituted a violation of the standards of conduct and may continue the proceedings to determine whether the other alleged violations constituted violations of the standards of conduct. If the respondent admits to all alleged

violations, the committee shall find that the admitted violations constituted a violation of the standards of conduct, terminate the preliminary inquiry or disciplinary hearing, and take the action required by paragraph (1) or (2) of subdivision (j).

(q) Meetings of the committee may not be open to the public until the committee finds that probable cause exists for believing that the respondent committed a violation of the standards of conduct. Subsequent meetings of the committee or Senate shall be public, and notice of any meeting shall be published in the Senate File for four calendar days prior to the meeting.

(r) If the committee finds that probable cause exists for believing that the respondent committed a violation of the standards of conduct, the transcript of any testimony given, or any documents admitted into evidence, at a public hearing and any report prepared by the committee subsequent to that finding that states a final finding or recommendation shall be open to public inspection.

(s) Upon request of the respondent, the committee may permit the respondent to inspect, copy, or photograph books, papers, documents, photographs, or other tangible objects that relate to the allegations in the complaint. If the committee finds that probable cause exists for believing that the respondent committed a violation of the standards of conduct, the committee shall permit the respondent to inspect, copy, or photograph books, papers, documents, photographs, or other tangible objects that relate to the statement of alleged violations.

(t) (1) A Senator or officer or employee of the Senate may not directly or indirectly use or attempt to use his or her official authority or influence to intimidate, threaten, coerce, command, or attempt to intimidate, threaten, coerce, or command any person for the purpose of interfering with the right of that person to file a complaint with the committee, testify before, or in any way cooperate with, the committee or any panel.

(2) For the purpose of paragraph (1), “use of official authority or influence” includes promising to confer, or conferring, any benefit; effecting, or threatening to effect, any reprisal; or taking, or directing others to take, or recommending, processing, or approving, any personnel action, including, but not limited to, appointment, promotion, transfer, assignment, performance evaluation, suspension, or other disciplinary action.

(3) Nothing in this subdivision may be construed to authorize any person to disclose information the disclosure of which is otherwise prohibited by law.

(u) The committee may adopt rules governing its proceedings not inconsistent with this rule. The provisions of Joint Rule 36 relating to investigating committees apply to the committee to the extent those provisions are consistent with this rule.

(v) The powers and procedures set forth in subdivisions (b) to (u), inclusive, confer independent authority and may not be limited or altered by Joint Rule 45.

General Research Committee

12.5. The General Research Committee is hereby created pursuant to Section 11 of Article IV of the California Constitution, which relates to legislative committees. The committee consists of the 40 Senators, and the President pro Tempore is its chair. The committee is allocated all subjects within the scope of legislative regulation and control, but may not undertake any investigation that another committee has been specifically requested or directed to undertake. The General Research Committee may at through subcommittees appointed by the Senate Committee on Rules, and each of the subcommittees may act only on the particular study or investigation assigned by the Committee on Rules to that subcommittee. Each member of the General Research Committee is authorized and directed to receive and investigate requests for legislative action made by individuals or groups and to report thereon to the full committee.

The committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Senate Rules and the Joint Rules of the Senate and Assembly. However, neither the committee nor its members may issue a subpoena without the prior approval of the Committee on Rules. The committee has the following additional powers and duties:

(a) To contract with other agencies, public or private, for the rendition and affording of services, facilities, studies, and reports to the committee as the committee deems necessary to assist it to carry out the purposes for which it is created.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope established by this rule, and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(c) To meet and act at any place within the State of California and, when authorized in writing by the Committee on Rules to do so, to meet and act outside the state to carry out its duties.

(d) To report its findings and recommendations to the Legislature and the people from time to time.

(e) To act during sessions of the Legislature, including any recess.

(f) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this rule.

The Committee on Rules may allocate, from time to time, to the General Research Committee from the Senate Operating Fund those sums that are necessary to permit the General Research Committee and the members thereof to carry out the duties imposed on them. In addition, the Committee on Rules may allocate to any subcommittee from the Senate Operating Fund those sums that the Committee on Rules deems necessary to complete the investigation or study conferred upon that subcommittee.

Additional Committee on Rules Powers

12.7. In addition to other rights, duties and powers vested in the Committee on Rules, the committee and the members thereof shall have and exercise all of the rights, duties, and powers of the General Research

Committee and the members thereof, as provided in Rule 12.5, with authority to act on any subject allocated by Rule 12.5 to the General Research Committee.

Committee on Rules

13. (a) The Committee on Rules is charged with the general responsibility for the administrative functioning of the Senate. The committee has general charge of the books, documents, and other papers and property of the Senate and shall see that the same are properly kept, cared for, filed, or otherwise disposed of in accordance with applicable law and rules. The committee also has the duties of making studies and recommendations designed to promote, improve, and expedite the business and procedure of the Senate and its committees, including investigating committees consisting wholly or in part of Members of the Senate, and of proposing any amendments to the rules deemed necessary to accomplish those purposes.

(b) The Committee on Rules shall continue in existence during any recess of the Legislature until the convening of the next regular session, and shall have the same powers and duties as while the Senate is in session. The committee has the authority to fill vacancies in any Senate committee or in the Senate membership of any joint committee.

(c) The committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to the Committee on Rules and its members.

(d) The committee may make available to any Senate or joint committee, or any Member of the Senate, assistance in connection with the duties of the committee or other legislative matters as the personnel resources under the direction of the committee or its other facilities permit.

(e) All employees on the payroll of the Senate are employees of the Senate and not of individual members, and they are under the direct control of the Committee on Rules. The Committee on Rules has general supervision over all employees of the Senate and the powers and duties to suspend, discipline, or discharge any employees when necessary. Any insubordination or inefficiency on the part of any employee shall be reported to the Committee on Rules.

(f) The committee shall make available and furnish to the Members of the Senate, and the Senate committees, personnel resources as may be reasonably necessary for the Members and the committees to carry out their duties.

(g) The Committee on Rules constitutes the Committee on Introduction of Bills and has charge of the engrossment and enrollment of bills, the contingent expenses of the Senate, and legislative printing, except insofar as these functions are delegated to the Secretary of the Senate.

(h) The rooms, passages, and buildings set apart for the use of the Senate are under the direction of the Committee on Rules, and the committee may assign the press desks in the Senate Chamber to accredited newspaper representatives.

(i) Executive communication of nominations sent by the Governor to the Senate for confirmation shall be referred to the Committee on Rules, unless otherwise ordered by the Senate, without debate.

(j) The Committee on Rules shall, at each regular session, appoint a Member of the Senate to serve on the Judicial Council and has the authority during any joint recess to fill any vacancy in that position that occurs during the recess.

(k) When a report of a joint legislative committee is delivered to the Senate Desk, the Committee on Rules shall refer it to a standing committee for review and appropriate action.

Expenses of Senate Committees

13.1. All claims for expenses incurred by investigating committees of the Senate, the Secretary of the Senate, and the Sergeant at Arms shall be approved by the Committee on Rules or its authorized representative before the claims are presented to the Controller.

All proposed expenditures, including furniture, equipment, and other property, but not including stationery supplies, shall be approved by the Committee on Rules or its authorized representatives before the expenses are incurred, unless the expenditure is specifically exempted from the provisions of this rule by the resolution authorizing it.

A warrant may not be drawn in payment of any claim for expenses until the approval of the Committee on Rules, or its authorized representative, has been obtained in accordance with this rule.

The Committee on Rules may adopt rules and regulations limiting the amount, time, and place of expenses and allowances to be paid to employees of Senate investigating committees and regulating the terms and conditions of employment of their employees. Copies of all rules and regulations adopted pursuant to this rule shall be distributed to the chair of every investigating committee.

Alteration, Repair, Improvement to Senate

13.2. The Committee on Rules is authorized and directed to incur and pay expenses of the Senate not otherwise provided for as the committee determines are reasonably necessary, including the repair, alteration, improvement, and equipping of the Senate Chamber and the offices provided for the Senate in the State Capitol.

In order to avoid unanticipated reversions of appropriations for contingent expenses, the Committee on Rules may designate the appropriation from which payment shall be made pursuant to allocations to committees or for other purposes. If insufficient money is available in any appropriation to pay all claims pursuant to allocations charged against it, the committee shall designate another appropriation from which the allocations shall be paid.

Rooms and Property of Senate

13.3. The Committee on Rules is responsible for the safekeeping of Senate property. The Director of General Services is directed to maintain the Senate Chamber and all the committee rooms and other rooms used by the Senators and officers of the Senate in a condition that they will be available for the use of the Senate at any time. It is further directed that no persons other than the Members, officers, and employees of the Senate may occupy or use the offices, committee

rooms, or other rooms now occupied by the Senate without permission as hereinafter provided, that the desks, furniture, and other equipment of the Senate shall be at the disposal of the Committee on Rules, and that no person except Members of the Senate may occupy any of the Senate's offices or make use of Senate equipment without permission of the committee or its authorized representative.

Inventory of Senate Property

13.4. The Committee on Rules is authorized and directed, through its authorized representative, to make and maintain a complete inventory of all property of the Senate, including all property in the possession or control of any Senate committee. The Committee on Rules has custody and control of all property of the Senate and shall adopt rules or orders as it may determine are necessary relating to the purchase, care, custody, and use or disposal thereof.

Status of Standing Rules for Regular Session

13.5. The adoption of the Standing Rules for any special session are not to be construed as modifying or rescinding the Standing Rules of the Senate for a regular session.

Operating Expense Fund

13.6. The Committee on Rules is the committee identified in Section 9126 of the Government Code. The balance of all money in the Senate Operating Fund, including money now or hereafter appropriated by the Legislature, except sums that are made available specifically for purposes other than the expenses of designated committees, is hereby made available to the Committee on Rules for any charges or claims it may incur in carrying out the duties imposed upon it by these rules or by Senate or concurrent resolution.

Rules Committee Appointees

13.8. The Committee on Rules shall review its nonlegislator appointees every two years. That review shall be completed not later than the 120th calendar day of the regular session in which the review is undertaken.

Schedule of Committee Meetings

14. The Committee on Rules shall propose to the Senate such schedules for regular meetings of the standing committees as will permit all members of each committee to attend without a conflict of committee engagements.

The committee may also propose such special committee meetings or special schedules of committee meetings as will facilitate the business of the Senate. Those schedules may provide a special schedule of committee meetings upon certain days of the week or to meet any special condition that may arise.

Powers of Standing Committees

16. Each standing committee of the Senate to which a proposed law or bill is assigned has full power and authority during the session of the Legislature, or any recess thereof, to make an investigation and study concerning any proposed law or bill as the committee shall determine necessary to enable it to properly act thereon.

In the exercise of the power granted by this rule, each committee may appoint a secretary and employ clerical, legal, and technical assistants

as may appear necessary when money has been made available therefor by the Senate.

Each standing committee is authorized and empowered to summon and subpoena witnesses, to require the production of papers, books, accounts, reports, documents, records, and papers of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary. However, no committee may issue a subpoena without the prior approval of the Committee on Rules.

The Sergeant at Arms, or other person designated by the Sergeant at Arms or by the committee, shall serve any and all subpoenas, orders, and other process that may be issued by the committee, when directed to do so upon a vote of the majority of the membership of the committee.

Each of the members of the standing committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4 (commencing with Section 9400) of Part 1 of Division 2 of Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, apply to the committees.

All officers of this state, including the head of each department, agency, and subdivision thereof, all employees of the departments, agencies, and subdivisions of the state, the Legislative Counsel, and all other persons, whether connected with the state government or not, shall give and furnish to these committees upon request such information, records, and documents as the committees deem necessary or proper for the achievement of the purposes for which each standing committee was created.

Each standing committee may meet at the State Capitol and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it, and may expend such money as may be made available by the Senate for that purpose, except that no committee may incur any indebtedness unless money has been first made available therefor.

Funerals

17.5. The Chair or Vice Chair of the Committee on Rules may designate any one or more of the Members of the Senate as a Senate committee to attend funerals in appropriate circumstances. The Members so designated may receive expenses as provided in Joint Rule 35.

The Chair or Vice Chair of the Committee on Rules, or any Member of the Senate designated by either of these officers, may incur such expense as may be necessary for the purchase on behalf of the Senate of suitable floral pieces for the funeral.

All expenses incurred pursuant to this rule shall be paid out of the money allocated from the Senate Operating Fund to the Committee on Rules and disbursed, after certification by the Chair or Vice Chair of the committee or by the committee's disbursing officer appointed and designated therefor by the committee, upon warrants drawn by the Controller upon the Treasury.

Expenditures

18. A member of a committee may not incur any expense chargeable to the Senate unless authorized by resolution of the Senate.

The Committee on Rules shall provide, by rules and regulations, for the manner of authorizing expenditures by Members, committees, and officers and employees of the Senate that are not otherwise authorized by law, these rules, or the Joint Rules of the Senate and Assembly, and for the payment of the expenditures from the Senate Operating Fund upon certification of claims therefor to the Controller by the Committee on Rules or its authorized representative.

Printing of Reports

18.5. All requests for the printing of reports of Senate committees shall be made to the Committee on Rules.

The Committee on Rules shall determine if the report is to be printed, the number of copies needed, and whether or not the report shall be printed in the Journal.

If the report is to be printed by the State Printer, he or she shall hold the type for each Senate committee report for a period of 90 days from the date of the first printing or for such other time as the Committee on Rules deems necessary.

PROCEDURES AND RULES**Joint and Concurrent Resolutions and Constitutional Amendments**

19. Joint and concurrent resolutions and constitutional amendments shall be treated the same as bills under these rules, except that they shall have only one official reading, which reading shall occur after they have been reported by committee.

Parliamentary Rules

20. In all cases not provided for by the Constitution, these rules, the Joint Rules of Senate and Assembly, or statute, the authority shall be the latest edition of Mason's Manual.

Suspension of Rules or Amending of Rules

21. A standing rule of the Senate may not be adopted, amended, or repealed except upon an affirmative vote of a majority of the membership of the Senate, one day's notice being given, except that any rule not requiring more than a majority vote may be temporarily suspended without that notice by a vote of a majority of the membership of the Senate. A rule requiring a two-thirds vote on any question may be amended only by a two-thirds vote on one day's notice, except that a rule requiring a two-thirds vote may be temporarily suspended without that notice by a two-thirds vote.

All proposed amendments to these rules shall, upon presentation, be referred to the Committee on Rules without debate.

Suspension of the Joint Rules

21.1. Pursuant to Joint Rule 33, a joint rule may not be suspended by the Senate except with the concurrence of 27 Members unless a lower vote is prescribed by these rules or the Joint Rules of the Senate and the Assembly.

Permission of Committee on Rules

21.2. Notwithstanding Rule 21 or 21.1, a Senate or Joint Rule may not be suspended unless the Committee on Rules determines that an extraordinary circumstance exists that justifies the suspension.

Rules Governing Standing Committees

21.5. Except as otherwise provided in these rules, standing committees of the Senate shall be governed as follows:

(a) The officers of each Senate committee shall be a chair, vice chair, and secretary.

(b) The chair shall preside at meetings when present except when the committee is considering a bill of which he or she is the sole author or the lead author. Whenever the chair is not presiding, the vice chair shall assume the duties of the chair. In the absence of both, a member designated by the chair shall preside.

(c) The secretary shall keep a complete record of the meetings and actions taken by the committee. Bills and other measures favorably acted upon shall be reported to the Senate as expeditiously as the reports can be prepared.

(d) The committee shall meet in regular session on the day and hour designated by the Committee on Rules. Adjourned meetings or special meetings shall be held at the time fixed in the adjourning motion, or, for a special meeting, on the call of the chair.

(e) A special meeting may be called by the chair, with the approval of the Committee on Rules, by giving reasonable notice to all members of the committee, either in writing or by telephone, specifying the purpose of the meeting, the time and place thereof, and the matters to be considered at the meeting. Notice of hearing of bills as required by subdivision (a) of Joint Rule 62 may also be given in the Daily File. A matter may not be considered at the special meeting unless specified in the notice.

A special meeting shall be scheduled so as to permit all members of the committee to attend without conflict with other scheduled committee meetings.

(f) A majority of the membership of the committee shall constitute a quorum. A vote of a majority of the membership of the committee shall be required to table a bill, remove it from the table, or reconsider a vote on a bill.

(g) Action may not be taken on any measure outside of a duly constituted committee meeting.

(h) The chair shall set the hearings of bills and arrange the calendar for committee hearings. Notice of hearing of any bill shall be given to the author and other persons requiring notice. A bill may not be considered in the absence of the author without his or her consent, except that a bill may be presented by the author's representative who is authorized in writing.

(i) A committee or a subcommittee thereof, by a majority vote of the membership of the committee, may meet in executive session for any purpose authorized by Section 9029 of the Government Code. Otherwise, all meetings shall be open and public.

(j) The chair shall direct the order of presentation of the arguments for and against matters for consideration by the committee, and shall permit questions to be asked by members of the committee in an orderly fashion and in keeping with proper decorum.

(k) Further consideration of a bill that has been voted out of a committee or defeated shall be by reconsideration only, as follows:

(1) A motion to reconsider a vote by which a bill is voted out shall be in order, and shall be voted upon at the same meeting. If the motion is carried by a vote of a majority of the membership of the committee, the bill may be considered at that meeting, provided the author is present, or at a subsequent meeting.

(2) The procedure for reconsideration of a bill that has been defeated shall conform to the requirements of subdivision (a) of Joint Rule 62. Any bill as to which reconsideration has been granted pursuant to this paragraph may not be heard again until a subsequent meeting of the committee, after being calendared in the Daily File.

(l) Any bill that has been laid on the table and is removed from the table at a later meeting may not be heard again until a subsequent meeting of the committee, after being calendared in the Daily File and after notice.

(m) When a committee adopts proposed amendments to a bill, the bill may be taken up for vote at that meeting or, if the committee or author requests, sent out to print before final action. If the amendments are not in proper form, they shall be prepared and submitted to the chair for approval before being reported to the Desk. Amendments submitted by the author that, in the opinion of the committee chair, are major or substantial shall be submitted to the committee at least two legislative days before the bill is scheduled for hearing.

(n) A bill may not be set for hearing, nor may any notice thereof be published, by a Senate committee until the bill has been referred to the committee by the Committee on Rules.

(o) The chair may appoint, with the permission of the Committee on Rules, subcommittees of one or more members to consider and recommend to the full committee action on matters as may be assigned to the subcommittee for consideration from time to time by the chair. The chair may assign and reassign members of, and matters to, the various subcommittees. The recommendation of a subcommittee may be accepted by a vote of a majority of the members of the committee.

(p) In all cases not provided for by this rule, the Senate Rules, the Joint Rules of the Senate and Assembly, or statute, the authority shall be the latest edition of Mason's Manual.

Additional Rules

21.6. Committees may adopt additional rules that are not in conflict with Rule 21.5 or other rules.

Reporting Measures Out of Committee

21.7. The vote of a majority of the membership of a standing committee shall be required to report a bill, constitutional amendment, concurrent resolution, or joint resolution out of committee.

A vote of a majority of all members of a standing committee who are present and voting shall be required to report a Senate resolution out of committee.

Press Participation

21.8. Accredited press representatives may not be excluded from any public legislative meeting or hearing, and may not be prohibited

from taking photographs of, televising, or recording the committee or house hearings, subject to the following conditions:

- (1) This rule extends to all public legislative meetings.
- (2) Lights may be used only when cameras are filming and, when possible, proceedings in hearing rooms and the chamber shall be filmed without lights.
- (3) Every effort should be made to set up filming equipment before hearings or sessions begin.
- (4) The committee chair or the Committee on Rules shall be notified, as far in advance of the proceedings as possible, that recordings and television cameras will be present and filming.
- (5) To the extent practical, flash cameras shall not be used.
- (6) Photographs shall be taken in an orderly and expeditious manner so as to cause the least possible inconvenience to the committee or to the Members in the chamber.

However, the chair of a committee may request any person to relocate or remove any object, or discontinue the use of any equipment, that is situated or used in a manner so as to disrupt the proceedings or to create a potential danger to, or substantially obstruct the view of, members of the committee or the public.

In case any person fails to respond to a request of the chair to relocate, remove, or discontinue the use of the objects or equipment, the committee may, by majority vote, require it.

INTRODUCTION AND REFERENCE OF MEASURES

Introduction, First Reading, and Reference of Measures

22. Any Senator desiring to introduce a bill, constitutional amendment, concurrent resolution, joint resolution, or Senate resolution shall send it to the Senate Desk.

When received at the Secretary's desk, a bill shall, under the proper order of business, be numbered, read, printed, and referred by the Committee on Rules to a standing committee. The Committee on Rules shall check all Assembly measures before reference to committee and shall designate the committee to which they shall be referred.

All joint resolutions, concurrent resolutions, and Senate resolutions shall be automatically referred to the Committee on Rules upon introduction, and may be rereferred to any other standing committee upon the vote of a majority of the membership of the Committee on Rules.

Unless otherwise ordered by the Senate without debate, the assignment of the measure shall then be complete and, after printing, the Secretary shall deliver the measure to the committee designated by the Committee on Rules.

Under the order of Messages from the Assembly, the Secretary shall read each Assembly bill the first time and shall read the name of the committee to which the bill has been assigned by the Committee on Rules. Unless otherwise ordered by the Senate without debate the assignment of the bill shall then be complete, and the Secretary shall deliver the bill to the committee so designated.

Bill Introduction Limitation *

22.5. (a) A Member of the Senate may introduce not more than 50 bills in the regular session.

(b) This rule may be suspended with respect to a particular bill by approval of the Committee on Rules.

(c) This rule does not apply to a constitutional amendment, any type of resolution, or a bill introduced by a committee.

(* NOTE: As amended by Senate Resolution No. 8, on March 10, 2003.)

Short Title

22.6. A bill may not add a short title that names a current or former Member of the Legislature.

Introduction of Bills by a Committee

23. (a) Any committee may introduce a bill germane to any subject within the proper consideration of the committee in the same manner as any Member. A committee bill shall contain the signatures of a majority of the membership of the committee, including the chair.

(b) A committee may amend into a bill related provisions germane to the subject and embraced within the title and, with the consent of the author, may constitute that bill a committee bill.

Bill Introduction Deadline

23.5. The Senate Desk shall remain open for the introduction of bills from 9:00 a.m. to 5:00 p.m. on the days designated in subdivision (a) of Joint Rule 54 as the deadlines for the introduction of bills in the first and second years of the regular session.

Introduction of Bills at Special Sessions

24. Whenever, at any special session, a bill is received at the Desk, under the order of Introduction of Bills, it shall be referred to the Committee on Rules, which shall decide whether or not the bill can properly be considered at the session. If, in the judgment of the Committee on Rules, the bill can be considered, the committee shall report the bill back and designate the committee to which it shall be assigned. Thereafter the bill shall be assigned a number by the Secretary, read the first time, and referred to the committee recommended by the Committee on Rules unless otherwise referred on motion without debate.

Resolutions

24.5. A Senate concurrent resolution or Senate resolution may be introduced relating to a present or former state or federal elected official or a member of his or her immediate family. Other resolutions for the purpose of commendation or congratulation of any person, group, or organization, or for the purpose of expressing sympathy, regret, or sorrow on the death of any person, shall be prepared as Rules Committee resolutions and presented to the Committee on Rules for appropriate action.

The Committee on Rules may approve exceptions to this rule for Senate resolutions. The Secretary may not accept for introduction any Senate resolution that is contrary to this rule unless it is accompanied by the approval of the Committee on Rules.

Senate Resolutions

25. All Senate resolutions eligible to be introduced under the rules, upon being presented, shall be given a number by the Secretary. A Senate resolution shall be printed, and indexed in the History and Journal.

Bills Authored by a Former Member

26. Whenever a bill in the Senate is authored by an individual who is no longer a Member of the Legislature, upon a request of a committee or current Member of the house in which the bill was introduced, the Senate Committee on Rules may authorize that committee or Member to be the author of that bill. Absent that authorization, action may not be taken by a committee or the Senate with respect to a bill authored by a former Member.

BILLS IN COMMITTEE

Author's Amendments

27. Upon request of the author of a bill, the chair of the committee to which the bill has been referred may, by his or her individual action taken independently of any committee meeting, cause the bill to be reported to the Senate with the recommendation that amendments submitted by the author be adopted and the bill be reprinted as amended and rereferred to the committee.

Withdrawing a Bill From Committee

28. A bill or resolution may not be withdrawn from committee except upon written notice being first given to the Committee on Rules and by 21 votes of the Senate.

Consent Calendar

28.3. (a) If a Senate bill or Assembly bill is amended in the Senate to create a new bill or to rewrite the bill, a standing committee may not place the bill on its consent calendar, and may not report the bill out of committee with the recommendation that it be placed on the consent calendar on the floor.

(b) For purposes of this rule, an amendment creates a new bill or rewrites the bill if the amendment (1) changes the subject of the bill to a new or different subject, or (2) adds a new subject to the bill that is different from, and not related to, the contents of the bill.

Referral of Bills

28.4. (a) If a Senate bill or Assembly bill is amended in the Committee on Appropriations to create a new bill or to rewrite the bill and the chair of the committee determines pursuant to Senate Rule 28.8 that (1) any additional state costs are not significant and do not and will not require the appropriation of additional state funds, and (2) the bill will cause no significant reduction in revenues, the bill shall be reported to the Senate with the recommendation that it be placed on second reading, except that the bill first shall be referred to the Committee on Rules. Upon receipt of the bill, the Committee on Rules shall either refer the bill to an appropriate policy committee or order that the bill be placed on second reading.

(b) For purposes of this rule, an amendment creates a new bill or rewrites the bill if the amendment (1) changes the subject of the bill to a new or different subject, or (2) adds a new subject to the bill that is different from, and not related to, the contents of the bill.

Measures to be Authored

28.5. Each bill, constitutional amendment, or resolution shall be authored by a Member or committee of the Legislature before it is considered or voted on by a committee or the Senate. Each amendment

to a bill, constitutional amendment, or resolution shall be signed by a Member or committee of the Legislature prior to adoption by the Senate. A bill may be authored only by a Member or committee of the house of origin. A Member other than a Member of the house of origin may be a “principal coauthor” or “coauthor.”

Vote in Committee

28.7. Voting on the disposition of bills, constitutional amendments, concurrent resolutions, and joint resolutions by committees shall be by rollcall vote only. A rollcall vote shall be taken on a motion to amend only if requested by any member of the committee or the author of the measure. All rollcall votes taken in committees shall be promptly transmitted by their respective chairs to the Secretary of the Senate, who shall cause a record of the rollcall votes to be printed in the Journal, together with the text of amendments voted upon where the rollcall has been recorded and the amendments adopted.

This rule does not apply to:

- (a) Procedural motions that do not have the effect of disposing of a bill.
- (b) Withdrawal of a bill from a committee calendar at the request of an author.
- (c) A committee’s return of a bill to the Senate, if the bill has not been voted on by the committee.
- (d) The assignment of bills to committee.

On a legislative day when the President pro Tempore or Minority Floor Leader is in attendance, he or she, in the absence of any objection, may instruct the committee secretary of a committee of which he or she is a member to add his or her vote to any previously announced vote that was taken while he or she was performing the responsibilities of the office of President pro Tempore or Minority Floor Leader, provided the outcome of the vote is not thereby changed. This provision does not apply to any rollcall after adjournment of the legislative day during which the rollcall in question was taken. The intent of this paragraph is to allow the President pro Tempore and the Minority Floor Leader to carry out the unique and special duties of their offices without losing the opportunity to vote on matters before the committees of which they are members.

Appropriations Committee

28.8. Any bill referred to the Committee on Appropriations pursuant to Joint Rule 10.5 that does not appropriate money may not be set for hearing and shall, along with any nonsubstantive amendments, promptly be reported to the Senate with the recommendation it be placed on second reading if the chair of the committee determines that (a) any additional state costs are not significant and do not and will not require the appropriation of additional state funds, and (b) the bill will cause no significant reduction in revenues.

State-Mandated Local Program Bills

- 28.9. (a) Any bill having a digest that, pursuant to Section 17575 of the Government Code, indicates that the bill requires state reimbursement to local agencies or school districts for costs mandated by the state shall be rereferred to the Committee on Appropriations. The bill may not be rereferred to the Committee on Revenue and Taxation.
- (b) Any bill rereferred to the Committee on Appropriations pursuant

to this rule that does not appropriate money and does not contain a complete disclaimer of all of the provisions of Section 905.2 of, and Part 7 (commencing with Section 17500) of Division 4 of Title 2 of, the Government Code, need not be set for hearing and may, along with any nonsubstantive amendments, be reported to the Senate with the recommendation that it be placed on second reading if the chair of the committee determines, after consideration of the analyses of local costs prepared by the Legislative Analyst and the Department of Finance, that (1) any additional local costs are not significant and (2) the bill will cause no significant reduction in local revenues.

For the purposes of this rule, “complete disclaimer” means a provision in a bill that prohibits local agencies and school districts from filing claims with the State Board of Control for reimbursement for the costs of unfunded mandated programs or services.

(c) Whenever the Assembly amends and passes a Senate bill and the Senate must concur in the amendments, upon the request of any Senator the bill shall be rereferred to the Committee on Appropriations if, based upon the Legislative Counsel’s Digest of the Assembly amendments, the bill (1) imposes state-mandated local costs without providing adequate reimbursement, or (2) contains a complete disclaimer. The Committee on Appropriations shall make a recommendation to the Senate regarding whether the Senate should concur in the Assembly amendments.

(d) Any bill referred to the Committee on Appropriations solely pursuant to this rule, and that otherwise would not be rereferred to the committee pursuant to Joint Rule 10.5, is not subject to subparagraph (a)(1), (a)(6), (b)(3), or (b)(8) of Joint Rule 61.

CONSIDERATION OF BILLS

Order of Making Files

29. When bills are reported from committee they shall be placed upon the Daily File, to be kept by the Secretary as follows: All bills when reported to the Senate by the committee shall be placed at the foot of the Second Reading Senate or Assembly File, in the order in which the reports are made and, after the second reading, shall be placed at the foot of the Senate or Assembly Third Reading File, in the order of reading. Unless otherwise ordered by the Senate the File shall be taken up in the following order: Senate Second Reading File, Assembly Second Reading File, Special Orders, Unfinished Business, Senate Third Reading File, Assembly Third Reading File. The bills upon the third reading shall be considered in the order in which they appear upon the File, unless otherwise ordered by the Senate.

A Senate bill returned from the Assembly for concurrence in Assembly amendments may not be considered until it appears under Unfinished Business on the Daily File pursuant to Joint Rule 26.5 and an analysis is provided to each Senator pursuant to Senate Rule 29.8.

An inactive file shall be kept, to which bills and resolutions may be transferred at the request of the author, or on motion. Bills shall be so transferred when they have been passed on third reading file without action three successive times. Bills and resolutions may be transferred from the inactive file to the second reading file on motion and, after being read the second time, the bills shall take their place regularly on third reading file and be available for consideration and passage.

Bills, resolutions, and other questions may be transferred from the

unfinished business file to the inactive file upon request or motion and may be returned to the unfinished business file by request or on motion.

Placement of any question on the inactive file shall not prejudice the question.

Strike From File

29.2. A motion to strike any bill, resolution, or other question from the File shall require 21 votes. That bill, resolution, or other question may not be acted upon again during the session.

Measures Amended From the Floor

29.3. The consideration of a bill, constitutional amendment, concurrent resolution, joint resolution, or Senate resolution that has been amended by amendments offered from the floor, except committee amendments reported with measures or amendments offered with a motion to amend and refer to committee, is not in order until the amended measure has been in print for not less than one legislative day. Any measure so amended shall be placed on the second reading file.

Amended Forms of Measures

29.5. No bill, constitutional amendment, concurrent resolution, joint resolution, or Senate resolution may be considered for passage unless and until a copy of the measure as last amended is on the desk of each Member.

Conference Reports

29.6. (a) No conference committee on any bill, other than the Budget Bill and the budget implementation bills, may approve any substantial policy change in any bill if that substantial policy change has been defeated in a policy committee of the Senate during the current legislative session.

(b) For purposes of subdivision (d) of Joint Rule 29.5, the term “heard” means that a printed bill with substantially similar language was before the appropriate committee and taken up at a regular or special hearing of the committee during the current legislative session, or that an amendment, which was drafted and given a request number or approved as to form by Legislative Counsel, was before the committee and taken up at a regular or special hearing of the committee.

Conference Committee Meetings

29.7. Before the adoption of a conference report by the Senate, any Senator may raise a point of order and put the following question to the chair of the committee on conference from the Senate: “Did the Committee on Conference meet at a public meeting attended by at least two of the Assembly Members and two of the Senate Members of the Committee on Conference and adopt the conference report by an affirmative rollcall vote of not less than two of the Assembly Members and two of the Senate Members constituting the Committee on Conference?” If the chair answers this question in the negative, the conference report shall be returned to the Committee on Conference and may not be further considered by the Senate until the committee has met at a public meeting attended by at least two of the Assembly Members and two of the Senate Members of the committee, and has adopted the conference report by an affirmative rollcall vote of not less than two of the Assembly Members and two of the Senate Members constituting the committee.

Analysis of Measures, Conference Reports, and Floor Amendments

29.8. (a) With the exception of the Budget Bill and the budget implementation bill, no bill, constitutional amendment, concurrent resolution, joint resolution, Senate resolution, unfinished business item, or report of a conference committee may be considered unless and until an analysis thereof has been prepared by the Office of Senate Floor Analyses and placed upon the desks of the Senators, unless otherwise ordered by the President pro Tempore.

(b) An amendment from the floor is not in order unless and until the amendment has been reviewed by the Office of Senate Floor Analyses. Upon a request by the Chair or Vice Chair of the Committee on Rules, or by the lead author of the measure to which a substantive amendment is proposed from the floor, an analysis thereof shall be prepared by the Office of Senate Floor Analyses and placed upon the desks of the Senators.

Consideration of Conference Reports

29.9. No conference report may be adopted by the Senate until it has been in print for two days prior to being taken up by the Senate.

Referral of Bills

29.10. (a) If the analysis, prepared in accordance with subdivision (b) of Rule 29.8, of proposed floor amendments to a bill, other than the Budget Bill, discloses that the amendments create a new bill or rewrite the current form of the bill, the amendments shall, prior to consideration of the amendments by the Senate, be referred to the Committee on Rules. If the amendments to the bill are proposed by any Senator other than the author of the bill or the Senator presenting the Assembly bill on the floor, action on the bill shall be deferred until after the Committee on Rules acts upon the amendments. Upon receipt of the amendments, the Committee on Rules by a vote of a majority of its membership may either (1) refer the amendments to an appropriate standing committee, or (2) return the amendments to the Senate floor for consideration.

If the amendments are referred to a standing committee, the committee shall meet and act upon the amendments no later than the next scheduled hearing of the committee. If the amendments are referred to a standing committee during a time when standing committees are not meeting, the standing committee shall meet and act upon the amendments as directed by the Committee on Rules and, in any event, within two legislative days of receipt of the amendments. Upon receipt of the amendments, the committee by a vote of a majority of the membership may do any of the following: (1) hold the amendments, (2) return the amendments to the Senate floor for consideration, or (3) return amendments as approved by the committee to the Senate floor.

If the amendments are referred to a standing committee during the time when no committee may meet, the Committee on Rules shall grant permission to suspend the joint rule to allow the committee to meet as directed by the Committee on Rules.

If the amendments are referred to the Committee on Rules on the last legislative day preceding a joint recess, the Committee on Rules and, if the amendments are referred to a standing committee, the standing committee, shall meet and act upon the amendments before adjourning for the recess. If the amendments are referred to the Committee on Rules on any of the three legislative days preceding February 1 or September 1

of an even-numbered year, the Committee on Rules and, if the amendments are referred to a standing committee, the standing committee, shall meet and act upon the amendments on the same legislative day.

(b) If the analysis, prepared in accordance with subdivision (a) of Rule 29.8, of a bill, other than the Budget Bill, that is returned to the Senate for a vote on concurrence discloses that the Assembly amendments create a new bill or rewrite the bill as passed by the Senate, action on the bill shall be deferred until the Committee on Rules acts upon the bill. The Committee on Rules by a vote of a majority of its membership may either (1) refer the bill to an appropriate standing committee, or (2) recommend that the bill be taken up for consideration of the Assembly amendments.

If the bill is referred to a standing committee, the committee shall meet and act upon the bill no later than the next scheduled hearing of the committee. If the bill is referred to a standing committee during a time when standing committees are not meeting, the standing committee shall meet and act upon the bill as directed by the Committee on Rules and, in any event, within two legislative days of receipt of the bill. Upon receipt of the bill, the committee by a majority vote of the membership may either (1) hold the bill, or (2) return the bill to the Senate floor for consideration of the Assembly amendments.

If the bill is referred to a standing committee during the time when no committee may meet, the Committee on Rules shall grant permission to suspend the joint rule to allow the committee to meet as directed by the Committee on Rules.

If the bill is referred to the Committee on Rules on the last legislative day preceding a joint recess, the Committee on Rules and, if the bill is referred to a standing committee, the standing committee, shall meet and act upon the bill before adjourning for the recess. If the bill is referred to the Committee on Rules on any of the three legislative days preceding February 1 or September 1 of an even-numbered year, the Committee on Rules and, if the bill is referred to a standing committee, the standing committee, shall meet and act upon the bill on the same legislative day.

(c) An amendment creates a new bill or rewrites the bill if the amendment (1) changes the subject of the bill to a new or different subject, or (2) adds a new subject to the bill that is different from, and not related to, the contents of the bill.

This rule applies only to the 2003–04 Regular Session.

Special Order

30. Any measure or subject may, by vote of a majority of those voting, be made a special order and, when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

Messages From the Governor or Assembly

31. Messages from the Governor or from the Assembly may be introduced at any stage of business except while a question is being put, while the ayes and noes are being called, or while a Senator is addressing the Senate.

Messages from the Governor or from the Assembly may be considered when indicated in the order of business or at any other time by unanimous consent or upon motion.

Engrossing Bills

32. All Senate bills, constitutional amendments, and joint and concurrent resolutions shall be engrossed after each amendment and before final action is taken on them in the Senate. Engrossment shall consist of comparing the printed engrossed bill with the original bill introduced and any amendments adopted to ascertain that it is correct. When a bill is reported correctly engrossed it shall be substituted for the original bill.

Enrolling Bills

33. All Senate bills shall be enrolled immediately following their final passage and receipt from the Assembly. An enrolled copy of every bill, amendment, or resolution shall be printed and examined to ascertain that it is a true and accurate copy of the measure as it was passed. It shall then be authenticated by the signature of the Secretary or an Assistant Secretary of the Senate and the Chief Clerk or an Assistant Clerk of the Assembly, and transmitted to the Governor.

DEBATE

Statement of Motion

34. A motion may not be debated until it is distinctly announced by the President, and it shall be reduced to writing if desired by the President or any Senator, and read by the Secretary, before it is debated.

Regulations as to Speaking

35. (a) When a Senator desires to address the Senate, he or she shall rise in his or her place, address the President, and, when recognized, proceed to speak through the public address system.

(b) A Senator may not speak more than twice in any one debate on the same day, and at the same stage of the bill, without leave; Senators who have once spoken are not again entitled to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.

(c) When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

(d) A Senator may not be interrupted when speaking, and no question may be asked of him or her except through the presiding officer.

(e) The author of a bill, motion, or resolution shall have the privilege of closing the debate.

Order in Debate

36. When a Senator is called to order he or she shall sit down until the President has determined whether or not he or she is in order. Every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator is called to order for words spoken, the objectionable language shall immediately be taken down in writing by the Secretary of the Senate.

Right to Address the Senate

37. A person other than a Member of the Senate, or the President thereof, may not address the Senate while it is in session, except that the Senate may resolve itself into a Committee of the Whole and, while sitting as a Committee of the Whole, may be addressed by persons other than Members.

QUESTIONS AND MOTIONS**Amendments to Measures**

38. When amendments to a measure are reported by a committee or offered from the floor, the amendments shall be submitted in writing.

Adoption of amendments to any measure in the Senate prior to third reading, other than by rollcall, shall not preclude subsequent consideration, in committee or on the third reading of the measure, of the amendments or any part thereof by the Senate.

Amendments to Be Germane

38.5. Every amendment proposed must be germane. In order to be germane, an amendment must relate to the same subject as the original bill, resolution, or other question under consideration.

A point of order may be raised that the proposed amendment or an amendment now in the bill, resolution, or other question under consideration is not germane, so long as the question is within control of the body. In that case the President pro Tempore shall decide whether the point of order is well taken. In the absence of the President pro Tempore, the Vice Chair of the Committee on Rules shall decide whether the point of order is well taken. If, in the opinion of the President pro Tempore or the Vice Chair of the Committee on Rules, the point of order is well taken, the question of germaneness shall on his or her motion be referred to the Committee on Rules for determination. The Committee on Rules shall make its determination by the following legislative day. If the point of order is raised and referral is made on the last legislative day preceding a joint recess, the Committee on Rules shall make its determination before adjourning for the recess.

The proposition shall remain on file until the determination is made. If, upon consideration of the matter, the Committee on Rules determines that the amendment is not germane, the bill, resolution, or other question shall be stricken from the file and may not be acted upon during the remainder of the session, provided that the author of a bill, resolution, or other question shall be given the opportunity to amend the bill, resolution, or other question to delete the portions that are not germane, in which case the bill, resolution, or other question may continue to be acted upon. If the Committee on Rules determines that the amendment is germane, the bill, resolution, or other question may thereafter be acted upon by the house.

Notwithstanding Rule 21, this rule may not be suspended unless the Committee on Rules determines that an extraordinary circumstance and overwhelming public interest exist that justify the suspension.

Amendments From the Floor

38.6. Amendments to a bill, constitutional amendment, concurrent resolution, joint resolution, or Senate resolution offered from the floor, except committee amendments reported with measures or amendments offered with a motion to amend and rerefer to committee, are not in order unless and until a copy of the proposed amendments provided by the author has been placed upon the desks of the Members.

Motion to Lay on the Table

39. When an amendment proposed to any pending measure is laid on the table, it may not carry with it or prejudice the measure.

Division of a Question

40. If a question in debate contains more than one distinct proposition, any Senator may have the same divided.

The Previous Question

41. The previous question shall be put in the following form: "Shall the question be now put?" It shall require a majority vote of the Senators present, and its effect shall be to put an end to all the debate except that the author of the bill or the amendment shall have the right to close, and the question under discussion shall thereupon be immediately put to a vote.

Call of the Senate

42. Upon a motion being carried for a call of the Senate, the President shall immediately order the doors to be closed, and shall direct the Secretary to call the names of the absentees as disclosed by the last previous rollcall. Thereupon, a Member may not be permitted to leave the Senate Chamber except by written permission of the President pro Tempore or, in his or her absence, of the Vice Chair of the Committee on Rules, or, in the absence of both, of another member of the Committee on Rules designated for that purpose by the President pro Tempore or the Vice Chair of the Committee on Rules. Those Members who are found to be absent and for whom no excuse or insufficient excuses are made may, by order of those present, be taken into custody, as they appear, or may be sent for and then taken into custody by the Sergeant at Arms whenever found, or by special messenger to be appointed for that purpose. In the absence of a quorum, a majority of the Members present may order a rollcall of the Senate and compel the attendance of absentees in the manner above provided.

A call of the Senate may be ordered after the roll has been called and prior to the announcement of the vote. A call of the Senate may be dispensed with at any time upon a majority vote of the Senators present, that action to become effective upon completion of the rollcall and the announcement of the vote upon the matter for which the call was ordered.

A recess may not be taken during a call of the Senate. During any call, the call may be made to apply also to other items of business by a motion made and adopted by a majority vote of the Members present. Under those circumstances, when the call of the Senate is dispensed with as to any item of business, the call is deemed to be continued in effect until other items of business that have been made subject to the call by a majority of the Members present have been acted upon. When a call of the Senate is ordered, pending the announcement of the vote upon the completion of a rollcall, the pending rollcall shall become unfinished business, the consideration of which shall be continued until further proceedings under the call of the Senate are dispensed with, when it will forthwith become the order of business before the Senate.

A motion to adjourn is not in order during a call of the Senate.

Reconsideration

43. On the day on which a vote has been taken on any question, a motion to reconsider the vote may be made by any Member.

The motion may be considered on the day made or on the succeeding legislative day, but may not be further postponed without the concurrence of 30 Members.

A vote by which a bill was passed may not be reconsidered on the last legislative day preceding the interim study joint recess or the final recess, and a vote by which the bill was passed may not be reconsidered on a Senate bill introduced during the first year of the biennium of the legislative session on January 31, or on the last legislative day immediately preceding January 31, of an even-numbered year.

When reconsideration of the vote by which any bill has passed has been demanded, the Secretary may not transmit it to the Assembly until the demand has been disposed of or the time for reconsideration has expired, but if the bill has already been transmitted to the Assembly the demand for reconsideration shall be preceded by a motion to request the Assembly to return the bill. The motion shall be put to a vote immediately without debate and, if not adopted, shall preclude a demand for reconsideration.

A demand to reconsider the vote on any debatable question opens the main question to debate, and the vote on the reconsideration shall be on the merits of the main question.

VOTING BY SENATE**Rescinding**

43.5. An action whereby a bill has been passed or defeated may not be rescinded without the concurrence of 27 Members.

Voting on Rollcall

44. Whenever a rollcall is required by the Constitution or rules, or is ordered by the Senate or demanded by three Members, every Member within the Senate shall without debate answer “Aye” or “No” when his or her name is called.

The names of Members shall be called alphabetically.

A Senator may not vote or change his or her vote after the announcement of the vote by the presiding officer.

On a legislative day when the President pro Tempore or Minority Floor Leader is in attendance throughout a session, he or she, in the absence of any objection, may instruct the Secretary of the Senate to add his or her vote to any previously announced vote that was taken while he or she was performing the responsibilities of the office of President pro Tempore or Minority Floor Leader, provided the outcome of the vote is not thereby changed. This provision does not apply to any rollcall after adjournment of the legislative day during which the rollcall in question was taken. The intent of this paragraph is to allow the President pro Tempore and the Minority Floor Leader to carry out the unique and special duties of their offices without losing the opportunity to vote on matters before the Senate.

Excused From Voting

45. When a Senator declines or fails to vote on call of his or her name, he or she may, after completion of the rollcall and before the announcement of the vote, be required to assign his or her reasons therefor and, the Senator having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him or her, be excused from voting?" which question shall be decided without debate. Unless the Senator is excused from voting he or she shall be required to vote.

Voting by Presiding Senator

46. When the President pro Tempore or any other Member of the Senate is presiding over the Senate he or she shall vote on rollcall the same as though he or she were not presiding.

Vote Required

47. Unless otherwise required by the Constitution, the Joint Rules of the Senate and Assembly, or these rules, any action that can be taken by the Senate requires only a majority vote of the Senate, a quorum being present.

The following actions require 32 votes:

(1) To pass a bill amending specified provisions of the Tobacco Tax and Health Protection Act of 1988 (Prop. 99, Nov. 8, 1988; Sec. 30130, R.& T.C.).

(2) To pass a bill amending the Clean Air and Transportation Improvement Act of 1990 (Prop. 116, June 5, 1990; Sec. 99605, P.U.C.).

(3) To pass a bill amending the California Wildlife Protection Act of 1990 (Sec. 8, Prop. 117, June 5, 1990).

The following actions require 30 votes:

(4) To dispense with the constitutional provision requiring a 30-calendar-day delay after introduction before a bill may be heard by any committee or acted upon by either house (Constitution, Art. IV, Sec. 8(a)).

(5) To postpone the reconsideration of a vote beyond the first legislative day succeeding the day the motion was made.

The following actions require 27 votes:

(6) To pass an urgency clause and urgency statute (Constitution, Art. IV, Sec. 8(d)).

(7) To dispense with the constitutional provision requiring the reading of bills on three several days (Constitution, Art. IV, Sec. 8(b)).

(8) To pass a bill over the Governor's veto (Constitution, Art. IV, Sec. 10).

(9) To prescribe compensation and reimbursement for travel and living expenses of the Members of the Legislature (Constitution, Art. IV, Sec. 4).

(10) To propose an amendment to or revision of the Constitution (Constitution, Art. XVIII, Secs. 1, 2).

(11) To amend or withdraw a proposed legislative constitutional amendment or revision (Constitution, Art. XVIII, Sec. 1).

(12) To classify or exempt personal property for property taxation purpose (Constitution, Art. XIII, Sec. 2).

(13) To permit an exemption of real property from taxation (Constitution, Art. XIII, Sec. 7).

(14) To remove a member of the Public Utilities Commission (Constitution, Art. XII, Sec. 1).

(15) To reconsider the vote by which a concurrent resolution proposing a constitutional amendment is defeated.

(16) To rescind the action whereby a bill has been passed or defeated.

(17) To suspend the rule against lobbying in the Senate Chamber.

(18) To concur in Assembly amendments to, or adopt a report of a committee on conference concerning, a constitutional amendment or bill that requires 27 votes for passage.

(19) To concur in Assembly amendments to, or adopt a report of a committee on conference concerning, a Senate bill that contains an item or items of appropriation subject to Section 12(d) of Article IV of the Constitution.

(20) To amend an initiative statute that permits that action and requires 27 votes for passage.

The following actions require 21 votes:

(21) To adopt, amend, or suspend the rules, except as provided in Rule 21.

(22) To pass a bill, unless under other rules a greater vote is required (Constitution, Art. IV, Sec. 8(b)).

(23) To adopt a joint or concurrent resolution.

(24) To reconsider a bill, or a joint or concurrent resolution.

(25) To confirm an appointment by the Governor, unless a greater vote is required by statute, or to reconsider the same.

(26) To recall a bill from committee.

(27) To concur in Assembly amendments to, or adopt a report of a committee on conference concerning, a joint or concurrent resolution or bill that requires 21 votes for passage.

(28) To change a rate of bank and corporation taxation, or tax on insurers, for state purposes (Constitution, Art. XIII, Secs. 27, 28).

(29) To strike from file.

Actions requiring 14 votes:

(30) To reconsider a vote by which a concurrent resolution proposing a constitutional amendment was adopted.

Vote Required for Amendments

48. A constitutional amendment or bill requiring a vote of two-thirds of the Members elected to the Senate for final adoption or passage may be amended by a majority of those voting.

CONTENTS OF SENATE JOURNAL

Proceedings to Be Printed

49. The proceedings of the Senate, when not acting as a Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

The Journal shall state the name of the Senator presenting each Assembly bill, concurrent or joint resolution, or constitutional amendment to the Senate for final action.

Every vote of the Senate shall be recorded in the Journal.

Titles of Measures to Be Printed

50. The titles of all bills, joint and concurrent resolutions, and constitutional amendments when introduced and when acted upon by the Senate, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall be printed in the Journal.

Other Matters to Be Printed

51. Messages from the Governor (other than annual messages and inaugural addresses) shall be printed in the Journal, unless otherwise ordered by the Senate.

Letters of transmittal presenting reports of committees and reports of state departments and agencies as shall be made to the Senate pursuant to law or resolution adopted by the Senate shall be printed in the Journal, but the reports shall be printed in the Appendix to the Journal unless otherwise directed by the Senate.

Duty of Secretary to Order Printing

52. It shall be the duty of the Secretary of the Senate, and he or she is hereby directed, to order for the Senate the necessary printing, including stationery for the Members, and to audit and approve all bills for printing to be charged to the Senate. The Secretary of the Senate shall order from the State Printer the number of copies of bills, Journals, Histories, Files, forms, and other printing as shall be necessary.

It shall further be the duty of the Secretary of the Senate to order bills and other legislative publications for which there is a demand, to be printed before the supply of same shall become exhausted.

Printing Only on Written Orders; Rush Orders

53. The State Printer may not charge any printing or other work to the Senate except as required by law unless he or she has a written order from the Secretary of the Senate prior to beginning the printing or other work. All printing orders by the Secretary of the Senate shall be delivered as directed by him or her. The Secretary of the Senate may, when necessity requires it, order from the State Printer the printing that he or she deems necessary to be printed in advance of the regular order of business, under a specially prepared written order to be known as a "Rush Order."

THE SENATE CHAMBER

Admission to the Senate Chamber

55. (a) Persons who are not Members, officers, or employees of the Senate may be admitted to the Senate Chamber only as follows:

1. The Members, officers, and assistant clerks of the Assembly.
2. The Legislative Counsel or his or her representatives.
3. The accredited press, radio, and television representatives.
4. Former State Senators and Assembly Members.
5. Visitors in the chairs reserved for that purpose, on invitation of the President or a Senator or on presentation of a pass.

(b) While the Senate is in session a person, except Members of the Legislature, may not engage in influencing the passage or defeat of legislation in any way in the Senate Chamber.

(c) A person meeting the definition of a lobbyist in Section 82039 of the Government Code may not be admitted to the Senate Chamber while the Senate is in session.

(d) Only Members and officers of the Senate and Assembly, former Members of the Senate, assistant clerks of the Senate and the Assembly, the Legislative Counsel or his or her representatives, Senate employees for the purpose of delivering messages and when so directed by a Member of the Senate, and members of the press who have seats assigned to them may be permitted on the Floor of the Senate.

(e) The Senate Chamber is the Senate Chamber proper, the adjoining hallway, Rooms 3030, 3046, 3191, 3195, and 3196 of the Capitol Annex, and Room 215 of the Capitol.

(f) The Floor of the Senate is all of the Senate Chamber except the adjoining hallway and the rooms listed in subdivision (e), the visitors seating area, and the western portion of Room 3191.

(g) Notwithstanding any other provision of this rule, any person may be admitted to Room 3191 and Room 215 to attend a meeting of a Senate, Assembly, joint, or conference committee.

(h) Notwithstanding any other provision of this rule, a person may not be permitted on the Floor of the Senate while it is in session unless the person is wearing appropriate attire. Appropriate attire includes coats and ties for men. Accredited camerapersons, sound technicians, and photographers are excepted from this requirement. Floor of the Senate, for this purpose, has the same meaning set forth in subdivision (f).

(i) This rule may be suspended by a vote of two-thirds of the Members of the Senate.

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**STANDARDS OF CONDUCT
OF THE SENATE**

(adopted by the Senate May 4, 1992)

**Standards of Conduct
of the Senate
(adopted by the Senate May 4, 1992)**

The Standards of Conduct of the Senate are as follows:

First—That each Senator and each officer and employee of the Senate has an obligation to exercise his or her independent judgment on behalf of the people of California, rather than for any personal gain or private benefit.

(a) No Senator or officer or employee of the Senate should accept anything from anyone that would interfere with the exercise of his or her independent judgment.

(b) No Senator or officer or employee of the Senate should accept outside employment that is inconsistent with the conscientious performance of his or her duties.

(c) No Senator should use the prestige of his or her office, and no Senate officer or employee of the Senate should use the status of his or her position for material or financial gain or private benefit.

Second—That each Senator has an obligation to provide energetic and diligent representation, and each officer and employee of the Senate has an obligation to provide energetic and diligent service on behalf of the Senate, with due consideration for the interests of all of the people of California.

(a) Each Senator and each officer and employee of the Senate has an obligation to be informed and prepared, recognizing all sides of an issue.

(b) Each Senator and each officer and employee of the Senate, when intervening on behalf of a constituent with any governmental agency should make every effort to ensure that decisions affecting any constituent are made on their merits and in a fair and equitable manner.

(c) Each Senator should be accessible to all constituents, making a special effort to attend to the concerns of those who might not otherwise be heard.

(d) Each Senator should fairly characterize the issues confronting the Legislature and accurately inform the public regarding the conduct of his or her office.

Third—That each Senator and each officer and employee of the Senate has an obligation to the public and to his or her colleagues to be informed about, and abide by, the rules that govern the proceedings of the Senate and the Legislature.

(a) Each Senator should perform his or her duties with courtesy and respect for both colleagues and those who may appear before them.

(b) In exercising the power of confirmation, each Senator should act with due regard for the general welfare of the people of California.

(c) Each Senator and each officer and employee of the Senate, when exercising oversight functions with respect to any governmental agency, should act in an informed fashion, with attention to the underlying policies being implemented and with due respect for the independence of the agency.

Fourth—Each Senator, when acting in a position of leadership, should exercise his or her power and carry out his or her responsibility so as to enhance reasoned and visible decisionmaking by the Senate.

Fifth—Each Senator has an obligation to treat every officer and employee of the Senate with fairness and without discrimination, and to ensure that each officer and employee performs only those tasks for which there is a legislative or governmental purpose.

Sixth—Each officer and employee of the Senate has an obligation to perform his or her properly assigned duties using his or her best judgment with diligence and a duty of loyalty to the Senate as an institution.

Seventh—Each Senator and each officer and employee of the Senate has an obligation to make proper use of public funds.

(a) No Senator and no officer or employee of the Senate may use state resources for personal or campaign purposes.

(b) Each officer and employee of the Senate is free to volunteer for, and participate in, campaign activities on his or her own time, but no officer or employee of the Senate may be intimidated, coerced, or compelled, as a condition of continued appointment or employment, to either volunteer time or contribute money to a candidate or campaign.

Eighth—Each Senator and each officer and employee of the Senate shall uphold the Constitution of California and the Constitution of the United States, and shall adhere to the spirit and the letter of the laws, rules, and regulations governing officeholder conduct.

Ninth—Each Senator and each officer and employee of the Senate shall conduct himself or herself in the performance of his or her duties in a manner that each does not discredit the Senate.

Tenth—Each Senator and each officer and employee of the Senate, is encouraged to report to the proper authority any apparent and substantial violation of these standards, or related statutes, regulations, and rules, and to consult with the Senate Committee on Legislative Ethics, or any other appropriate governmental agency, regarding the propriety of any conduct.

TEMPORARY JOINT RULES
OF THE
SENATE AND ASSEMBLY
1997–1998 REGULAR SESSION

(SCR No. 1 (Burton), Resolution Chapter 41, Statutes of 1997,
1997–98 Regular Session, Assembly Journal, p. 1417)

NOTE: The amendments made by Resolution Chapter 89, Statutes of 1997
(SCR 56, 1997–98 Regular Session) are incorporated in these rules.

(Usage and Custom)

**TEMPORARY JOINT RULES OF THE
SENATE AND ASSEMBLY**

Standing Committees

1. Each house shall appoint standing committees as the business of the house may require, the committees, the number of members, and the manner of selection to be determined by the rules of each house.

Joint Meeting of Committees

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen or chairwomen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of the bill.

Effect of Adoption of Joint Rules

3.5. The adoption of the Joint Rules for any extraordinary session shall not be construed as modifying or rescinding the Joint Rules of the Senate and Assembly for any previous session, nor as affecting in any way the status or powers of the committees created by those rules.

Definition of Word "Bill"

4. Whenever the word "bill" is used in these rules, it shall include any constitutional amendment, any resolution ratifying a proposed amendment to the United States Constitution, and any resolution calling for a constitutional convention.

Concurrent and Joint Resolutions

5. Concurrent resolutions relate to matters to be treated by both houses of the Legislature.

Joint resolutions relate to matters connected with the federal government.

Resolutions Treated as Bills

6. Concurrent and joint resolutions, other than resolutions ratifying proposed amendments to the United States Constitution and resolutions calling for constitutional conventions, shall be treated in all respects as bills except as follows:

- (a) They shall be given only one formal reading in each house.
- (b) They shall not be deemed bills within the meaning of subdivision (a) of Section 8 of Article IV of the California Constitution.
- (c) They shall not be deemed bills for the purposes of Rules 10.8, 53, 55, 56, and 61, and subdivisions (a) and (c) of Rule 54 and subdivisions (a) and (b) of Rule 62.
- (d) They shall not, except for those relating to voting procedures on the floor or in committee, be deemed bills for the purposes of subdivision (c) of Rule 62.

PREPARATION AND INTRODUCTION OF BILLS

Title of Bill

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall indicate the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

Division of Bill Into Sections

8. A bill amending more than one section of an existing law shall contain a separate section for each section amended.

Bills that are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

Digest of Bills Introduced

8.5. No bill may be introduced unless it is contained in a cover attached by the Legislative Counsel and it is accompanied by a digest, prepared and attached to the bill by the Legislative Counsel, showing the changes in the existing law which are proposed by the bill. No bill shall be printed where the body of the bill or the Legislative Counsel's Digest has been altered, unless the alteration has been approved by the Legislative Counsel. If any bill is presented to the Secretary of the Senate or Chief Clerk of the Assembly for introduction, which does not comply with the foregoing requirements of this rule, the Secretary or Chief Clerk shall return it to the member who presented it. The digest shall be printed on the bill as introduced, commencing on the first page thereof.

Digest of Bills Amended

8.6. Whenever a bill is amended in either house, the Secretary of the Senate or the Chief Clerk of the Assembly, as the case may be, shall request the Legislative Counsel to prepare an amended digest and cause it to be printed on the first page of the bill as amended. The digest shall be amended to show changes in the existing law which are proposed by the bill as amended, with any material changes in the digest indicated by the use of appropriate type.

Errors in Digest

8.7. If a material error in a printed digest referred to in Rule 8.5 or 8.6 is brought to the attention of the Legislative Counsel, he or she shall prepare a corrected digest which shall show the changes made in the digest as provided in Rule 10 for amendments to bills. He or she shall deliver the corrected digest to the Secretary of the Senate or the Chief Clerk of the Assembly, as the case may be. If the correction so warrants in the opinion of the President pro Tempore of the Senate or the Speaker of the Assembly, a corrected print of the bill as introduced shall be ordered with the corrected digest printed thereon.

Bills Amending Title 9 of the Government Code

8.8. A member who is the first-named author of a bill that would amend, add, or repeal any provision of Title 9 (commencing with Section 81000) of the Government Code, upon introduction or amendment of the bill in either house shall notify the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, of the nature of the bill. Thereafter, the Chief Clerk of the Assembly or the Secretary of the Senate shall deliver a copy of the bill as introduced or amended to the Fair Political Practices Commission pursuant to Section 81012 of the Government Code.

Restrictions as to Amendments

9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment, or resolution under consideration. No amendment shall be in order when all that would be done to the bill is the addition of a coauthor or coauthors, unless the Committee on Rules of the house in which the amendment is to be offered grants prior approval.

Changes in Existing Law to Be Marked by Author

10. In a bill amending or repealing a code section or a general law, any new matter shall be underlined, and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as “strikeout” type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in “strikeout” type.

In any amendment to a bill which sets out for the first time a section being amended or repealed, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the section as amended or repealed were a part of the original bill and was being printed for the first time.

When an entire code is repealed as part of a codification or recodification, or when an entire title, part, division, chapter, or article of a code is repealed, the sections comprising the code, title, part, division, chapter, or article shall not be set forth in the bill or amendment in strikeout type.

Rereferral to Fiscal and Rules Committees

10.5. A bill shall be rereferred to the fiscal committee of each house when it would do any of the following:

- (1) Appropriate money.
- (2) Result in substantial expenditure of state money by:
 - (a) imposing new responsibilities on the state, (b) imposing new or additional duties on a state agency, or (c) liberalizing any state program, function, or responsibility.
- (3) Result in a substantial loss of revenue to the state.
- (4) Result in substantial reduction of expenditures of state money by reducing, transferring, or eliminating any existing responsibilities of any state agency, program, or function.

Concurrent and joint resolutions shall be rereferred to the fiscal committee of each house when they contemplate any action that would involve any of the following:

- (1) Any substantial expenditure of state money.
- (2) Any substantial loss of revenue to the state.

The above requirements do not apply to bills or concurrent resolutions that contemplate the expenditure or allocation of operating funds.

A bill that assigns a study to the Joint Legislative Budget Committee or to the Legislative Analyst shall be rereferred to the respective rules committees. Before the committee may act upon the bill, it shall obtain from the Joint Legislative Budget Committee an estimate of the amount required to be expended to make the study.

This rule may be suspended in either house as to any particular bill by approval of the Committee on Rules of the house and two-thirds vote of the membership of the house.

Heading of Bills

10.7. No bill may indicate in its heading or elsewhere that it was introduced at the request of a state agency or officer or any other person. No bill may contain the words “By request” or words of similar import.

Consideration of Bills

10.8. The limitation contained in subdivision (a) of Section 8 of Article IV of the Constitution may be dispensed with as follows:

(a) A written request for dispensation entitled “Request to Consider and Act on Bill Within 30 Calendar Days” shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, and transmitted to the Committee on Rules of the appropriate house.

(b) The Committee on Rules of the Assembly or Senate, as the case may be, shall determine whether there exists an urgent need for dispensing with the 30-calendar-day waiting period following the bill’s introduction.

(c) If the Committee on Rules recommends that the waiting period be dispensed with, the member may offer a resolution, without further reference thereof to committee, authorizing hearing and action upon the bill before the 30 calendar days have elapsed. The adoption of the resolution shall require an affirmative recorded vote of three-fourths of the elected members of the house in which the resolution is presented.

Printing of Amendments

11. (a) Any bill amended by either house shall be immediately reprinted. Except as otherwise provided in subdivision (b), if new matter is added by the amendment, the new matter shall be printed in italics in the printed bill; if matter is omitted, the matter to be omitted shall be printed in strikeout type. When a bill is amended in either house, the first or previous markings shall be omitted.

(b) If amendments to a bill, including the report of a committee on conference, are adopted that omit the entire contents of the bill, the matter omitted need not be reprinted in the amended version of the bill. Instead, the Secretary of the Senate or the Chief Clerk of the Assembly, as the case may be, may select the amended bill and cause to be printed a brief statement to appear after the last line of the amended bill identifying which previously printed version of the bill contains the complete text of the omitted matter.

Manner of Printing Bills

12. The State Printer shall observe the directions of the Joint Rules Committee in printing all bills, constitutional amendments, and concurrent and joint resolutions.

Distribution of Legislative Publications

13. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of bills and legislative publications as may be necessary for legislative requirements.

No complete list of bills may be delivered except upon payment therefor of the amount fixed by the Joint Rules Committee for any regular or extraordinary session. No more than one copy of any bill or other legislative publication, nor more than a total of 100 bills or other legislative publications during a session, may be distributed free to any person, office, or organization. The limitations imposed by this paragraph do not apply to Members of the Legislature, the President of

the Senate, the Secretary of the Senate, or the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; the Attorney General's office; the Secretary of State's office; the Controller's office; the Governor's office; the Clerk of the Supreme Court; the clerk of the court of appeal for each district; the Judicial Council; the California Law Revision Commission; the State Library; the Library of Congress; the libraries of the University of California at Berkeley and at Los Angeles; or accredited members of the press. The State Printer shall fix the cost of the bills and publications, including postage, and moneys as may be received by him or her shall, after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall not be more than 2,500.

Legislative Index

13.1. The Legislative Counsel shall provide for the periodic publication of a cumulative Legislative Index, which shall include tables of sections affected by pending legislation. The State Printer shall print the Legislative Index in the quantities, and at the times, determined by the Secretary of the Senate and the Chief Clerk of the Assembly. The costs of that printing shall be paid from the legislative printing appropriation.

Summary Digest

13.3. The Legislative Counsel shall compile and prepare for publication a summary digest of legislation passed at each regular and extraordinary session, which digest shall be prepared in a form suitable for inclusion in the publication of statutes. The digest shall be printed as a separate legislative publication on the order of the Joint Rules Committee, and may be made available to the public in the quantities, and at the prices, determined by the Joint Rules Committee.

Statutory Record

13.5. The Legislative Counsel shall prepare for publication from time to time a cumulative statutory record. The statutory record shall be printed as a legislative publication on the order of the Secretary of the Senate or the Chief Clerk of the Assembly.

OTHER LEGISLATIVE PRINTING

Printing of the Daily Journal

14. The State Printer shall print, in the quantities directed by the Secretary of the Senate and the Chief Clerk of the Assembly, copies of the journal of each day's proceedings of each house. At the end of the session he or she shall also print, as directed by the Secretary of the Senate and the Chief Clerk of the Assembly, a sufficient number of copies properly paged after being corrected and indexed by the Secretary of the Senate and the Chief Clerk of the Assembly, to bind in book form as the journal of the respective houses of the Legislature.

What Shall Be Printed in the Journal

15. The following shall be printed in the journal of each house:
- (a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions, and constitutional amendments when introduced in, offered to, or acted upon by the house.
 - (b) Every vote taken in the house, and a statement of the contents of each petition, memorial, or paper presented to the house.
 - (c) A true and accurate account of the proceedings of the house, when not acting as a Committee of the Whole.

Printing of the Daily File

16. A daily file of bills ready for consideration shall be printed each day for each house when the Legislature is not in joint recess, except days when a house does not meet.

Printing of History

17. Each house shall cause to be printed, once each week, a complete history of all bills, constitutional amendments, and concurrent, joint, and house resolutions originating in, considered, or acted upon by the respective houses and committees thereof. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. The history shall show the action taken upon each measure up to and including the legislative day preceding its issuance. Except for periods when the houses are in joint recess, for each day intervening there shall be printed a daily history showing the consideration given to or action taken upon any measure since the issuance of the complete history.

Authority for Printing Orders

18. The State Printer may not print for use of either house, nor charge to legislative printing, any matter other than provided by law or by the rules, except upon a written order signed by the Secretary of the Senate, on behalf of the Senate, or the Chief Clerk of the Assembly or other person authorized by the Assembly, on behalf of the Assembly. Persons authorized to order printing under this rule may, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

The Secretary of the Senate, on behalf of the Senate, and the Chief Clerk of the Assembly or other person authorized by the Assembly, on behalf of the Assembly, are hereby authorized and directed to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the rules of their respective houses, to approve the bills covering those orders. All bills for printing must be presented by the State Printer within 30 days after the completion of the printing.

RECORD OF BILLS**Secretary and Chief Clerk to Keep Records**

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill.

Secretary and Chief Clerk Shall Endorse Bills

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall endorse on every original or engrossed bill a statement of any action taken by the Senate or Assembly concerning the bill.

ACTION IN ONE HOUSE ON BILL TRANSMITTED FROM THE OTHER

After a Bill Has Been Passed by the Senate or Assembly

21. When a bill has been passed by either house it shall be transmitted promptly to the other, unless a motion to reconsider or a notice of motion to reconsider has been made or it is held pursuant to some rule or order of the house.

The procedure of referring bills to committees shall be determined by the respective houses.

Messages to Be in Writing Under Proper Signatures

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly, as the case may be. A receipt shall be taken from the officer to whom the message is delivered.

Uncontested Bills

22.1. Each standing committee may report an uncontested bill out of committee with the recommendation that it be placed on the consent calendar. The Secretary of the Senate and the Chief Clerk of the Assembly shall provide to each committee chairman or chairwoman appropriate forms for that report. As used in this rule, "uncontested bill" means a bill, except a revenue measure or a measure as to which the 30-day limitation prescribed by subdivision (a) of Section 8 of Article IV of the California Constitution has been dispensed with, which (a) receives a do-pass or do-pass-as-amended recommendation from the committee to which it is referred, by unanimous vote of the members present provided a quorum is present, (b) has no opposition expressed by any person present at the committee meeting with respect to the final version of the bill as approved by the committee, and (c) prior to final action by the committee, has been requested by the author to be placed on the consent calendar.

Consent Calendar

22.2. Following its second reading and the adoption of any committee amendments thereto, any bill certified by the committee chairman or chairwoman as an uncontested bill shall be placed by the Secretary of the Senate or the Chief Clerk of the Assembly on the consent calendar, and shall be known as a "consent calendar bill." Any consent calendar bill that is amended from the floor shall cease to be a consent calendar bill and shall be replaced on the third reading file. Upon objection of any member to the placement or retention of any bill on the consent calendar, the bill shall cease to be a consent calendar bill and shall be replaced on the third reading file. No consent calendar bill shall be considered for adoption until the second legislative day following the day of its placement on the consent calendar.

Consideration of Bills on Consent Calendar

22.3. A bill on the consent calendar is not debatable, except that the President of the Senate or the Speaker of the Assembly shall allow a reasonable time for questions from the floor and shall permit a proponent of the bill to answer the questions. Immediately prior to voting on the first bill on the consent calendar, the President of the Senate or the Speaker of the Assembly shall call to the attention of the members the fact that the next roll call will be the roll call on the first bill on the consent calendar.

The consent calendar shall be considered as the last order of business on the daily file.

PASSAGE AND ENROLLING OF BILLS**Procedure on Defeat of More Than Majority Bill**

23.5. Whenever a bill containing a section or sections requiring for passage an affirmative recorded vote of more than 21 votes in the Senate and more than 41 votes in the Assembly is being considered for passage, and the urgency clause, if the bill is an urgency bill, or the bill, in any case, fails to receive the necessary votes to make all sections effective, no further action may be taken on the bill, except that an amendment to remove all sections requiring the higher vote for passage from the bill shall be in order prior to consideration of further business. If the amendment is adopted, the bill shall be reprinted to reflect the amendment. When the bill is reprinted, it shall be returned to the same place on the file that it occupied when it failed to receive the necessary votes.

Enrollment of Bill After Passage

24. After a bill has passed both houses it shall be printed in enrolled form, omitting symbols indicating amendments, and shall be compared by the Engrossing and Enrolling Clerk and the proper committee of the house where it originated to determine that it is in the form approved by the houses. The enrolled bill shall thereupon be signed by the Secretary of the Senate and Chief Clerk of the Assembly and, except as otherwise provided by these rules, presented without delay to the Governor. The committee shall report the time of presentation of the bill to the Governor to the house and the record shall be entered in the journal. After enrollment and signature by the officers of the Legislature, constitutional amendments, and concurrent and joint resolutions, shall be filed without delay in the office of the Secretary of State and the time of filing shall be reported to the house and the record entered in the journal.

AMENDMENTS AND CONFERENCES**Amendments to Amended Bills Must Be Attached**

25. Whenever a bill or resolution that has been passed in one house is amended in the other, it shall immediately be reprinted as amended by the house making the amendment or amendments. One copy of the amendment or amendments shall be attached to the bill or resolution so amended, and endorsed "adopted"; the amendment or amendments, if concurred in by the house in which the bill or resolution originated, shall be endorsed "concurred in"; and the endorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly, as the case may be. However, an

amendment to the title of a bill adopted after the passage of the bill shall not necessitate reprinting, but the amendment must be concurred in by the house in which the bill originated.

Amendments to Concurrent and Joint Resolutions

25.5. When a concurrent or joint resolution is amended, and the only effect of the amendments is to add coauthors, the joint or concurrent resolution shall not be reprinted unless specifically requested by one of the added coauthors, but a list of the coauthors shall appear in the journal and history.

To Concur or Refuse to Concur in Amendments

26. If the Senate amends and passes an Assembly bill, or the Assembly amends and passes a Senate bill, the Senate (if it is a Senate bill) or the Assembly (if it is an Assembly bill) must either “concur” or “refuse to concur” in the amendments. If the Senate concurs (if it is a Senate bill), or the Assembly concurs (if it is an Assembly bill), the Secretary of the Senate or Chief Clerk of the Assembly shall so notify the house making the amendments, and the bill shall be ordered to enrollment.

Reference to Committee

26.5. Pursuant to Rule 26, whenever a bill is returned to its house of origin for a vote on concurrence in an amendment made in the other house, the Legislative Counsel shall promptly prepare and transmit to the Chief Clerk of the Assembly and the Speaker of the Assembly in the case of an Assembly bill, or to the Secretary of the Senate and Chair of the Senate Committee on Rules in the case of a Senate bill, a brief digest summarizing the effect of the amendment made in the other house. The Secretary or Chief Clerk shall, upon receipt from the Legislative Counsel, cause the digest to be printed in the Daily File immediately following any reference to the bill covered by the digest. A motion to concur or refuse to concur in the amendment shall not be in order until the Legislative Counsel’s Digest has appeared in the file or an analysis of the bill has been prepared and distributed pursuant to Senate Rule 29.8 or Assembly Rule 77.

If the digest discloses that the amendment of the other house has made a substantial substantive change in the bill as first passed by the house of origin, the bill shall, on motion of the Chair of the Senate Committee on Rules, if it be a Senate bill, be referred to the Senate Committee on Rules for reference to an appropriate standing committee. If the bill is an Assembly bill it shall be referred by the Speaker to the appropriate committee.

Upon receipt of the bill, the committee may vote to recommend concurrence or nonconcurrence in the amendment or the committee may hold the bill. The committee shall be subject to all the requirements for procedure provided under Rule 62 for committees, other than committees of first referral, and shall be subject to other requirements for normal committee procedure as the Assembly or Senate may separately provide in the standing rules of their respective houses.

Any of the provisions of this rule may be dispensed with regard to a particular bill in its house of origin upon an affirmative vote of a majority of the members of that house.

Concurring in Amendments Adding Urgency Section

27. When a bill that has been passed in one house is amended in the other by the addition of a section providing that the act shall take effect immediately as an urgency statute, and is returned to the house in which it originated for concurrence in the amendment or amendments thereto, the procedure and vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the membership of the house vote in the affirmative, the presiding officer shall then direct that the question of whether the house shall concur in the amendment or amendments shall be put to a vote. If two-thirds of the membership of the house vote in the affirmative, concurrence in the amendments shall be effective.

If the affirmative vote on either of the questions is less than two-thirds of the membership of the house, the effect is a refusal to concur in the amendment or amendments, and the procedure thereupon shall be as provided in Rule 28.

When Senate or Assembly Refuses to Concur

28. If the Senate (if it is a Senate bill) or the Assembly (if it is an Assembly bill) refuses to concur in amendments to the bill made by the other house, and the other house has been notified of the refusal to concur, a conference committee shall be appointed for each house in the manner prescribed by these rules. The Senate Committee on Rules, on behalf of the Senate, and the Speaker of the Assembly, on behalf of the Assembly, shall each appoint a committee of three on conference, and the Secretary of the Senate or the Chief Clerk of the Assembly shall immediately notify the other house of the action taken.

Committee on Conference

28.1. (a) The Senate Committee on Rules and the Speaker of the Assembly, in appointing a committee on conference, shall each select two members from those voting with the majority on the point about which the difference has arisen, and the other member from the minority, in the event there is a minority vote.

Whether a member has voted with the majority or minority on the point about which the difference has arisen is determined by his or her vote on the appropriate roll call, as follows:

(1) In the Assembly—

(A) The roll call on the question of final passage of a Senate bill amended in the Assembly when the Senate has refused to concur with the Assembly amendments.

(B) The roll call on the question of concurrence with Senate amendments to an Assembly bill.

(2) In the Senate—

(A) The roll call on the question of final passage of an Assembly bill amended in the Senate when the Assembly has refused to concur with the Senate amendments.

(B) The roll call on the question of concurrence with Assembly amendments to a Senate bill.

(b) Either house may suspend this rule by a two-thirds vote of the membership of the house.

Meetings and Reports of Committees on Conference

29. The first Senator named on the conference committee shall act as chairman or chairwoman of the committee from the Senate, and the first Member of the Assembly named on the committee shall act as chairman or chairwoman of the committee from the Assembly. The chairman or chairwoman of the committee on conference for the house of origin of the bill shall arrange the time and place of meeting of the conference committee, and shall prepare or direct the preparation of reports. It shall require an affirmative vote of not less than two of the Assembly Members and two of the Senate Members constituting the committee on conference to agree upon a report, and the report shall be submitted to both the Senate and the Assembly. The committee on conference shall report to both the Senate and the Assembly. The report is not subject to amendment. If either house refuses to adopt the report, the conferees shall be discharged and other conferees appointed, except that no more than three different conference committees shall be appointed on any one bill. No member who has served on a committee on conference may be appointed a member of another committee on conference on the same bill. It shall require the same affirmative recorded vote to adopt any conference report as required by the California Constitution upon the final passage of the bill affected by the report. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of each house to adopt any conference report affecting any bill that contains an item or items of appropriation that are subject to subdivision (d) of Section 12 of Article IV of the California Constitution. The report of a conference committee shall be in writing, and shall have affixed thereto the signatures of each Senator and each Member of the Assembly consenting to the report. Space shall also be provided where a member of a conference committee may indicate his or her dissent in the committee's findings. Any dissenting member may have attached to a conference committee report a dissenting report which shall not exceed, in length, the majority committee report. A copy of any amendments proposed in the majority report shall be placed on the desk of each member of the house before it is acted upon by the house.

The vote on concurrence or upon the adoption of the conference report shall be deemed the vote upon final passage of the bill.

Conference Committees

29.5. (a) All meetings of any conference committee on the Budget Bill shall be open and readily accessible to the public.

No conference committee on any bill may meet, consider, or act on the subject matter of the bill except in a meeting that is open and readily accessible to the public, unless the action is on a report determined by the Legislative Counsel to be nonsubstantive. The Legislative Counsel shall examine each proposed report and shall note upon the face of the report that the amendments proposed are "substantive" or "nonsubstantive" as the case may be.

The chairman or chairwoman of the conference committee of each house shall give notice to the file clerk of their respective houses of the time and place of the meeting. Notice of each public meeting shall be published in the file of each house one calendar day prior to the meeting, except that the notice shall not be required for a meeting of a conference committee on the Budget Bill. When this subdivision is waived with

respect to a meeting of any public conference committee, or when there is a meeting of a conference committee on the Budget Bill, every effort shall be made to inform the public that a meeting has been called. When this subdivision has been waived with respect to the meeting of any public conference committee, the chairman or chairwoman of the conference committee of each house shall immediately notify the chairman or chairwoman of the policy committee of their respective houses that considered the bill in question of the waiver, and of the time and place of the meeting.

(b) The first committee on conference of the Budget Bill, if a committee is appointed, shall submit its report to each house no later than 15 days after the Budget Bill has been passed by both houses. If the report is not submitted by that date, the conference committee shall be deemed to have reached no agreement and shall so inform each house pursuant to Rule 30.7.

(c) A committee on conference of the Budget Bill may consider only differences between the Assembly version of the Budget Bill as passed by the Assembly and the Senate version of the Budget Bill as passed by the Senate, and may not approve any item of expenditure or control that exceeds that contained in one of the two versions before the conference committee.

(d) No conference committee on any bill, other than the Budget Bill, may approve any substantial financial provision in any bill if the financial provision has not been heard by the fiscal committee of each house, nor may any conference committee approve substantial policy changes that have not been heard by the policy committee of each house.

(e) No waiver of the one-calendar-day file notice requirement of subdivision (a) shall be effective for longer than three calendar days.

Conference Committee Reports

30. Upon submission of any report of a committee on conference recommending that the bill be further amended, the bill shall be reprinted incorporating the amendments recommended by the conference committee. The consideration of the report of a committee on conference shall not be in order until the bill, in the form recommended by the report of the committee on conference, has both been in print and been noticed in the Daily File for not less than one legislative day.

If the conference committee's report recommends only that the amendments of the Senate or the Assembly "be concurred in," consideration of the report shall be in order at any time, and reprinting of the bill shall not be required, but notice shall appear in the Daily File for not less than one legislative day.

No conference committee report is in order unless it has been received by the Secretary of the Senate and the Chief Clerk of the Assembly at least three calendar days preceding the scheduled commencement of the summer, interim, or final recesses of the Legislature.

This rule may be suspended as to any particular conference committee report by a two-thirds vote of the membership of either house.

This rule does not apply to a report of a committee on conference on the Budget Bill.

Conference Committee Reports on Urgency Statutes

30.5. When the report of a committee on conference recommends the amendment of a bill by the addition of a section providing that the act shall take effect immediately as an urgency statute, the procedure and the vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative, the presiding officer shall then direct that the question of whether the house shall adopt the report of the committee on conference shall be put to a vote. If two-thirds of the members elected to the house vote in the affirmative, the adoption of the report and the amendments proposed thereby shall be effective.

If the affirmative vote on either of the questions is less than two-thirds of the members elected to the house, the effect is a refusal to adopt the report of the committee on conference.

Failure to Agree on Report

30.7. A conference committee may find and determine that it is unable to submit a report to the respective houses, upon the affirmative vote to that effect of not less than two of the Assembly Members and not less than two of the Senate Members constituting the committee. That finding may be submitted to the Chief Clerk of the Assembly and the Secretary of the Senate in the form of a letter from the chairman or chairwoman of the committee on conference for the house of origin of the bill, containing the signatures of the members of the committee consenting to the finding and determination that the committee is unable to submit a report. The Chief Clerk of the Assembly and the Secretary of the Senate, upon being notified that a conference committee is unable to submit a report, shall so inform each house, whereupon the conferees shall be discharged and other conferees appointed, in accordance with the provisions of Rule 29.

MISCELLANEOUS PROVISIONS**Authority When Rules Do Not Govern**

31. All relations between the houses that are not covered by these rules shall be governed by Mason's Manual.

Press Rules

32. (a) Any person desiring privileges of an accredited press representative shall make application to the Joint Rules Committee. The application shall constitute compliance with any provisions of the rules of the Assembly or the Senate with respect to registration of news correspondents. The application shall state in writing the name of any daily newspaper, periodic publication, news association, or radio or television station that employs the press representative, and any other occupations or employment he or she may have. The press representative shall further declare in the application that he or she is not employed, directly or indirectly, to assist in the prosecution of the legislative business of any person, corporation, or association, and will not become so employed while retaining the privilege of an accredited press representative.

(b) The application required by subdivision (a) of this rule shall be authenticated in a manner that shall be satisfactory to the Standing Committee of the Capitol Correspondents Association, which shall see that occupation of seats and desks in the Senate and the Assembly

Chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, qualified periodic publications, or news associations requiring daily telegraphic or radio or television service on legislative news. It shall be the duty of the standing committee, at its discretion, to report any violation of accredited press privileges to the Speaker of the Assembly or the Senate Committee on Rules and, pending action thereon, the offending correspondent may be suspended by the standing committee.

(c) Except as otherwise provided in this subdivision, persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to news associations requiring telegraphic or radio or television service are not entitled to the privileges accorded accredited press representatives. The press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list of only those persons authenticated by the Standing Committee of the Capitol Correspondents Association. Accreditation may be granted to any bona fide correspondent of reputable standing employed by a periodic publication of general circulation if the applicant is employed on a full-time basis in the capitol area preparing articles dealing with state government and politics and the publication is not an organ or organization involved in legislative advocacy.

(d) The press seats and desks in the Senate and Assembly Chambers shall be under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules. Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the Press Room. The Press Room shall be under the control of the Chief of the Office of Buildings and Grounds, provided that all rules and regulations must be approved by the Senate Committee on Rules and the Speaker of the Assembly.

(f) No accredited member of the Capitol Correspondents Association shall, for compensation, perform any service for state constitutional officers or members of their staffs, for state agencies, for the Legislature, for candidates for state office, for a state officeholder, or for any person registered or performing as a legislative advocate.

(g) An accredited member of the association who violates subdivision (a) or (f) of this rule shall be subject to the following penalties:

(1) For the first offense, the Standing Committee of the Capitol Correspondents Association shall send a letter of admonition to the offending member, his or her employer, and the Joint Rules Committee. The letter shall state the nature of the member's rule violation and shall warn of an additional penalty for a second offense.

(2) For a second offense, the Standing Committee of the Capitol Correspondents Association shall recommend to the Joint Rules Committee that the member's accreditation be suspended or revoked and that he or she lose all rights and privileges attached thereto. The

Standing Committee of the Capitol Correspondents Association shall also dismiss the member from the association.

Any member of the Standing Committee of the Capitol Correspondents Association may propose that the committee make an inquiry to determine if an association member has violated subdivision (a) or (f) of this rule. Upon a majority vote of the Standing Committee of the Capitol Correspondents Association, an inquiry shall be made.

Upon receipt of a signed, written notice from any association member of his or her belief that another association member may have violated subdivision (a) or (f) of this rule, the Standing Committee of the Capitol Correspondents Association shall commence an inquiry into the possible violation.

If the Standing Committee of the Capitol Correspondents Association determines by majority vote that an association member has violated an association rule, it shall inform the member of its finding. Within two weeks of notification, the member may request a meeting of the membership. If the member makes a request, the Standing Committee of the Capitol Correspondents Association shall promptly schedule a meeting at the earliest possible time. After hearing the member and the committee review the circumstances of the alleged violation, the membership may, by majority vote, nullify the finding of the Standing Committee of the Capitol Correspondents Association. If nullification does not occur, the Standing Committee of the Capitol Correspondents Association shall impose immediately the appropriate penalty.

Dispensing With Joint Rules

33. No joint rule may be dispensed with except by a vote of two-thirds of each house or as otherwise provided in these rules. If either house violates a joint rule, a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of the house. If it is decided that the joint rules have been violated, the bill involving the violation shall be returned to the house in which it originated, and the disputed matter shall be considered in like manner as in conference committee.

Dispensing with Joint Rules: Unanimous Consent

33.1. Notwithstanding any other rule, a joint rule that may be dispensed with by one house may be done so by unanimous consent if the rules committee of that house has approved.

Opinions of Legislative Counsel

34. Whenever the Legislative Counsel issues an opinion to any person other than the first-named author analyzing the constitutionality, operation, or effect of a bill or other legislative measure that is then pending before the Legislature or of any amendment made or proposed to be made to the bill or measure, he or she is authorized and instructed to deliver two copies of the opinion to the first-named author as promptly as feasible after the delivery of the original opinion and also to deliver a copy to any other author of the bill or measure who so requests. A copy of any letter prepared by the Legislative Counsel for the sole purpose of advising a member of a conflict between two or more bills as to the sections of law being amended, repealed, or added shall be submitted to the chairman or chairwoman of the committee to which each bill has been referred.

Resolutions Prepared by Legislative Counsel

34.1. Whenever the Legislative Counsel has been requested to draft a resolution commemorating or taking note of any event, or a resolution congratulating or expressing sympathy toward any person, and subsequently receives a similar request from another Member of the Legislature, he or she shall inform that requester and each subsequent requester that a resolution is being, or has been, prepared, and he or she shall inform them of the name of the Member for whom the resolution was, or is being, prepared.

Resolutions

34.2. A concurrent resolution, Senate resolution, or House resolution may be introduced to memorialize the death of a present or former state or federal elected official or a member of his or her immediate family. In all other instances, a resolution other than a concurrent resolution, as specified by the Committee on Rules of each house, or as provided by the Joint Rules Committee in those cases requiring that the resolution should emanate from both houses, shall be used for the purpose of commendation, congratulation, sympathy, or regret with respect to any person, group, or organization.

No concurrent resolution requesting the Governor to issue a proclamation shall be introduced without the prior approval of the Committee on Rules of the house in which the resolution is to be introduced.

Identical Drafting Requests

34.5. Whenever it comes to the attention of the Legislative Counsel that a member has requested the drafting of a bill that will be substantially identical to one already introduced, the Legislative Counsel shall inform the member of that fact.

Expense of Members

35. As provided in Section 8902 of the Government Code, each Member of the Legislature is entitled to reimbursement for living expenses while required to be in Sacramento to attend a session of the Legislature, while traveling to and from or in attendance at a committee meeting, or while attending to any legislative function or responsibility as authorized or directed by legislative rules or the Committee on Rules of the house of which he or she is a member, at the same rate as may be established by the State Board of Control for other elected state officers. Each member shall be reimbursed for travel expenses incurred in traveling to and from a session of the Legislature, when traveling to and from a meeting of a committee of which he or she is a member, or when traveling pursuant to any other legislative function or responsibility as authorized or directed by legislative rules or the Committee on Rules of the house of which he or she is a member, at the rate prescribed by Section 8903 of the Government Code.

Expense allowances for Members of the Senate and Assembly shall be approved and certified to the Controller by the Secretary of the Senate, on behalf of the Senate, and the Chief Clerk of the Assembly or other person authorized by the Assembly Committee on Rules, on behalf of the Assembly, weekly or as otherwise directed by either house, and upon certification the Controller shall draw his or her warrants in payment of the allowances to the respective members.

Investigating Committees

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution or statute provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee pursuant to this rule shall state the purpose of the committee and the scope of the subject concerning which it is to act, and may authorize it to act either during sessions of the Legislature or, when authorization may lawfully be made, after final adjournment.

In the exercise of the power granted by this rule, each committee may employ clerical, legal, and technical assistants as may be authorized by: (a) the Joint Committee on Rules in the case of a joint committee, (b) the Senate Committee on Rules in the case of a Senate committee, or (c) the Assembly Committee on Rules in the case of an Assembly committee.

Except as otherwise provided herein for joint committees or by the rules of the Senate or the Assembly for single house committees, each committee may adopt and amend rules governing its procedure as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. The rules may include provisions fixing the quorum of the committee and the number of votes necessary to take action on any matter. With respect to all joint committees, a majority of the membership from each house constitutes a quorum, and an affirmative vote of a majority of the membership from each house is necessary for the committee to take action.

Each committee is authorized and empowered to summon and subpoena witnesses, to require the production of papers, books, accounts, reports, documents, records, and papers of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Each member of the committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4 (commencing with Section 9400) of Part 1 of Division 2 of Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to the committees.

The Sergeant at Arms of the Senate or Assembly, or other person as may be designated by the chairman or chairwoman of the committee, shall serve any and all subpoenas, orders, and other process that may be issued by the committee, when directed to do so by the chairman or chairwoman, or by a majority of the membership of the committee.

Every department, commission, board, agency, officer, and employee of the state government, including the Legislative Counsel and the Attorney General and their subordinates, and of every political subdivision, county, city, or public district of or in this state, shall give and furnish to these committees and to their subcommittees upon request information, records, and documents as the committees deem necessary or proper for the achievement of the purposes for which each committee was created.

Each committee or subcommittee of either house, in accordance with the rules of that respective house, and each joint committee or subcommittee thereof, may meet at any time during the period in which it is authorized to act, either at the State Capitol or at any other place in

the State of California, in public or executive session, and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it or accomplish the objects and purposes of the resolution creating it, subject to the following exceptions:

(a) When the Legislature is in session:

(1) No committee or subcommittee of either house may meet outside the State Capitol without the prior approval of the Senate Committee on Rules with respect to Senate committees and subcommittees, or the Speaker of the Assembly with respect to Assembly committees and subcommittees.

(2) No committee or subcommittee of either house, other than a standing committee or subcommittee thereof, may meet unless notice of the meeting has been printed in the daily file for four days prior thereto. This requirement may be waived by a majority vote of either house with respect to a particular bill.

(3) No joint committee or subcommittee thereof, other than the Joint Committees on Legislative Audit, Legislative Budget, and Rules, may meet outside the State Capitol without the prior approval of the Joint Rules Committee.

(4) No joint committee or subcommittee thereof, other than the Joint Committees on Legislative Audit, Legislative Budget, and Rules, may meet unless notice of the meeting has been printed in the daily file for four days prior thereto.

(b) When the Legislature is in joint recess, each joint committee or subcommittee, other than the Joint Committees on Legislative Audit, Legislative Budget, and Rules, shall notify the Joint Rules Committee at least two weeks prior to a meeting.

(c) The requirements placed upon joint committees by subdivisions (a) and (b) of this rule may be waived as deemed necessary by the Joint Rules Committee.

Each committee may expend such money as may be made available to it for its purpose, but no committee shall incur any indebtedness unless money has been first made available therefor.

No living expenses may be allowed in connection with legislative business for a day on which the member receives reimbursement for expenses while required to be in Sacramento to attend a session of the Legislature. The chairman or chairwoman of each committee shall audit and approve the expense claims of the members of the committee, including claims for mileage in connection with attendance on committee business, or in connection with specific assignments by the committee chairman or chairwoman, but excluding other types of mileage, and shall certify the amount approved to the Controller. The Controller shall draw his or her warrants upon the certification of the chairman or chairwoman.

Subject to the rules of each house for the respective committees of each house, and subject to the joint rules for any joint committee, the chairman or chairwoman of any committee may appoint subcommittees and chairmen or chairwomen thereof for the purpose of more expeditiously handling and considering matters referred to it, and the subcommittees and the chairmen or chairwomen thereof shall have all the powers and authority herein conferred upon the committee and its chairman or chairwoman. The chairman or chairwoman of the subcommittee shall audit the expense claims of the members of the

subcommittees, and other claims and the expenses incurred by it, and shall certify the amount thereof to the chairman or chairwoman of the committee, who shall, if he or she approves the same, certify the amount thereof to the Controller; the Controller shall draw his or her warrant therefor upon that certification, and the Treasurer shall pay the same. Any committee or subcommittee thereof that is authorized to leave the State of California in the performance of its duties shall, while out of the state, have the same authority as if it were acting and functioning within the state, and the members thereof shall be reimbursed for expenses.

Notwithstanding any other provision of this rule, if the standing rules of either house require that expense claims of committees for goods or services, pursuant to contracts, or for expenses of employees or members of committees be audited or approved, after approval of the committee chairman or chairwoman, by another agency of either house, the Controller shall draw his or her warrants only upon the certification of the other agency. All expense claims approved by the chairman or chairwoman of any joint committee, other than the Joint Legislative Budget Committee and the Joint Legislative Audit Committee, shall be approved by the Joint Rules Committee, and the Controller shall draw his or her warrants only upon the certification of the Joint Rules Committee.

Except salary claims of employees clearly subject to federal withholding taxes and the requirement as to loyalty oaths, claims presented for services or pursuant to contract shall refer to the agreement, the terms of which shall be made available to the Controller.

Expenses of Committee Employees

36.1. Unless otherwise provided by respective house or committee rule or resolution, employees of legislative committees shall, when entitled to traveling expenses, be entitled to allowances in lieu of actual expenses for hotel accommodations, breakfast, lunch, and dinner, at the rates fixed by the State Board of Control from time to time in limitation of reimbursement of expenses of state employees generally. However, if an allowance for hotel accommodations, breakfast, lunch, and dinner is made by a committee at a rate in excess of the rate fixed by the State Board of Control, the chairman or chairwoman of the committee shall notify the Controller of that fact in writing.

Appointment of Committees

36.5. This rule applies whenever a joint committee is created by a statute or resolution which either provides that appointments be made and vacancies be filled in the manner provided for in the Joint Rules, or makes no provision for the appointment of members or the filling of vacancies.

The Senate members of the committee shall be appointed by the Senate Committee on Rules; the Assembly members of the committee shall be appointed by the Speaker of the Assembly; and vacancies occurring in the membership of the committee shall be filled by the respective appointing powers. The members appointed shall hold over until their successors are regularly selected.

Appointment of Joint Committee Chairmen or Chairwomen

36.7. The chairman or chairwoman of each joint committee heretofore or hereafter created, except the Joint Legislative Budget Committee and the Joint Legislative Audit Committee, shall be appointed by the Joint Rules Committee from a member or members recommended by the Senate Committee on Rules and the Speaker of the Assembly.

Joint Committee Funds

36.8. Each joint committee heretofore or hereafter created, except the Joint Legislative Budget Committee and the Joint Legislative Audit Committee, shall expend the funds heretofore or hereafter made available to it in compliance with the policies set forth by the Joint Rules Committee with respect to personnel, salaries, purchasing, office space assignment, contractual services, rental or lease agreements, travel, and any and all other matters relating to the management and administration of committee affairs.

Joint Legislative Budget Committee

37. In addition to any other committee provided for by these rules, there shall be a joint committee to be known as the Joint Legislative Budget Committee, which is hereby declared to be a continuing body.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the State Budget, the revenues and expenditures of the state, and the organization and functions of the state and its departments, subdivisions, and agencies, with a view to reducing the cost of the state government and securing greater efficiency and economy.

The committee shall consist of eight Members of the Senate and eight Members of the Assembly. The Senate members of the committee shall be appointed by the Senate Committee on Rules. The Assembly members of the committee shall be appointed by the Speaker of the Assembly. The committee shall select its own chairman or chairwoman.

Any vacancy occurring at any time in the Senate membership of the Joint Legislative Budget Committee shall be filled by the Senate Committee on Rules, and the Senators appointed shall hold over until their successors are regularly selected. For the purposes of this rule, a vacancy shall be deemed to exist as to a Senator whose term is expiring whenever he or she is not reelected at the general election.

Any vacancy occurring at any time in the Assembly membership of the Joint Legislative Budget Committee shall be filled by appointment by the Speaker of the Assembly, and the Members of the Assembly appointed shall hold over between regular sessions until their successors are regularly selected. For the purposes of this rule, a vacancy shall be deemed to exist as to a Member of the Assembly whose term is expiring whenever he or she is not reelected at the general election.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation, or hearing that the committee itself has authority to undertake or hold. A subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the express terms of any rule or resolution of

the committee defining the powers and duties of the subcommittee. Those powers may be withdrawn or terminated at any time by the committee.

The Joint Legislative Budget Committee may render services to any investigating committee of the Legislature pursuant to contract between the Joint Legislative Budget Committee and the committee for which the services are to be performed. The contract may provide for payment to the Joint Legislative Budget Committee of the cost of the services from the funds appropriated to the contracting investigating committee. All legislative investigating committees are authorized to enter into those contracts with the Joint Legislative Budget Committee. Money received by the Joint Legislative Budget Committee pursuant to any agreement shall be in augmentation of the current appropriation for the support of the Joint Legislative Budget Committee.

The provisions of Rule 36 shall apply to the Joint Legislative Budget Committee, which has all the authority provided in that rule or pursuant to Section 11 of Article IV of the Constitution.

The committee shall have authority to appoint a Legislative Analyst, to fix his or her compensation, to prescribe his or her duties, and to appoint any other clerical and technical employees as may appear necessary. The duties of the Legislative Analyst shall be as follows:

(1) To ascertain the facts and make recommendations to the Joint Legislative Budget Committee and, under its direction, to the committees of the Legislature concerning:

- (a) The State Budget.
- (b) The revenues and expenditures of the state.
- (c) The organization and functions of the state and its departments, subdivisions, and agencies.

(2) To assist the Senate Budget and Fiscal Review Committee and the Assembly Committees on Appropriations and Budget in consideration of the Budget, all bills carrying express or implied appropriations, and all legislation affecting state departments and their efficiency; to appear before any other legislative committee; and to assist any other legislative committee upon instruction by the Joint Legislative Budget Committee.

(3) To provide all legislative committees and Members of the Legislature with information obtained under the direction of the Joint Legislative Budget Committee.

(4) To maintain a record of all work performed by the Legislative Analyst under the direction of the Joint Legislative Budget Committee, and to keep and make available all documents, data, and reports submitted to him or her by any Senate, Assembly, or joint committee. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The chairman or chairwoman of the committee or, in the event of that person's inability to act, the vice chairman or vice chairwoman, shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee. The chairman or chairwoman shall certify to the Controller the expense amount approved, the Controller shall draw his or her warrants upon the certification of the chairman or chairwoman, and the Treasurer shall pay

the same to the chairman or chairwoman of the committee, to be disbursed by the chairman or chairwoman.

On and after the commencement of a succeeding regular session, those members of the committee who continue to be Members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel, and staff, and all funds theretofore made available for its use.

Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Analyst for use and custody all documents, data, reports, and other materials that have come into the possession of the committee and that are not included within the final report of the committee to the Assembly, Senate, or the Legislature, as the case may be. The documents, data, reports, and other materials shall be available, upon request, to Members of the Legislature, the Senate Office of Research, and the Assembly Office of Research.

The Legislative Analyst, with the consent of the committee, shall make available to any Member or committee of the Legislature any other reports, records, documents, or other data under his or her control, except that reports prepared by the Legislative Analyst in response to a request from a Member or committee of the Legislature shall be made available only with the written permission of the member or committee who made the request.

The Legislative Analyst, upon the receipt of a request from any committee or Member of the Legislature to conduct a study or provide information that falls within the scope of his or her responsibilities and that concerns the administration of the government of the State of California, shall at once advise the Joint Legislative Budget Committee of the nature of the request without disclosing the name of the Member or committee making the request.

The Legislative Analyst shall immediately undertake to provide the requesting committee or legislator with the service or information requested, and shall inform the committee or legislator of the approximate date when this information will be available. Should there be any material delay, he or she shall subsequently communicate this fact to the requester.

Neither the Committee on Rules of either house nor the Joint Rules Committee may assign any matter for study to the Joint Legislative Budget Committee or the Legislative Analyst without first obtaining from the Joint Legislative Budget Committee an estimate of the amount required to be expended by it to make the study.

Any concurrent, joint, Senate, or House resolution assigning a study to the Joint Legislative Budget Committee or to the Legislative Analyst shall be referred to the respective rules committees. Before the committees may act upon or assign the resolution, they shall obtain an estimate from the Joint Legislative Budget Committee of the amount required to be expended to make the study.

Citizen Cost Impact Report

37.1. Any Member or committee of the Legislature may recommend that the Legislative Analyst prepare a citizen cost impact analysis on proposed legislation. However, the recommendation shall first be reviewed by the Committee on Rules of the house where the

recommendation originated, and this committee shall make the final determination as to which bills shall be assigned for preparation of an impact analysis.

In selecting specific bills for assignment to the Legislative Analyst for preparation of citizen cost impact analyses, the Committee on Rules shall request the Legislative Analyst to present an estimate of his or her time and prospective costs for preparing the analyses. Only those bills that have a potential significant cost impact shall be assigned. Where necessary, the Committee on Rules shall provide funds to offset added costs incurred by the Legislative Analyst.

The citizen cost impact analyses shall include those economic effects that the Legislative Analyst deems significant and that he or she believes will result directly from the proposed legislation. Insofar as feasible, the economic effects considered by the Legislative Analyst shall include, but are not limited to, the following:

- (a) The economic effect on the public generally.
- (b) Any specific economic effect on persons or businesses in the case of legislation that is regulatory.

The Legislative Analyst shall submit the citizen cost impact analyses to the committee or committees when completed, and at the time or times designated by the Committee on Rules.

The Legislative Analyst shall submit from time to time, but at least once a year, a report to the Legislature on the trends and directions of the state's economy, and shall list the alternatives and make recommendations as to legislative actions that, in his or her judgment, will insure a sound and stable state economy.

Joint Legislative Audit Committee

37.3. The Joint Legislative Audit Committee is created pursuant to the Legislature's rulemaking authority under the California Constitution, and pursuant to Chapter 4 (commencing with Section 10500) of Part 2 of Division 2 of Title 2 of the Government Code. The committee shall consist of seven Members of the Senate and seven Members of the Assembly, who shall be selected in the manner provided for in these rules. Notwithstanding any other provision of these rules, four members from each house constitute a quorum of the Joint Legislative Audit Committee and the number of votes necessary to take action on any matter. The Chairman or Chairwoman of the Joint Legislative Audit Committee, upon receiving a request by any Member of the Legislature or committee thereof for a copy of a report prepared or being prepared by the Bureau of State Audits, shall provide the member or committee with a copy of the report when it is, or has been, submitted by the Bureau of State Audits to the Joint Legislative Audit Committee.

Study or Audits

37.4. (a) Notwithstanding any other provision of law, the Joint Legislative Audit Committee shall establish priorities and assign all work to be done by the Bureau of State Audits.

(b) Any bill requiring action by the Bureau of State Audits shall contain an appropriation for the cost of any study or audit.

(c) Any bill or concurrent, joint, Senate, or House resolution assigning a study to the Joint Legislative Audit Committee or to the Bureau of State Audits shall be referred to the respective rules committees. Before the committees may act upon or assign the bill or

resolution, they shall obtain an estimate from the Joint Legislative Audit Committee of the amount required to be expended to make the study.

Waiver

37.5. Subdivision (b) of Rule 37.4 may be waived by the Joint Legislative Audit Committee. The chairman or chairwoman of the committee shall notify the Secretary of the Senate, the Chief Clerk of the Assembly, and the Legislative Counsel in writing when subdivision (b) of Rule 37.4 has been waived. If the cost of a study or audit is less than one hundred thousand dollars (\$100,000), the chairman or chairwoman of the committee may exercise the committee's authority to waive subdivision (b) of Rule 37.4.

Administrative Regulations

37.7. (a) Any Member of the Senate may request the Senate Committee on Rules, and any Member of the Assembly may request the Speaker of the Assembly, to direct a standing committee or the Office of Research of his or her respective house to study any proposed or existing regulation or group of related regulations. Upon receipt of a request, the Senate Committee on Rules or the Speaker of the Assembly shall, after review, determine whether a study shall be made. In reviewing the request, the Senate Committee on Rules or the Speaker of the Assembly shall determine:

- (1) The cost of making the study.
- (2) The potential public benefit to be derived from the study.
- (3) The scope of the study.
- (b) The study may consider, among other relevant issues, whether the proposed or existing regulation:
 - (1) Exceeds the agency's statutory authority.
 - (2) Fails to conform to the legislative intent of the enabling statute.
 - (3) Contradicts or duplicates other regulations adopted by federal, state, or local agencies.
 - (4) Involves an excessive delegation of regulatory authority to a particular state agency.
 - (5) Unfairly burdens particular elements of the public.
 - (6) Imposes social or economic costs that outweigh its intended benefits to the public.
 - (7) Imposes unreasonable penalties for violation.

The respective reviewing unit shall, in a timely manner, transmit its concerns, if any, to the Senate Committee on Rules or the Speaker of the Assembly, and the promulgating agency.

In the event that a state agency takes a regulatory action that the reviewing unit finds to be unacceptable, the unit shall file a report for publication in the daily journal of its respective house indicating the specific reasons why the regulatory action should not have been taken. The report may include a recommendation that the Legislature adopt a concurrent resolution requesting the state agency to reconsider its action or that the Legislature enact a statute to restrict the regulatory powers of the state agency taking the action.

Joint Rules Committee

40. The Joint Rules Committee is hereby created. The committee has a continuing existence and may meet, act, and conduct its business during sessions of the Legislature or any recess thereof.

The committee shall consist of the members of the Assembly Committee on Rules, the Assembly Majority Floor Leader, the Assembly Minority Floor Leader, the Speaker of the Assembly, four members of the Senate Committee on Rules, and as many Members of the Senate as may be required to maintain equality in the number of Assembly Members and Senators on the committee, to be appointed by the Senate Committee on Rules. Vacancies occurring in the membership shall be filled by the appointing power.

The committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

The committee shall ascertain facts and make recommendations to the Legislature and to the houses thereof concerning:

(a) The relationship between the two houses and procedures calculated to expedite the affairs of the Legislature by improving that relationship.

(b) The legislative branch of the state government and any defects or deficiencies in the law governing that branch.

(c) Methods whereby legislation is proposed, considered, and acted upon.

(d) The operation of the Legislature and the committees thereof, and the means of coordinating the work thereof and avoiding duplication of effort.

(e) Aids to the Legislature.

(f) Information and statistics for the use of the Legislature, the respective houses thereof, and the members.

Any matter of business of either house, the transaction of which would affect the interests of the other house, may be referred to the committee for action if the Legislature is not in recess, and shall be referred to the committee for action if the Legislature is in recess.

The committee has the following additional powers and duties:

(a) To select a chairman or chairwoman from its membership. The vice chairman or vice chairwoman of the committee shall be one of the Senate members of the committee, to be selected by the Senate Committee on Rules.

(b) To allocate space in the State Capitol Building and all annexes and additions thereto as provided by law.

(c) To approve, as provided by law, the appearance of the Legislative Counsel in litigation.

(d) To contract with other agencies, public or private, for the rendition and affording of services, facilities, studies, and reports to the committee as the committee deems necessary to assist it to carry out the purposes for which it is created.

(e) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this rule, and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(f) To report its findings and recommendations, including recommendations for the needed revision of any and all laws and constitutional provisions relating to the Legislature, to the Legislature and to the people from time to time.

(g) The committee, and any subcommittee when so authorized by the committee, may meet and act without as well as within the State of California, and is authorized to leave the state in the performance of its duties.

(h) To expend funds as may be made available to it to carry out the functions and activities related to the legislative affairs of the Senate and Assembly.

(i) To appoint a chief administrative officer of the committee, who shall have duties relating to the administrative, fiscal, and business affairs of the committee as the committee shall prescribe. The committee may terminate the services of the chief administrative officer at any time.

(j) To employ persons as may be necessary to assist all other joint committees, except the Joint Legislative Budget Committee and the Joint Legislative Audit Committee, in the exercise of their powers and performance of their duties. In accordance with Rule 36.8, the committee shall govern and administer the expenditure of funds by other joint committees, requiring that the claims of joint committees be approved by the Joint Rules Committee or its designee. All expenses of the committee and of all other joint committees may be paid from the Operating Funds of the Assembly and Senate.

(k) To appoint the chairmen or chairwomen of joint committees, as authorized by Rule 36.7.

(l) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this rule.

The members of the Joint Rules Committee from the Senate may meet separately as a unit, and the members of the Joint Rules Committee from the Assembly may meet separately as a unit, and consider any action that is required to be taken by the Joint Rules Committee. If the majority of members of the Joint Rules Committee of each house at the separate meetings vote in favor of that action, the action shall be deemed to be action taken by the Joint Rules Committee.

The Joint Rules Committee shall meet not less than biweekly during a session of the Legislature, other than during a joint recess, at a regularly scheduled time and place. If the full committee fails to so meet, the members of the committee from the Senate shall meet separately as a unit and the members of the committee from the Assembly shall meet separately as a unit within five days of the regularly scheduled meeting date.

The committee shall succeed to, and is vested with, all of the powers and duties of the Joint Committee on Legislative Organization, the State Capitol Committee, the Joint Committee on Interhouse Cooperation, the Joint Legislative Committee for School Visitations, and the Joint Standing Committee on the Joint Rules of the Senate and the Assembly.

Review of Administrative Regulations

40.1. The Joint Rules Committee, with regard to joint committees, and the respective rules committee of each house, with regard to standing and select committees of the house, shall approve any request for a priority review made by a committee pursuant to Section 11349.7 of the Government Code and shall submit approved requests to the Office of Administrative Law. The Joint Rules Committee or the respective rules committee, and the committee initiating the request, shall each receive a copy of the priority review.

Subcommittee on Legislative Space and Facilities

40.3. (a) A subcommittee of the Joint Rules Committee is hereby created, to be known as the Subcommittee on Legislative Space and Facilities. The subcommittee shall consist of three Members of the Senate and three Members of the Assembly, appointed by the Chairman or Chairwoman of the Joint Rules Committee, and the chairman or chairwoman of the fiscal committee of each house who shall have full voting rights on the subcommittee. The chairman or chairwoman of the subcommittee shall be appointed by the members thereof. For purposes of this subcommittee, the chairmen or chairwomen of the fiscal committees shall be ex officio members of the Joint Rules Committee, but shall not have voting rights on that committee, nor shall they be counted in determining a quorum. The subcommittee shall consider the housing of the Legislature and legislative facilities.

(b) The subcommittee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this subcommittee and its members.

(c) The subcommittee has the following additional powers and duties:

(1) To contract with other agencies, public or private, for the rendition and affording of services, facilities, studies, and reports to the subcommittee as the committee deems necessary to assist it to carry out the purposes for which it is created.

(2) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this rule, and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the subcommittee.

(3) To report its findings and recommendations to the Legislature and to the people from time to time.

(4) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this rule.

(d) The subcommittee is authorized to leave the State of California in the performance of its duties.

Claims for Workers' Compensation

41. The Chairman or Chairwoman of the Committee on Rules of each house, or a designated representative, shall sign any required worker's compensation report regarding injuries or death arising out of and within the course of employment suffered by any member, officer, or employee of the house, or any employee of a standing or

investigating committee thereof. In the case of a joint committee, the Chairman or Chairwoman of the Committee on Rules of either house, or a designated representative, may sign any report with respect to a member or employee of a joint committee.

Information Concerning Committees

42. The Committee on Rules of each house shall provide for a continuous cumulation of information concerning the membership, organization, meetings, and studies of legislative investigating committees. Each Committee on Rules shall be responsible for information concerning the investigating committees of its own house, and concerning joint investigating committees under a chairman or chairwoman who is a member of that house. To the extent possible, each Committee on Rules shall seek to insure that the investigating committees for which it has responsibility under this rule have organized, including the organization of any subcommittees, and have had all topics for study assigned to them within a reasonable period of time.

The information thus cumulated shall be made available to the public by the Committee on Rules of each house and shall be published periodically under their joint direction.

Joint Committees

43. Any concurrent resolution creating a joint committee of the Legislature and any concurrent resolution allocating moneys from the Operating Funds of the Assembly and Senate to the committee shall be referred to the Committee on Rules of the respective houses.

Conflict of Interest

44. (a) No Member of the Legislature may, while serving, have any interest, financial or otherwise, direct or indirect, engage in any business or transaction or professional activity, or incur any obligation of any nature, that is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by the laws of this state.

(b) No Member of the Legislature may, during the term for which he or she was elected:

(1) Accept other employment that he or she has reason to believe will either impair his or her independence of judgment as to his or her official duties, or require him or her, or induce him or her, to disclose confidential information acquired by him or her in the course of and by reason of his or her official duties.

(2) Willfully and knowingly disclose, for pecuniary gain, to any other person, confidential information acquired by him or her in the course of and by reason of his or her official duties, or use the information for the purpose of pecuniary gain.

(3) Accept or agree to accept, or be in partnership with any person who accepts or agrees to accept, any employment, fee, or other thing of value, or portion thereof, in consideration of his or her appearance, agreeing to appear, or taking of any other action on behalf of another person regarding a licensing or regulatory matter, before any state board or agency that is established by law for the primary purpose of licensing or regulating the professional activity of persons licensed, pursuant to state law.

This rule may not be construed to prohibit a member who is an attorney at law from practicing in that capacity before the Workers' Compensation Appeals Board or the Commissioner of Corporations, and receiving compensation therefor, or from practicing for compensation before any state board or agency in connection with, or in any matter related to, any case, action, or proceeding filed and pending in any state or federal court. This rule does not prohibit a member from making inquiry for information on behalf of a constituent before a state board or agency, if no fee or reward is given or promised in consequence thereof. The prohibition contained in this rule does not apply to a partnership in which a Member of the Legislature is a member if the Member of the Legislature does not share directly or indirectly in the fee resulting from the transaction, nor does it apply in connection with any matter pending before any state board or agency on the operative date of this rule if the affected Member of the Legislature is attorney of record or representative in the matter prior to the operative date.

(4) Receive or agree to receive, directly or indirectly, any compensation, reward, or gift from any source except the State of California for any service, advice, assistance, or other matter related to the legislative process, except fees for speeches or published works on legislative subjects and except, in connection therewith, the reimbursement of expenses for actual expenditures for travel and reasonable subsistence for which no payment or reimbursement is made by the State of California.

(5) Participate, by voting or any other action, on the floor of either house, or in committee or elsewhere, in the enactment or defeat of legislation in which he or she has a personal interest, except as follows:

(i) If, on the vote for final passage, by the house of which he or she is a member, of the legislation in which he or she has a personal interest, he or she first files a statement (which shall be entered verbatim in the journal) stating in substance that he or she has a personal interest in the legislation to be voted on and that, notwithstanding that interest, he or she is able to cast a fair and objective vote on the legislation, he or she may cast his or her vote without violating any provision of this rule.

(ii) If the member believes that, because of his or her personal interest, he or she should abstain from participating in the vote on the legislation, he or she shall so advise the presiding officer prior to the commencement of the vote and shall be excused from voting on the legislation without any entry in the journal of the fact of his or her personal interest. In the event that a rule of the house requiring that each member who is present vote aye or nay is invoked, the presiding officer shall order the member excused from compliance and shall order entered in the journal a simple statement that the member was excused from voting on the legislation pursuant to law.

(c) A person subject to this rule has an interest that is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by the laws of this state, or a personal interest, arising from any situation, within the scope of this rule, if he or she has reason to believe or expect that he or she will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity. He or she does not have an interest that is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by the laws of this state, or a personal interest, arising from

any situation, within the scope of this rule, if any benefit or detriment accrues to him or her as a member of a business, profession, occupation, or group to no greater extent than any other member of the business, profession, occupation, or group.

(d) A person who is subject to this rule shall not be deemed to be engaged in any activity that is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by the laws of this state, or to have a personal interest, arising from any situation, within the scope of this rule, solely by reason of any of the following:

(1) His or her relationship to any potential beneficiary of any situation is one that is defined as a remote interest by Section 1091 of the Government Code or is otherwise not deemed to be a prohibited interest under Section 1091.1 or 1091.5 of the Government Code.

(2) Receipt of a campaign contribution that is regulated, received, reported, and accounted for pursuant to Chapter 4 (commencing with Section 84100) of Title 9 of the Government Code, so long as the contribution is not made on the understanding or agreement, in violation of law, that the person's vote, opinion, judgment, or action will be influenced thereby.

(e) The enumeration in this rule of specific situations or conditions that are deemed not to result in substantial conflict with the proper discharge of the duties and responsibilities of a legislator or legislative employee, or in a personal interest, shall not be construed as exclusive.

The Legislature, in adopting this rule, recognizes that Members of the Legislature and legislative employees may need to engage in employment, professional, or business activities other than legislative activities in order to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with specific provisions of this rule. However, in construing and administering this rule, weight should be given to any coincidence of income, employment, investment, or other profit from sources that may be identified with the interests represented by those sources that are seeking action of any character on matters then pending before the Legislature.

(f) No employee of either house of the Legislature may, during the time he or she is so employed, commit any act or engage in any activity prohibited by any part of this rule.

(g) No person may induce or seek to induce any Member of the Legislature to violate any part of this rule.

(h) Violations of any part of this rule are punishable as provided in Section 8926 of the Government Code.

Ethics Committees

45. The Senate Committee on Legislative Ethics and the Assembly Legislative Ethics Committee, respectively, shall receive complaints concerning Members of their respective houses, and shall have the power to investigate and make findings and recommendations concerning violations by Members of their respective houses of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code. Each house shall adopt rules governing the establishment and procedures of the committee of that house.

Designating Legislative Sessions

50. Regular sessions shall be identified with the odd-numbered year subsequent to each general election, followed by a hyphen, and then the last two digits of the following even-numbered year. For example: 1973–74 Regular Session.

Designating Extraordinary Sessions

50.3. All extraordinary sessions shall be designated in numerical order by the session in which convened.

Days and Dates

50.5. (a) As used in these rules, “day” means a calendar day, unless otherwise specified.

(b) When the date of a deadline, recess requirement, or circumstance falls on a Saturday, Sunday, or Monday that is a holiday, the date shall be deemed to refer to the preceding Friday. When the date falls on a holiday on a weekday other than a Monday, the date shall be deemed to refer to the preceding day.

Legislative Calendar *

51. (a) The Legislature shall observe the following calendar during the first year of the regular session:

(1) Organizational Recess—The Legislature shall meet on the first Monday in December following the general election to organize. Thereafter, each house shall be in recess from the time it determines until the first Monday in January, except when the first Monday is January 1 or January 1 is a Sunday, in which case, the following Wednesday.

(2) Spring Recess—The Legislature shall be in recess from the 10th day prior to Easter until the Monday after Easter.

(3) Summer Recess—The Legislature shall be in recess from July 18 until August 18. This recess shall not commence until the Budget Bill is enacted.

(4) Interim Study Recess—The Legislature shall be in recess from September 12 until the first Monday in January, except when the first Monday is January 1 or January 1 is a Sunday, in which case, the following Wednesday.

(b) The Legislature shall observe the following calendar for the remainder of the legislative session:

(1) Spring Recess—The Legislature shall be in recess from the 10th day prior to Easter until the Monday after Easter.

(2) Summer Recess—The Legislature shall be in recess from July 2 until August 2. This recess may not commence until the Budget Bill is enacted.

(3) Final Recess—The Legislature shall be in recess on September 1 until adjournment sine die on November 30.

(c) Recesses shall be from the hour of adjournment on the day specified, reconvening at the time designated by the respective houses.

(d) The recesses specified by this rule shall be designated as joint recesses.

(* NOTE: Dates are based on 2003–04 Legislative Calendar, usage and custom.)

Recall From Recess

52. Notwithstanding the power of the Governor to call a special session, the Legislature may be recalled from joint recess and reconvene in regular session by any of the following means:

(a) It may be recalled by joint proclamation, which shall be entered in the journal, of the Senate Committee on Rules and the Speaker of the Assembly or, in his or her absence from the state, the Assembly Committee on Rules.

(b) Ten or more Members of the Legislature may present a request for recall from joint recess to the Chief Clerk of the Assembly and the Secretary of the Senate. The request shall immediately be printed in the journal. Within 10 days thereafter, the Speaker of the Assembly or, if the Speaker is absent from the state, the Assembly Committee on Rules, and the Senate Committee on Rules shall act upon the request. If they concur in desiring to recall the Legislature from joint recess, they shall issue their joint proclamation to that effect entered in the journal no later than 20 days after publication of the request in the journal.

(c) If either or both of the parties specified in subdivision (b) does not concur, 10 or more Members of the Legislature may request the Chief Clerk of the Assembly or the Secretary of the Senate to petition the membership of the respective house. The petition shall be entered in the journal and shall contain a specified reconvening date commencing not later than 20 days after the date of the petition. If two-thirds of the members of the house or each of the two houses concur, the Legislature shall reconvene on the date specified. The necessary concurrences must be received at least 10 days prior to the date specified for reconvening.

Procedure on Suspending Rules by Single House

53. Whenever these rules authorize suspension of the Joint Rules as to a particular bill by action of a single house after approval by the Committee on Rules of that house, the following procedure shall be followed:

(a) A written request to suspend the joint rule shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, and shall be transmitted to the Committee on Rules of the appropriate house.

(b) The Assembly Committee on Rules or the Senate Committee on Rules, as the case may be, shall determine whether there exists an urgent need for the suspension of the joint rule with regard to the bill.

(c) If the appropriate rules committee recommends that the suspension be permitted, the member may offer a resolution, without further reference thereof to committee, granting permission to suspend the joint rule. The adoption of the resolution granting permission shall require an affirmative recorded vote of the elected members of the house in which the request is made.

Introduction of Bills

54. (a) No bill may be introduced in the first year of the regular session after February 28 and no bill may be introduced in the second year of the regular session after February 20. These deadlines do not apply to constitutional amendments, committee bills introduced pursuant to Assembly Rule 47 or Senate Rule 23, bills introduced in the Assembly with the permission of the Speaker of the Assembly, or bills introduced in the Senate with the permission of the Senate Committee on Rules. Subject to these deadlines, a bill may be introduced at any

time except when the houses are in joint summer, interim, or final recess. Each house may provide for introduction of bills during a recess other than a joint recess. Bills shall be numbered consecutively during the regular session.

(b) The Desks of the Senate and Assembly shall remain open during a joint recess, other than a joint Easter, summer, interim, or final recess, for the introduction of bills during business hours on Monday through Friday, inclusive, except holidays. Bills received at the Senate Desk during these periods shall be numbered and printed. After printing, the bills shall be delivered to the Secretary of the Senate and referred by the Senate Committee on Rules to a standing committee. Bills received at the Assembly Desk during these periods shall be numbered, printed, and referred to a committee by the Assembly Committee on Rules. After printing, the bills shall be delivered to the Chief Clerk of the Assembly. On the reconvening of each house, the bills shall be read the first time, and shall be delivered to the committee to which they were referred.

(c) A member may not author a bill during a session that would have substantially the same effect as a bill he or she previously introduced during that session. This restriction does not apply in cases where the previously introduced bill was vetoed by the Governor or its provisions were “chaptered out” by a later chaptered bill pursuant to Section 9605 of the Government Code. An objection based on this restriction may be raised only while the bill is being considered by the house in which it is introduced. The objection shall be referred to the Committee on Rules of the house for a determination. The bill shall remain on file or with a committee, as the case may be, until a determination is made. If, upon consideration of the objection, the Committee on Rules determines that the bill objected to would have substantially the same effect as another bill previously introduced during the session by the author, the bill objected to shall be stricken from the file or returned to the desk by the committee, as the case may be, and may not be acted upon during the remainder of the session. If the Committee on Rules determines that the bill objected to would not have substantially the same effect as a bill previously introduced during the session by the author, the bill may thereafter be acted upon by the committee or the house, as the case may be. The Committee on Rules may obtain assistance as it may desire from the Legislative Counsel as to the similarity of a bill or amendments to a prior bill.

This joint rule may be suspended by approval of the Committee on Rules and three-fourths vote of the membership of the house.

(d) During a joint recess, the Chief Clerk of the Assembly or Secretary of the Senate shall order the preparation of preprint bills when so ordered by any of the following:

- (1) The Speaker of the Assembly.
- (2) The Committee on Rules of the respective house.
- (3) A committee, with respect to bills within the subject matter jurisdiction of the committee.

Preprint bills shall be designated and shall be printed in the order received and numbered in the order printed. To facilitate subsequent amendment, a preprint bill shall be so prepared that, when introduced as a bill, the page and the line numbers will not change. The Chief Clerk of the Assembly and Secretary of the Senate shall publish a list periodically of preprint bills showing the preprint bill number, the title,

and the Legislative Counsel's Digest. The Speaker of the Assembly and Senate Committee on Rules may refer any preprint bill to committee for study.

30-Day Waiting Period

55. No bill other than the Budget Bill may be heard or acted upon by committee or either house until the bill has been in print for 30 days. The date a bill is returned from the printer shall be entered in the history. This rule may be suspended concurrently with the suspension of the requirement of Section 8 of Article IV of the Constitution or, if that period has expired, this rule may be suspended by approval of the Committee on Rules and two-thirds vote of the house in which the bill is being considered.

Return of Bills

56. Bills introduced in the first year of the regular session and passed by the house of origin on or before the January 31st constitutional deadline are "carryover bills." Immediately after January 31, bills introduced in the first year of the regular session that do not become "carryover bills" shall be returned to the Chief Clerk of the Assembly or Secretary of the Senate, respectively. Notwithstanding Rule 4, as used in this rule, "bills" does not include constitutional amendments.

Appropriation Bills

57. Appropriation bills that may not be sent to the Governor shall be held, after enrollment, by the Chief Clerk of the Assembly or Secretary of the Senate, respectively. The bills shall be sent to the Governor immediately after the Budget Bill has been enacted.

Urgency Clauses

58. An amendment to add a section to a bill to provide that the act shall take effect immediately as an urgency statute may not be adopted unless the author of the amendment has first secured the approval of the Committee on Rules of the house in which the amendments are offered.

Veto

58.5. The Legislature may consider a Governor's veto for only 60 days, not counting days when the Legislature is in joint recess.

Publications

59. During periods of joint recess, weekly, if necessary, the following documents shall be published: files, histories, and journals.

Committee Hearings

60. (a) No standing committee or subcommittee thereof may take action on a bill at any hearing held outside of Sacramento.

(b) A committee may hear the subject matter of a bill or convene for an informational hearing during a period of recess. Four days' notice in the daily file is required prior to the hearing.

(c) No bill may be acted upon by a committee during a joint recess.

Deadlines *

61. The deadlines set forth in this rule shall be observed by the Senate and Assembly. After each deadline, the Secretary of the Senate and the Chief Clerk of the Assembly may not accept committee reports from their respective committees except as otherwise provided in this rule:

- (a) Odd-numbered year:
 - (1) Feb. 21—Last day for bills to be introduced.
 - (2) May 2—Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house.
 - (3) May 9—Last day for policy committees to hear and report to the floor nonfiscal bills introduced in their house.
 - (4) May 23—Last day for policy committees to meet prior to June 9.
 - (5) May 30—Last day for fiscal committees to hear and report to the floor bills introduced in their house.
 - (6) May 30—Last day for fiscal committees to meet prior to June 9.
 - (7) June 6—Last day for each house to pass bills introduced in that house.
 - (8) June 9—Committee meetings may resume.
 - (9) July 11—Last day for policy committees to meet and report bills.
 - (10) Aug. 29—Last day for fiscal committees to meet and report bills.
 - (11) Sept. 1 through Sept. 12—Floor session only. No committee may meet for any purpose.
 - (12) Sept. 12—Last day for each house to pass bills.
- (b) Even-numbered year:
 - (1) Jan. 16—Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house in the odd-numbered year.
 - (2) Jan. 23—Last day for any committee to hear and report to the floor bills introduced in that house in the odd-numbered year.
 - (3) Jan. 31—Last day for each house to pass bills introduced in that house in the odd-numbered year.
 - (4) Feb. 20—Last day for bills to be introduced.
 - (5) April 23—Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house.
 - (6) May 7—Last day for policy committees to hear and report to the floor nonfiscal bills introduced in their house.
 - (7) May 14—Last day for policy committees to meet prior to June 1.
 - (8) May 21—Last day for fiscal committees to hear and report to the floor bills introduced in their house.
 - (9) May 21—Last day for fiscal committees to meet prior to June 1.
 - (10) May 28—Last day for each house to pass bills introduced in that house.
 - (11) June 1—Committee meetings may resume.
 - (12) June 25—Last day for policy committees to meet and report bills.
 - (13) Aug. 13—Last day for fiscal committees to meet and report bills.
 - (14) Aug. 16 through Aug. 31—Floor session only. No committee may meet for any purpose.
 - (15) Aug. 31—Last day for each house to pass bills.

(* NOTE: Dates are based on 2003–04 Legislative Calendar, usage and custom.)

(c) If a bill is acted upon in committee before the relevant deadline, and the committee votes to report the bill out with amendments that have not at the time of the vote been prepared by the Legislative

Counsel, the Secretary of the Senate and the Chief Clerk of the Assembly may subsequently receive a report recommending the bill for passage or for rereferral together with the amendments at any time within two legislative days after the deadline.

(d) Notwithstanding subdivisions (a) and (b), a policy committee may report a bill to a fiscal committee on or before the relevant deadline for reporting nonfiscal bills to the floor if, after the policy committee deadline for reporting the bill to fiscal committee, the Legislative Counsel's Digest is changed to indicate reference to fiscal committee.

(e) Any bill in the house of origin that is not acted upon during the odd-numbered year as a result of the deadlines imposed in subdivision (a) may be acted upon when the Legislature reconvenes after the interim study joint recess, or at any time the Legislature is recalled from the interim study joint recess.

(f) The deadlines imposed by this rule do not apply to the rules committees of the respective houses.

(g) The deadlines imposed by this rule do not apply in instances where a bill is referred to committee under Rule 26.5.

(h) The deadlines imposed by this rule do not apply in instances where a bill is referred to a committee under Assembly Rule 77.2.

(i) (1) Notwithstanding subdivisions (a) and (b), a policy committee or fiscal committee may meet for the purpose of hearing and reporting a constitutional amendment, or a bill that would go into immediate effect pursuant to subdivision (c) of Section 8 of Article IV of the California Constitution, at any time other than those periods when no committee may meet for any purpose.

(2) Notwithstanding subdivisions (a) and (b), either house may meet for the purpose of considering and passing a constitutional amendment, or a bill that would go into immediate effect pursuant to subdivision (c) of Section 8 of Article IV of the California Constitution, at any time during the session.

(j) This rule may be suspended as to any particular bill by approval of the Committee on Rules and two-thirds vote of the membership of the house.

Committee Procedure

62. (a) Notice of a hearing on a bill by the committee of first reference in each house, or notice of an informational hearing, shall be published in the file at least four days prior to the hearing. Otherwise, notice shall be published in the file two days prior to the hearing. That notice requirement may be waived by a majority vote of the house in which the bill is being considered. A bill may be set for hearing in a committee only three times. A bill is "set," for purposes of this subdivision, whenever notice of the hearing has been published in the file for one or more days. If a bill is set for hearing, and the committee, on its own initiation and not the author's, postpones the hearing on the bill or adjourns the hearing while testimony is being taken, that hearing shall not be counted as one of the three times a bill may be set. After hearing the bill, the committee may vote on the bill. If the hearing notice in the file specifically indicates that "testimony only" will be taken, that hearing shall not be counted as one of the three times a bill may be set. A committee may not vote on a bill so noticed until it has been heard in accordance with this rule. After a committee has voted on a bill,

reconsideration may be granted only one time. Reconsideration may be granted within 15 legislative days or prior to the interim study joint recess, whichever first occurs. A vote on reconsideration may not be taken without the same notice required to set a bill unless that vote is taken at the same meeting at which the vote to be reconsidered was taken, and the author is present. When a bill fails to get the necessary votes to pass it out of committee, or upon failure to receive reconsideration, it shall be returned to the Chief Clerk of the Assembly or Secretary of the Senate of the house of the committee and may not be considered further during the session.

This subdivision may be suspended with respect to a particular bill by approval of the Committee on Rules and two-thirds vote of the members of the house.

(b) If the committee adopts amendments other than those offered by the author and orders the bill reprinted prior to its further consideration, the hearing shall not be the final time a bill may be set under subdivision (a) of this rule.

(c) When a standing committee takes action on a bill, the vote shall be by roll call vote only. All roll call votes taken by a standing committee shall be recorded by the committee secretary on forms provided by the Chief Clerk of the Assembly and the Secretary of the Senate. The chairman or chairwoman of each standing committee shall promptly transmit a copy of the record of the roll call votes to the Chief Clerk of the Assembly or the Secretary of the Senate, respectively, who shall cause the votes to be published as prescribed by each house.

This subdivision also applies to action of a committee on a subcommittee report. The rules of each house shall prescribe the procedure as to roll call votes on amendments.

Any committee may, with the unanimous consent of the members present, substitute a roll call from a prior bill, provided that the members whose votes are substituted are present at the time of the substitution.

At no time shall a bill be passed out by a committee without a quorum being present.

This subdivision does not apply to:

(1) Procedural motions that do not have the effect of disposing of a bill.

(2) Withdrawal of a bill from a committee calendar at the request of an author.

(3) Return of a bill to the house where the bill has not been voted on by the committee.

(4) The assignment of a bill to committee.

(d) The chairman or chairwoman of the committee hearing a bill may, at any time, order a call of the committee. Upon a request by any member of a committee or the author in person, the chairman or chairwoman shall order the call.

In the absence of a quorum, a majority of the members present may order a quorum call of the committee and compel the attendance of absentees. The chairman or chairwoman shall send the Sergeant at Arms for those members who are absent and not excused by their respective house.

When a call of a committee is ordered by the chairman or chairwoman with respect to a particular bill, he or she shall send the Sergeant at Arms, or any other person to be appointed for that purpose, for those members who have not voted on that particular bill and are not excused.

A quorum call or a call of the committee with respect to a particular bill may be dispensed with by the chairman or chairwoman without objection by any member of the committee, or by a majority of the members present.

If a motion is adopted to adjourn the committee while the committee is operating under a call, the call shall be dispensed with and any pending vote announced.

The committee secretary shall record the votes of members answering a call. The rules of each house may prescribe additional procedures for a call of a committee.

Redistricting Bills

62.5. This rule applies only to bills affecting the boundaries of legislative, congressional, or State Board of Equalization districts.

(a) Except as specifically provided in this rule, Rules 28, 28.1, 29, 29.5, 30, 30.5, 30.7, 61 (except for paragraph (12) of subdivision (a) and paragraph (15) of subdivision (b) of Rule 61), and 62 shall not apply to bills affecting the boundaries of legislative, congressional, or State Board of Equalization districts.

(b) If the Senate (in the case of a Senate bill) or the Assembly (in the case of an Assembly bill) refuses to concur in amendments to a bill made by the other house, a committee on conference shall be appointed. The Speaker of the Assembly and the Senate Committee on Rules shall each appoint a committee on conference of three members, consisting of two members of the majority party and one member not of the majority party. The Secretary of the Senate and the Chief Clerk of the Assembly shall immediately notify the other house of the action taken.

(c) When a bill affecting the boundaries of legislative, congressional, or State Board of Equalization districts has been referred to a committee on conference, the chairman or chairwoman of the committee on conference shall immediately request the Senate Committee on Elections and Reapportionment and the Assembly Committee on Elections, Reapportionment, and Constitutional Amendments to hold a public hearing on the bill. The committee on conference shall also hold a public hearing on the bill. The hearings of the policy committees and the committee on conference may be noticed and held concurrently.

(d) If either or both of the policy committees hold a public hearing on a bill pursuant to the request of the chairman or chairwoman of the committee on conference, the policy committees may consider amendments to the bill, and may make recommendations on amendments to the committee on conference. A policy committee recommendation for an amendment may be adopted only by a roll call vote of the members of the policy committee.

(e) All proposed reports of a committee on conference, all proposed amendments to a proposed report of a committee on conference, and all proposed amendments presented to a policy committee shall be accompanied by appropriate maps. No committee vote may be taken on any proposed report of a committee on conference, any proposed amendment to a proposed report of a committee on conference, or any

proposed amendment presented to a policy committee unless the proposed report or proposed amendment, with accompanying maps, has been available to the public for at least 24 hours. District boundaries contained in any proposed report or any proposed amendment may not be required to be prepared or approved as to form by Legislative Counsel if the accompanying maps adequately reflect the district boundaries.

(f) All hearings of the policy committees and the committee on conference shall be open and readily accessible to the public, and shall be noticed in the Daily File for not less than two calendar days.

(g) The provisions of subdivision (e) prohibiting a committee vote on any proposed report of a committee on conference, any proposed amendment to a proposed report of a committee on conference, or any proposed amendment presented to a policy committee unless the amendment, accompanied by appropriate maps, has been available to the public for at least 24 hours shall not apply in any of the following situations:

(1) The amendment proposed to a policy committee or the committee on conference does not change any district boundaries.

(2) The amendment proposed to a policy committee or the committee on conference is required to correct a technical error in the bill, and the proposed amendment would shift no more than one percent of the population of any district to any other district or districts.

(3) The amendment is a policy committee or committee on conference amendment that is proposed in response to amendments that have been proposed to the committee.

(h) Except as provided in subdivision (i), no vote may be taken in either house on any bill or any report of the committee on conference on that bill unless the bill or the report has been in print in Legislative Counsel form and available to the public, accompanied by appropriate maps, for at least 24 hours.

(i) If either house refuses to adopt the report of the committee on conference, the bill may be returned to the committee on conference for further consideration. If the bill is returned to the committee on conference for an amendment described in paragraph (1) or (2) of subdivision (g), the notice requirements of subdivisions (e) and (h) shall not apply.

(j) Notwithstanding any other rule, this rule may be suspended upon a majority vote of the membership of each house.

Uniform Rules

63. No standing committee of either house may adopt or apply any rule or procedure governing the voting upon bills which is not equally applicable to the bills of both houses.

Votes on Bills

64. Every meeting of each house and standing committee or subcommittee thereof where a vote is to be taken on a bill, or amendments to a bill, shall be public.

Conflicting Rules

65. The provisions of Rule 50 and following of these rules prevail over any conflicting joint rule with a lesser number.

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California State Assembly



Proceedings
in
Joint Convention

STATE OF THE JUDICIARY

Address by

The Honorable Ronald M. George
Chief Justice of California

Assembly Chamber
March 25, 2003

STATE OF THE JUDICIARY
ADDRESS TO THE LEGISLATURE

Delivered By

The Honorable Ronald M. George
Chief Justice of California

Sacramento, California

March 25, 2003

Good afternoon. I would like to thank Senate President pro Tem John Burton and Speaker of the Assembly Herb Wesson for their invitation to speak to you today. Here with me, in addition to my colleagues from the California Supreme Court, are other representatives of the Judicial Branch, including members of the Judicial Council, Chairs of several of the Council's advisory committees, James Herman, President of the State Bar, and members of the Bar staff and the Bench Bar Coalition, and Bill Vickrey, our very able Administrative Director of the Courts, and several key members of his excellent staff from the Administrative Office of the Courts.

This is a critical period in our nation's history. Perhaps as never before, the international crisis has focussed attention on our ability to preserve our freedoms. As our troops are engaged in battle, all of us—including the courts—must ensure that the principles in whose name the men and women in our military are risking their lives remain strong and vibrant. At the same time, the economic crisis facing our state, and the rest of our nation, challenges us to make certain that our judicial system remains able to perform its crucial role in protecting and preserving those freedoms.

The first time I had the opportunity to address a joint session of the Legislature on the state of the judiciary was in May 1996, two weeks after becoming Chief Justice of California. In the less than 7 years since then, with the help and support of the Legislature and two Governors, the judicial branch has undergone an unprecedented transformation.

No longer a loose confederation of 220 local trial courts with different rules and policies, primarily reliant on county funding, and subject to the vagaries of local fiscal health and relationships, the judicial branch is now able to serve the public in a more accountable, effective, efficient, and accessible manner than ever before. A stronger, more focussed statewide system is now able to assist 58 local jurisdictions—one in each county—in providing equal and effective access to justice for individuals in every part of California.

The Judicial Council of California, which I chair as Chief Justice, comprises judges, lawyers, and two legislative representatives—your appointees are Senator Martha Escutia and Assemblymember Ellen Corbett—and is charged by the California Constitution with setting

policy for the statewide administration of justice. The Administrative Office of the Courts is its invaluable staff arm.

Three major reforms have been the key to our transformation to a more cohesive and accountable branch of government—and we are indebted to you and to the executive branch for giving us the tools to make these necessary changes. Seven years ago, it became clear that dramatic action was needed, and all three branches of government have risen to the challenge.

In my first year as Chief Justice, during which I visited the courts in each of California's counties, I twice was forced to ask the Legislature for emergency funding to tide over several individual courts facing imminent closure or the collapse of fundamental services. In 1997, the Legislature enacted a measure shifting the major responsibility for funding the trial courts from the counties to the state, ending a dysfunctional and unstable system of funding that left the trial courts unable to meet the needs of the public.

In 1998, the Legislature placed on the ballot a constitutional amendment, overwhelmingly approved by the voters, that enabled the trial courts to take the next step—unification of the superior and municipal courts into a single level of trial court. In less than 3 years, based upon a county-by-county vote of the judges, the trial courts throughout California merged into a single court in each county.

The third and final piece of this monumental structural reform became a reality last fall when you passed and Governor Davis signed into law the Trial Court Facilities Act of 2002, which started the process of shifting the ownership and management responsibility for California's 451 courthouse facilities from the counties to the State. On behalf of the judicial branch, I want to thank you and the Governor for this vote of confidence in our ability to manage all aspects of the administration of justice in our state.

The change in courthouse ownership is to begin in 2004 and continue for the next several years. This enactment is a key component in enabling the judicial branch to most efficiently manage its resources in administering justice for the people of our state. Senator Escutia is the author of this legislation as well as of this year's Senate Bill 655, which is intended to authorize the issuance of bonds necessary to complete the transition to state ownership and provide needed courthouse improvements in every county.

The judicial branch has taken seriously its stewardship of the resources you have allocated to us. Starting with the budget process in 2001, as California's economic situation became more uncertain, we withdrew \$213 million dollars from our budget request at an early stage.

As the budget crisis deepened during the current fiscal year, we initiated measures to cut expenditures, while attempting to minimize the effect on the services that the courts provide to the public. But already, some of the progress that we have made in expanding access to the courts is beginning to be adversely affected, and future cuts threaten to undo major benefits that have been provided to the public.

Access to justice is being jeopardized and diminished in ways that directly affect individuals who need and deserve court services—especially in the areas of civil and family law. First, let me describe some of the wide array of programs that we have been able to institute during the past few years to assist litigants—particularly unrepresented

litigants who otherwise would be unable to vindicate their legal rights—and to increase the public's understanding of the court system.

The Equal Access Fund, which was created in 1999, annually provides \$10 million in state funding for legal services. Every year, 90 per cent of these funds has been distributed to more than 100 California nonprofit legal services projects engaged in offering free assistance to indigent litigants such as battered spouses, families seeking benefits for disabled children, and elderly victims of fraud. The remaining 10 percent of the fund has been directed to court-based services for unrepresented litigants, developed in partnership with legal aid services. Reductions in this fund will lead to reductions in these essential services.

The savings generated from trial court unification and state funding have resulted in unprecedented experimentation by local courts in programs designed to assist the public. Last month, the annual California Judicial Administration Conference was held, bringing together presiding judges, court executives, and other court leaders to learn about methods of improving court administration—and to inform each other and the Judicial Council about local needs and projects so as to enable us to make better informed decisions for the state as a whole. The conference also served to develop strategies for achieving further efficiencies and cost-savings in our court system during this time of economic crisis.

One of the highlights of this conference is the presentation of awards to courts that have developed innovative and effective programs during the past year. A few examples of these award-winning programs will give you some idea of the breadth of innovation now underway in the judicial branch.

In Nevada County, the court created a public law center to assist self-represented individuals navigate through court procedures in areas including adoption, conservatorship, unlawful detainer, and civil harassment. In Yolo County, the Superior Court joined with the local probation department to create a specialized Juvenile Violence Court. Fifteen juveniles with a history of violence are selected for each session. Their school attendance and behavior are monitored daily, and they are subject to random drug testing and searches for gang-related paraphernalia. They attend anger control classes and peer meetings led by a facilitator, and participate in field trips to the California Youth Authority Diversion/Reality Check Program and to San Quentin's Squires program for youth at risk. Each month they appear in court, where their specially assigned probation officer reports on their progress.

In San Diego, more than 1900 students have attended a collaborative educational program developed by a judge and a local schoolteacher. Students participate in court visits and a mock trial, and learn about the legal system, the courts, and the administration of justice.

Similarly, the California Supreme Court, which traditionally conducts oral argument sessions in San Francisco, Sacramento, and Los Angeles, has engaged in outreach by holding special sessions in other venues around the state. Last October we met in Fresno and arranged to have oral arguments in three particularly interesting cases telecast live to more than 200 high schools up and down the Central Valley. Students were provided with written materials relating to the cases and to the California court system, and local judges and

lawyers served as mentors to guide the ensuing discussion in the classrooms. The court session began with ten students in the courtroom addressing questions about the judicial process to the justices on the bench.

Several of our Courts of Appeal also have ventured out from their usual courtrooms and collaborated with local communities to create in-depth, interactive educational programs. Expanding the walls of the courtroom electronically has provided our young people with an invaluable learning experience.

That same week in Fresno, I was pleased to help dedicate the state's first Spanish language self-help center for self-represented litigants.

We have adopted other systemwide innovations that have improved access to justice, such as the one-day-or-one-trial mode of jury service, which has now been implemented statewide, and has proved very popular with the public—and with me, when I reported for jury duty 3 months ago in Los Angeles. We similarly are making advances in improving the use of technology, adopting uniform rules, and, in consultation with the local courts, exploring how to coordinate administrative services across the state—all as a way to conserve and better allocate resources.

The challenge we share with you is not to squander the advances already made by all three branches of government in promoting the courts' ability to meet the public's needs. Courts rely on the trust and confidence of those they serve in order to function effectively—and we risk undermining the public's faith in our justice system if we cannot provide the services that make our system truly accessible to all. We continue to take measures to enhance public confidence in ways that do not increase the costs to the system, such as my recent adoption of a policy requiring retired judges interested in serving as assigned judges in our courts to abstain from serving as private judges during any year in which they seek assignments.

But in those programs reliant on sufficient court resources, we already are seeing an erosion in some services due to cuts that have been imposed to date. This is not a matter of inconvenience to the courts; it is a matter of depriving individuals of the meaningful access to justice they desperately need.

For example, the closure of Family Law Information Centers, which already has begun in some areas, poses significant risks for victims of violence. A Fresno County woman, the victim of repeated beatings by her husband, was afraid to ask the police for help, because she was not yet a citizen. Through a friend she learned that staff from the Family Law Information Center visited her local community once a week. She sought help, and a lawyer with the program assisted her in completing a petition for a domestic violence restraining order and provided her with information about how to obtain legal status under the Violence Against Women Act. The lawyer also helped her prepare a marital dissolution petition, request child support, and seek custody of her daughter. The services that so helped this woman are no longer available in her county because of budget cutbacks. Imagine the impact on other women in her position who now will have nowhere to turn.

On a single day recently, the Los Angeles Family Law Information Center served 91 individuals, but had to turn away 16 others. Among those who could not be helped was a mother whose 9-year-old child had not been returned by his father after a visit. The mother was unable to

get help in obtaining the emergency order she needed to have her child returned home.

Other individuals in courts such as the Yolo County Superior Court already are suffering delays in obtained domestic violence restraining orders because of cutbacks in court staff and court hours.

Also being curtailed are other basic services for the public, such as court-provided mediators and Court Appointed Special Advocates, whose role is to monitor and advocate for children in the system. And some programs previously available for the indigent are simply likely to be eliminated entirely.

Nor will the effects of cutbacks in court funding be limited to the poor. For example, if the Governor's proposals for the courts, which I shall describe later, are not passed, the complex litigation program will be at risk. This program, now in place in the larger counties in the state, has proved invaluable in effectively and expeditiously handling matters of substantial concern to the business community, as well as to consumers affected by mass torts, complex construction-defect cases, and similar matters.

At the start of the last decade, business leaders cited delays in our court system—delays that kept cases vital to their ability to plan and develop in limbo for years—as a major factor in considering moving their corporate headquarters to other states. Of course they desired a favorable resolution of their cases—but even more importantly, they desired timely resolution of the uncertainty underlying their disputes.

In San Francisco, the complex litigation program annually handles more than 100 of the most complex cases. The active and intense judicial supervision of these matters by a judge intimately familiar with the case from its inception allows key issues to be identified and resolved more quickly, and substantial economies of scale have been realized due to assignment to a single courtroom.

Unfortunately, according to Donna Hitchens, Presiding Judge of the San Francisco court, eliminating the additional funding for the complex litigation program that has been made available to the court, in conjunction with existing and anticipated budget constraints, would leave the court without the resources to continue this highly effective program.

Pilot project complex litigation courts in Contra Costa, Santa Clara, Orange, and Alameda Counties have echoed these accolades and similar concerns. In Los Angeles, Judge Peter Lichtman was assigned a complex case filed against 20 defendants by 250 plaintiffs who were left without annuity funds needed for expensive ongoing medical care.

Through the judge's close, active, and innovative involvement, he was able to help the parties reach a settlement in far less time than the anticipated 5 years it would have taken under regular court procedures. Defunding this important program would send a most unfortunate message to injured plaintiffs as well as businesses interested in ensuring the speedy and effective resolution of their disputes.

In fact, every type of civil and family law case will be affected negatively if budget cuts dig deeper into the heart of our justice system. Two courthouses have been closed in Riverside County, where three facilities described as "full-service" courthouses soon will handle only small claims, traffic, and unlawful detainer cases, thus requiring litigants and jurors to travel far greater distances. In Orange County, night court operations—designed to help working families—have been

reduced from weekly to monthly, starting this month. In Alameda County, courts are closing at 4:30 p.m., and jurors are being sent home early. This may increase the time jurors will have to serve, as well as increase the costs of litigation.

In Riverside County, public service counters are closing at 4 p.m. instead of 5 p.m. Smaller courts have instituted mandatory furloughs for workers, and in Los Angeles some lay-offs already have been implemented and the closure of several courthouses is under consideration.

Every trial court in the state is considering or already implementing similar measures, as well as reducing or eliminating small claims, unlawful detainer proceedings involving landlord-tenant disputes, traffic advisory clinics and self-help centers, and alternative dispute resolution services. Almost every type of court service is under scrutiny and in danger of reduction or elimination—and the burden falls on the public, which increasingly cannot obtain needed services in a timely fashion.

The appellate courts, including the Supreme Court, also are taking actions that may result in significant delays in pending matters. We have notified the Habeas Corpus Resource Center and the Capital Assistance Project—which handle the defense of death penalty cases—that their budgets will be cut as well. After having implemented a broad series of measures over the past several years, both internally and externally, to improve the Supreme Court's ability to attract counsel to handle death penalty cases and to expedite the fair and effective resolution of these matters, we have begun to see concrete progress—all of which may be lost, and delays compounded, if severe funding reductions are made.

The Governor's budget proposal includes a variety of measures to increase revenues and decrease the cost of court operations. For example, he has proposed some modest increases in court fees and the implementation of a security fee—reflecting the reality that our courthouses are no longer safe havens.

Among these cost-saving proposals is implementing electronic court reporting, which presently is used in numerous states across the nation and has proved highly reliable and very cost effective. These changes would require amendment of existing statutes. We have a task force consulting with the court reporters' representatives to see whether we can reach some agreement to implement the Governor's proposal. Our aim is not to eliminate the jobs of existing court reporters, but instead to plan for the future. A combined use of court reporters and electronic reporting can best meet the needs of the judicial system and the public, and the experience of courts in states such as New York, Oregon, Illinois, Florida, Indiana, and Pennsylvania show that such methods not only save money, but can provide transcripts that are at least as accurate, in less time.

Another item in the governor's budget proposal is opening the bidding on courthouse security contracts to all law enforcement agencies. The courts presently are limited by statute to using the services of their local sheriff's department. Although the services provided generally are excellent, the lack of competition has been a factor in the 54 per cent increase in the cost of courthouse security in the five years since the start of state funding. For fiscal year 2003–2004,

security costs are estimated at \$357.8 million, almost 18 per cent of the total projected expenditures for trial court operations.

I personally have met with representatives of the Sheriffs' Association, and we have agreed on creating a task force to consider whether there are ways under the existing framework to modify the relationship between the courts and the sheriffs to achieve substantial savings, while providing adequate security for those who have business or employment in our courthouses.

The Governor also has proposed shifting undesignated fees generated by the courts from the counties to the courts. This is another area in which I, and others in the judicial branch, have begun discussions—in this instance with representatives of the counties.

On another front, the Conference of Chief Justices, of which I am President-elect and which includes the Chief Justices of all the states and territories, last January unanimously passed a resolution urging Congress to adopt a program for Internal Revenue Service interception of federal income tax refunds for persons delinquent in paying court-ordered fines and fees, similar to the intercept used for delinquent child support payments. It is estimated that nationally there is more than \$5 billion in uncollected court fines and fees. In California, improved collection of fines, fees, and forfeitures would provide a substantial source of revenue for the state. But also, as stated in the resolution adopted by the Conference of Chief Justices: “[A]llowing court-ordered penalties, fines, fees, and restitution charges to be willfully ignored diminishes public respect for the rule of law.”

Presently, of course, collections are a county—not a court—function. We intend to continue to work closely with the counties and with court employees to see how we can maximize the benefits of increased collections for all levels of government. A statewide approach clearly has potential benefits to all.

We are sponsoring legislation, currently proposed in a spot bill, SB 246, authored by Senator Escutia, which will be amended to create a statewide system to enhance collection of delinquent court-ordered fines.

Our overall goal is to keep California's courts open not just physically, but also effectively—especially for those who are least able to help themselves and who must rely upon the courts. At the same time, we are striving to avoid placing the impact of the budget reductions primarily on the backs of our employees.

It is particularly difficult for courts to absorb large across-the-board reductions, because so many of their functions are mandated by law. Criminal cases must be timely processed or the courts lose jurisdiction. Our state constitution prohibits the reduction of judicial salaries during a judge's term of office. Security is necessary to protect not just those who work in our courthouses, but also the litigants, lawyers, witnesses, jurors, and public at large. Interpreters, who translate more than 100 languages in our courts, must be provided for those who otherwise cannot participate in the proceedings. Providing counsel for indigent criminal defendants is constitutionally mandated—and that expense alone often constitutes more than 33% of an appellate court's budget. Much of the mandatory work of the courts involves performing a vital public safety function, and courts must devote their resources to

meeting this obligation. As a result, the major impact of budget reductions will fall most harshly on families, children, and civil litigants.

Other charges also affect the courts. Locally negotiated salary adjustments have been unfunded, leaving courts to carve out other parts of their budget to subsidize the cost of employee salaries. Counties have imposed increases for the services they provide to the courts—increases that similarly have not been funded. Workers compensation costs are now borne by our system.

The judicial branch has focussed—from the outset of the recent decline in state revenue—on doing our part to alleviate the state's budgetary woes, and we intend to continue doing so. But we also continue to look to our sister branches of government to ensure that the courts have the resources necessary to fulfill the obligations to the public imposed upon us under the federal and California constitutions.

A strong justice system is essential to a great governmental system. Denying meaningful access to justice deprives those affected of the benefits of a basic cornerstone of our democracy. "With liberty and justice for all" must not become an empty slogan. Working together, our three branches of government have vastly improved the ability of our courts to meet the needs of the public and to provide fair and accessible justice for all. The budget crisis should not and must not be allowed to undermine the public's confidence in the administration of justice in our state—particularly when we have made such extraordinary and valuable progress, and at a time when preserving and promoting the freedoms, values, and rights that are fundamental to our nation are so clearly in the forefront of all our thoughts.

California's judicial system rightfully is considered a leader in the nation. We have achieved that status only with your cooperation, support, and encouragement. I pledge to you the untiring effort of the judicial branch to examine every practice and procedure to see where reductions can be made without critical harm to our core functions. And I look forward to continuing to work with each of you in the same spirit of collaboration and public service that has served us so well in ensuring that Californians can rest confident in the integrity, fairness, and accessibility of the justice system we provide.

Thank you again for this opportunity to speak with you. We will be holding a reception on the lower level of the Capitol rotunda that will begin shortly, and I as well as other representatives of the judicial branch will be there to greet you. I hope that you will join us.

* * *

California State Assembly



Proceedings
in
Joint Convention

STATE OF THE JUDICIARY

Address by

The Honorable Ronald M. George
Chief Justice of California

Assembly Chamber
March 23, 2004

STATE OF THE JUDICIARY ADDRESS

DELIVERED BY

THE HONORABLE RONALD M. GEORGE
CHIEF JUSTICE OF CALIFORNIA

TO A JOINT SESSION OF THE CALIFORNIA LEGISLATURE

Sacramento, California

March 23, 2004

Good afternoon. I would like to thank Senate President pro Tem John Burton and Speaker of the Assembly Fabian Nunez for their invitation to speak to you today. This is the ninth consecutive year I have had the privilege of addressing the Legislature. Joining me here today, in addition to my colleagues from the Supreme Court—all but Justice Marvin Baxter, who is out-of-state, and Justice Joyce Kennard who came down with the flu this afternoon—are other representatives of the Judicial Branch, including members of the Judicial Council—the constitutionally-created policy-making body for the courts—chairs of several of the Council’s advisory committees; Anthony Capozzi, President of the State Bar; and members of the Bar staff and the Bench Bar Coalition. Others here include our outstanding Administrative Director of the Courts, Bill Vickrey, and Chief Deputy, Ron Overholt, and members of the excellent staff of the Administrative Office of the Courts—the Judicial Council’s staff arm.

All of you in this chamber are intensely engaged in the all-consuming task of confronting the financial crisis in which California finds itself today. I know that each of you, together with the Governor, is seeking solutions that will strengthen our state and transform this crisis into something the history books will recognize as effective governance that overcame great fiscal difficulties and took action to ensure similar problems would not recur.

What I hope to do today is highlight the vital but fragile position of the Judicial Branch in the basic infrastructure of government, and the crucial role it plays in serving the people of our state. A strong and independent judicial system is not just another government program—nor is it a luxury to be afforded in good economic times and neglected when the state’s revenues are down.

To understand the significance of a strong and independent judicial system, we need look no further than the United States Supreme Court’s decision in *Brown v. Board of Education*, whose 50th anniversary we celebrate this year. How far we have come since that day when the high court unequivocally held that schools officially segregated by race could not be equal! Celebrations are planned and underway nationwide to provide an opportunity to remember what led to the decision, and to consider its continuing impact on our nation. Events in our San Francisco judicial headquarters start on April 27, and statewide court events will culminate in a day-long symposium to be held here in

Sacramento, on May 17. The legacy of the momentous decision in *Brown v. Board of Education* should remind us of what it would be like to have a court system in which basic civil rights issues cannot be decided. That is not unthinkable. If resources are scarce, they first must go to criminal cases, which take precedence, and not enough may remain for courts to process the civil docket.

Drastic reductions in resources require courts to ration their services among those who need them. Some who look to the court system in order to vindicate their rights simply will have to look elsewhere—but for most there will be nowhere else to go. Government without a functioning judicial system is not government as we know it, nor is it the type of government that the public expects and deserves. Our nation and our state were founded on the basic principle of liberty and justice for all. That principle cannot be realized if our courts cannot function and provide fair and accessible justice.

California's court system—the largest in the nation, with more than 1600 judges, several hundred subordinate judicial officers, and about 19,000 court employees—has been working hard to meet its basic obligations to the public and to our sister branches of government. We are continuing to do our part in reducing expenditures wherever possible. Already, however, reductions in court budgets have adversely affected the lives of many Californians and threaten to render the administration of justice uneven and inadequate across our state.

Additional reductions and continued uncertainty about the long-term financial stability of our judicial system will negatively affect public safety. Other consequences will fall with particular weight on many of the most vulnerable members of society. Curtailing the services provided by the courts may be reflected as savings on an account ledger. But such savings will be illusory, because if court services shrink, the financial demands placed on the Legislature and the Executive Branch will expand for funding prisons, health and social services, and business development. In short, cutting the courts now will result in greater costs to government later.

An underfunded judicial system also will impede our state's economic recovery. If civil cases cannot be resolved in a reasonable time, or if court services decline so that public safety and security suffer, business establishments and individuals simply will go elsewhere.

We look to you and to the Executive Branch to provide us with the resources essential to carry out our constitutional responsibilities, just as our sister branches continue to fulfill theirs.

During the past several years, key structural reforms have allowed courts to function far more effectively despite persistent fiscal shortfalls and reductions. These changes have been made possible only through the cooperation and shared commitment of all three branches of government.

First, with your leadership and help, we ended a hybrid structure of mixed county and state funding. It had resulted in reduced court services, courts on the verge of shutting down, and growing inequities in the administration of justice from county to county. Since funding for the courts was made a state responsibility in 1997, reflecting the fundamental obligation of state government to provide equal justice for all, our entire branch has been better able to manage the resources you

provide us. We have been able to plan for the future, equalize the administration of justice statewide, and offer the services needed to meet the basic and critical needs of the public.

Secondly, in 1998, the state's voters adopted a constitutional amendment that permitted our two-tiered trial court system to unify into a single level, merging 220 trial courts into 58—one in each county. This restructuring has provided courts with unprecedented flexibility to make the best use of existing judicial and administrative resources.

Due in large part to the benefits realized from these structural reforms, courts largely have been able to weather the ups and downs in California's economy. Funding for the courts never has reached the level of demonstrated need. Nevertheless, our system has managed to function adequately until recently by coordinating functions, actively engaging in planning, and implementing greater fiscal accountability for the components of our judicial system.

Despite our hard work, and our commitment to retain employees in order to keep our courts open, the strain on our judicial system caused by inadequate resources already has begun to adversely affect public safety, families, and self-represented litigants, as well as the stable court environment needed to create confidence in the business sector.

On the positive side, we have been encouraged by the recent and ongoing supportive actions undertaken by the leadership of both houses of the Legislature and by individual legislators, such as Senators Joe Dunn and Dick Ackerman, who have reached across the aisle to find solutions. They, along with Senators Martha Escutia, Denise Ducheny, and Sheila Kuehl, have been active participants in recent informative, statewide hearings that have highlighted the needs of the courts and the public. In the Assembly, Members Darrell Steinberg and Ellen Corbett have also been at the forefront of the efforts to address our concerns.

Existing and threatened reductions will destroy the powerful momentum that has greatly enhanced the judicial system's ability to provide meaningful access to justice for all Californians. Let me offer a few examples of recent accomplishments. Jury reform has been a major goal, focusing on improving the participation of all who qualify, and making their contributions less onerous and more meaningful. The change to one-day-or-one-trial jury service, as opposed to sitting in the jury assembly room for up to two weeks, has been a great success.

Just last fall, the Judicial Council adopted a two-volume set containing hundreds of plain-English instructions developed over the last several years by the Council's Task Force on Jury Instructions. Used by judges in California's courtrooms to instruct jurors on the law in civil cases, they have been made available free of charge on the judicial branch's website. A set of instructions for criminal trials should be ready in about 2 years.

By the way, this project already has won a national award, the Burton Award for plain English writing. I hasten to stress that this award is not named after the Senate President pro Tem—our jury instructions do not employ the type of plain English that he sometimes favors.

In a parallel effort, the redrafting of the California Rules of Court, the first such comprehensive revision since the 1930's, is well underway—a project led by a committee chaired by my colleague, Justice Joyce Kennard.

Statewide, we continue to work to improve the collection of fines, fees, and penalties imposed by the courts—not merely to increase

revenue to the state, but just as importantly to enhance respect for the rule of law. We are studying current court practices and working with the counties on this matter, in order to develop more consistent and effective approaches. This is part of a national effort I am leading as President of the Conference of Chief Justices.

Last fall, the Center for Families, Children and the Courts, a division of our Administrative Office of the Courts, held the largest-ever statewide conference for individuals engaged in the juvenile court system—judges, attorneys, court staff, social services workers, probation officers, and others. It attracted some 1300 attendees to an unprecedented informational and educational convocation aimed at improving programs, services, and proceedings in the juvenile justice system.

We also continue to better integrate the use of technology in the courts. Resource limitations, however, have slowed down our ability to bring the archaic, incompatible systems scattered across 58 counties at more than 450 courthouse sites up to reasonable performance levels and to enable them to communicate with each other, with the Administrative Office of the Courts, and with other justice-related agencies in state and local government.

This is a time of extraordinary challenges to the administration of justice in California. Our society has undergone vast changes. Today, more than 100 languages are translated in our courtrooms. In many courts, more than 80% of those seeking a divorce do not have an attorney. More than 90% of those seeking domestic violence restraining orders appear in court without legal representation, and the same percentage applies to tenants in landlord-tenant disputes. And cases spanning multiple jurisdictions with classes of hundreds, if not thousands, of parties now are a common sight in our metropolitan courts.

In response to these challenges, positive changes have flourished in courthouses and communities up and down the State of California. Through your appropriations creating the Equal Access Fund, an unprecedented array of resources has become available to assist self-represented litigants. Family law facilitators and legal aid assistance in the courthouses are there to help these individuals cope with the unfamiliar world of legal documents. Self-help kiosks in courthouse hallways provide step-by-step guidance in filling out forms. Workshops led by legal services lawyers and supervised volunteers enable litigants to navigate child support, landlord tenant, guardianship, and small claims matters. And the complex litigation pilot project in six courts has proved very successful.

There have been millions of hits on the court system's website, which offers a wide assortment of resources and information in English and Spanish—with translations of some portions in Chinese, Korean, and Vietnamese—as well as all California appellate opinions dating back to the first days of California's statehood.

In Fresno, where 44 percent of the total population is Hispanic, the superior court created the first self-help center targeted specifically at the Spanish-speaking community. The center provides instructions, document review, and family law clinics using a very successful volunteer interpreter program that has led to the certification of several new court interpreters.

In Yolo County, the Unified Family Court established a guardianship facilitation and outreach program that provides assistance to grandparents and others seeking guardianships. Since 1999, when the program began, petitions for guardianship have increased by 100%. Children and caregivers have been assisted in establishing more permanent relationships, and the county no longer needs to follow through with as many dependency proceedings—proceedings that are very expensive to the system and often traumatic to the children involved.

In Orange County, a partnership between the Superior Court and the Legal Aid Society resulted in I-CAN, the Interactive Community Assistance Network. Web-based legal services and interactive kiosks assist self-represented litigants speaking several languages in creating proper pleadings and completing legal forms. And in Sacramento County, efforts undertaken by the court now enable some 40% of small claims cases to be filed entirely online.

These programs represent only a tiny sampling of the recent innovations undertaken by our courts. For a relatively small investment up front, projects such as these offer tremendous dividends not only in dollars saved in the future, but in bettering the lives of those affected and in strengthening the public's confidence in the rule of law. Nevertheless, although the judicial system persists in efforts to provide meaningful access to the courts, we are finding that many useful programs are being curtailed and are in immediate jeopardy of being eliminated entirely, because of cuts already imposed or reductions proposed for the coming fiscal year.

The consequences of such underfunding also extend to core court functions that directly affect public safety. For example, the Vallejo and Fairfield branches of the Solano Superior Court have a backlog of some 7600 felony and misdemeanor cases that need to be updated in the case management system and reported to the California Department of Justice and the Department of Motor Vehicles. These backlogged cases date back to the first half of 2003. In Monterey County, it is not uncommon to have delays of 4 to 6 months in processing requests by the District Attorney's Office for copies of prior-conviction records needed for making charging decisions under the Three Strikes Law and driving-while-under-the-influence laws.

In fact, courts in every part of the state report delays in processing criminal conviction information and in transmitting reports on convictions, warrants, and warrant clearances to the Department of Justice and D.M.V. As a result, court processing is delayed when a case returns for post-judgment action, such as a probation violation. In Ventura County, arrest warrants are taking twice as long to process, impacting public safety. Prosecutors and defense counsel cannot obtain current information on defendants who are before the court. In short, incorrect or incomplete information increases the danger to the public. And individuals who have cleared outstanding warrants risk being stopped, arrested, and having their vehicles impounded because of stale information.

Courthouse security also has been affected; in Stanislaus County, for example, the armed security force has been reduced by three full-time deputies at a time when the number of trials for violent crimes has increased.

The basic ability of courts to remain open for the people's business is being weakened by chronic underfunding. In Riverside, 3 court locations have been closed. In Los Angeles, 29 courtrooms already have been shut down. "Flexible Fridays," a program instituted in some courts to encourage government attorneys to take off one Friday a month without pay, has saved significant amounts—but as one observer noted, "The workload on Fridays doesn't go away, it just gets pushed off to other days."

To provide you with some context for the crucial role played by the courts in the lives of the public, I note that, according to Presiding Judge Robert Dukes of the Los Angeles Superior Court, out of the twelve million residents of Los Angeles County, one out of every two comes through the doors of at least one of the dozens of courthouses of the Los Angeles County Superior Court every year as a litigant, a lawyer, a witness, a juror, a member of the public seeking information, or an employee. What other public service or facility is used to such an extraordinary degree?

Some courts have shortened the public hours of clerk's offices, making it harder for individuals to file documents or obtain information. Some pressing matters are delayed—including potential life-saving measures such as obtaining a domestic violence or other restraining order—because long waits for service by court users, at times extending for days, have become common. Layoffs and staff furloughs mean fewer people available to respond to inquiries at the desk or by telephone. In some court locations, it has become almost impossible to get through by telephone.

In Riverside County, budget cuts already have doubled the time it takes to obtain a family law mediation appointment—a critical step in resolving custody and other disputes—from 45 days to 90 days following the initial filing. As a result, complaints about service delays and their impact have quadrupled, and the already over-burdened mediation supervisor ironically now must spend almost a quarter of each week dealing with these complaints.

Cut-backs in programs designed to assist self-represented litigants may help courts absorb funding cuts in the short-term, but these reductions result in greater demands on staff and judicial time, because documents are not filled out correctly and litigants do not understand their rights and cannot locate the basic information needed to expeditiously file and process their cases.

In Santa Cruz, night traffic court is being cancelled until the end of the fiscal year. In Monterey, the court attorney specializing in domestic violence cases is unable to process documents in a timely manner because of a reduction in clerical staff—resulting not only in delays, but also in the issuance of conflicting orders concerning children.

In Ventura County, the Superior Court's Self-Help Legal Access Centers have had to cut-back on community outreach services that use their mobile van Self-Help Center, due to the increased cost of fuel, maintenance, and staffing.

Collaborative justice courts, focusing on less serious drug offenses, mental health, domestic violence, and juvenile matters, have been remarkably successful at turning around lives. Fifty-six out of our fifty-eight counties have created some 250 collaborative justice courts that have proved to be a highly effective tool. They change the offender for the better and dramatically reduce the prospects of his or her return

to court on new charges—while protecting society by making communities safer, and reducing expenditures for hospitals, jails, and prisons. The drug court graduations I have attended are invariably inspiring. They feature individuals who have made a new start, forsaking drugs and crime in favor of education, gainful employment, and reunited families. But collaborative justice courts already are being cut back in some counties, and further reductions are expected.

In Riverside County, it is estimated that about 80 percent of the juvenile law matters involve a family in which at least one parent abuses drugs or alcohol. The juvenile dependency and family law drug courts focus on reunifying families. Already, however, there is a 3- to 6-month wait to enter a drug court treatment program. Children who cannot be reunited with substance-abusing parents must be placed in care outside the home—costing approximately \$5,300 a month. That same sum of money would support a parent's participation for an entire year in drug court and related treatment programs. I cannot emphasize too strongly how firmly I believe that further cuts to our courts will not achieve net savings—instead, they will increase the overall costs for our society.

The difference made by this type of program is perhaps best summed up by the young girl who—at a 4th of July party last year—approached a judge in Butte County, who had presided over a collaborative justice court proceeding, to tell him: “Thanks for giving me my mom back.”

The consequences of inadequate funding are there for all to see in many courthouses across the state. Additional cuts will strike at the heart of an effective justice system—not to mention the burden on court operations from increases in costs over which the courts have little or no control, such as courthouse security and employee salaries.

Further slowdowns in processing criminal judgments and warrants create not only confusion—they increase the danger faced by the public. Inadequate funding for drug courts and treatment services will shift costs to the prison and social services systems, as individuals fail to obtain the help they need and they and their families suffer the consequences. Civil litigants—including firms doing business in California—will be confronted with increasingly scarce court services, complicating and delaying the resolution of their disputes.

Courts facing current financial difficulties are contemplating shutting down civil courtrooms for part of each week—if not for part of the year. Some courts already have shortened the end of the court day from 5 p.m. to 4 p.m., or are shutting down entirely for a half day or whole day each week. There will be further delays in the courts as unrepresented litigants struggle to master the legal process without the special programs designed to assist them in vindicating their rights. Already, because of shorter and skipped court days, trials are interrupted and spread over more days and weeks, causing greater inconvenience and cost to jurors, witnesses, lawyers, and litigants—in addition to diminishing the quality of the justice that is rendered.

Courts cannot control the number of cases filed. They cannot reach out to the public at large to collect fees to support their operations. Collecting fees, fines, and penalties cannot be the only answer or even the primary answer. Courts cannot and should not be expected to be financially self-sufficient. Funding contingent upon the imposition and collection of fees, fines, and penalties would place courts in an untenable position—their existence would become dependent upon their willingness to impose and collect financial penalties, and access to

justice would suffer. The cost of a functioning justice system should be paid by everyone, not simply by direct users—all of us benefit from the fair, accessible, and efficient administration of justice.

One measure of a society is its ability to ensure public order and security while protecting the rights of the individual, no matter how weak or powerful. Courts stand at the forefront of this endeavor. If we abandon the goal of accessible justice for all, we surrender not only our court system, but one of the most fundamental compacts of our democratic system of government.

Yours is not an easy task. I know there are many competing demands that you must balance and measure. But together, the legislative and judicial branches have an exemplary track record of achievements that have made a tremendous and beneficial difference in the welfare of our state, in the stability of our government, and in the lives of California's residents. It would truly be tragic—and far more expensive in every sense—if that record of achievements were to be obliterated.

On behalf of our court system, I pledge to continue to work with you in this endeavor, and to vigorously maintain our efforts to serve the public in a responsible, accountable, and effective manner.

And now, I would like to invite you to join me and other leaders of the Judicial Branch at a reception that will begin in a few minutes on the lower level of the Capitol rotunda.

Thank you again for this opportunity to speak with you. I look forward to our mutual efforts on behalf of the administration of justice in the years ahead.

* * *

Volume 6

Journal of the Assembly

Legislature of the State of California
2003–04 First Extraordinary Session
December 9, 2002 to July 29, 2003



HON. HERB J. WESSON, JR.
Speaker

HON. CHRISTINE KEHOE
Speaker pro Tempore

HON. MARCO FIREBAUGH
Majority Floor Leader

HON. WILMA CHAN
Majority Leader

HON. LELAND Y. YEE
Assistant Speaker pro Tempore

HON. DAVE COX
Republican Leader

E. DOTSON WILSON
Chief Clerk of the Assembly

PAM CAVILEER
Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, December 9, 2002

FIRST SESSION DAY

FIRST CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, December 9, 2002

At 1:11 p.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Gray Davis, Governor of the State of California, dated December 3, 2002, convening the Legislature of the State of California on this day in extraordinary session.

In conformity with Government Code Section 9150, the following officers for the 2003–04 Regular Session were present and performing their respective duties: E. Dotson Wilson, Chief Clerk, Pam Cavileer, Minute Clerk, and Ronald E. Pane, Chief Sergeant-at-Arms.

Christine Kehoe, Speaker pro Tempore of the Assembly for the 2003–04 Regular Session, presiding.

Assistant Clerk Brian Ebbert, reading.

ROLL CALL

The roll was called and the following answered to their names—78:

Aghazarian	Dutton	Levine	Pavley
Bates	Dymally	Lieber	Plescia
Benoit	Firebaugh	Liu	Reyes
Berg	Frommer	Longville	Richman
Bermudez	Garcia	Lowenthal	Ridley-Thomas
Bogh	Goldberg	Maddox	Runner
Calderon	Hancock	Maldonado	Salinas
Campbell	Harman	Matthews	Samuelian
Canciamilla	Horton, Jerome	Maze	Simitian
Chan	Horton, Shirley	McCarthy	Spitzer
Chavez	Houston	Montanez	Steinberg
Chu	Jackson	Mountjoy	Strickland
Cogdill	Keene	Mullin	Vargas
Cohn	Kehoe	Nakanishi	Wiggins
Corbett	Koretz	Nakano	Wolk
Correa	La Malfa	Nation	Wyland
Cox	La Suer	Negrete McLeod	Yee
Daucher	Laird	Nunez	Mr. Speaker
Diaz	Leno	Pacheco	
Dutra	Leslie	Parra	

PRAYER

Upon invitation of Speaker pro Tempore Kehoe the following prayer was offered by Rev. Constantine C. Pappademos, Chaplain of the Assembly for the 2003–04 Regular Session:

Lord, We gather this first day of the Special Session and we pray to You. Guide our hearts and our minds to do Your will in our deliberations and lead us to decisions that prove us to be good stewards of the responsibility entrusted to us by the people of this great state. In all we do let our hearts always turn to You, since denial of Your existence will inevitably lead to a contempt for humanity. We glorify Your holy name, O Lord, and we ask for Your blessing.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Montanez then led the Assembly in the pledge of allegiance to the Flag.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Member Haynes.

Because of illness: Assembly Member Oropeza.

(NOTE: For explanation of absence of Assembly Member Haynes on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

December 4, 2002

E. Dotson Wilson

Chief Clerk

State Capitol, Room 3196

Sacramento, California

Dear Mr. Wilson: This letter is to state for the record that I choose to waive my per diem for the 2003–04 legislative session.

Thank you for your assistance.

Sincerely,

DARRELL STEINBERG, Assembly Member
Ninth District

PROCLAMATION OF THE GOVERNOR

Speaker pro Tempore Kehoe directed the Clerk to read the following Proclamation of the Governor convening the Legislature in extraordinary session:

PROCLAMATION

by the

Governor of the State of California

WHEREAS, an extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in special session; and

WHEREAS, the national and State economies have recovered very little from the recession of 2001; and

WHEREAS, the State's high tech sector has seen almost no signs of increased demand for its products and services; and

WHEREAS, the economies of the State's major trading partners continue to struggle, and thus demand for California-made goods and services is weak abroad; and

WHEREAS, the continuing decline in the stock market will further reduce personal income tax receipts from capital gains and stock options; and

WHEREAS, the expected economic recovery from the national recession has not materialized as anticipated, thus reducing personal income tax, sales tax, and corporation tax revenues; and

WHEREAS, on January 8, 2002 the Legislature was convened to meet in extraordinary session to make General Fund spending reductions in the 2001–02 fiscal year; and

WHEREAS, the Legislative Analyst's Office and the Department of Finance are now projecting a budget shortfall exceeding \$21 billion over the 2002–03 and 2003–04 fiscal years; and

WHEREAS, California's local, public, health care delivery systems face operating deficits now and in the future;

NOW, THEREFORE, I GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by Section 3(b) Article IV of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in special session at Sacramento, California, on the 9th day of December, 2002, at a time appointed by each house of the Legislature of said day for the following purpose:

1. To consider and act upon legislation to reduce General Fund expenditures and take other actions as necessary to address the budget shortfall.
2. To consider and act upon legislation to reorganize and consolidate state operations.

3. To consider and act upon legislation related to protecting access to services in local, public, health care delivery systems.

IN WITNESS WHEREOF, I have hereunto set my hand
and caused the Great Seal of the State of California
to be affixed this 3rd day of December 2002.



GRAY DAVIS
Governor of California

ATTEST:

BILL JONES
Secretary of State

ELECTION OF SPEAKER

Assembly Member Firebaugh moved that the unanimous consent vote on December 2, 2002, electing Assembly Member Herb J. Wesson, Jr. to the Office of Speaker of the Assembly for the 2003–04 Regular Session, and the Oath of Office administered (Assembly Journal, Page 7), be substituted in the 2003–04 First Extraordinary Session.

Assembly Member Chan seconded the motion.

Motion carried.

OATH OF OFFICE

The following oath of office was administered to Speaker-elect Herb J. Wesson, Jr., on Monday, December 2, 2002 by the Honorable Willie L. Brown, Jr., Mayor of San Francisco:

OATH

for the Office of Speaker of the Assembly

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

ADOPTION OF STANDING RULES

Assembly Member Firebaugh was granted unanimous consent that the Standing Rules of the Assembly for the 2003–04 Regular Session be adopted as the Standing Rules of the Assembly for the 2003–04 First Extraordinary Session.

(NOTE: For text of Assembly Standing Rules, see Assembly Journal for December 2, 2002 for the Regular Session, page 9; for roll call vote of 66–1, see page 52.)

**FIREBAUGH MOTION RELATIVE TO
ORGANIZATION OF THE ASSEMBLY**

Assembly Member Firebaugh moved that House Resolution No. 3 in the 2003–04 Regular Session, relative to payment of Members, officers, and attaches of the Assembly; and distribution of Assembly Weekly Histories be substituted in the 2003–04 First Extraordinary Session.

Motion carried by unanimous consent.

ELECTION OF OFFICERS OF THE ASSEMBLY

Assembly Member Firebaugh moved that the following officers of the Assembly for the 2003–04 Regular Session be deemed elected in the 2003–04 First Extraordinary Session and that the roll call vote and oaths of office taken on December 2, 2002 be substituted: E. Dotson Wilson, Chief Clerk; Ronald E. Pane, Chief Sergeant at Arms, Father Constantine C. Pappademos, Chaplain; Rev. Ivan L. Williams, Sr., Alternate Chaplain.

Assembly Member Chan seconded the motion.

Motion carried and the following vote substituted:

AYES—78

Aghazarian	Dutton	Levine	Pavley
Bates	Dymally	Lieber	Plescia
Benoit	Firebaugh	Liu	Reyes
Berg	Frommer	Longville	Richman
Bermudez	Garcia	Lowenthal	Ridley-Thomas
Bogh	Goldberg	Maddox	Runner
Calderon	Hancock	Maldonado	Salinas
Campbell	Harman	Matthews	Samuelian
Canciamilla	Horton, Jerome	Maze	Simitian
Chan	Horton, Shirley	McCarthy	Spitzer
Chavez	Houston	Montanez	Steinberg
Chu	Jackson	Mountjoy	Strickland
Cogdill	Keene	Mullin	Vargas
Cohn	Kehoe	Nakanishi	Wiggins
Corbett	Koretz	Nakano	Wolk
Correa	La Malfa	Nation	Wyland
Cox	La Suer	Negrete McLeod	Yee
Daucher	Laird	Nunez	Mr. Speaker
Diaz	Leno	Pacheco	
Dutra	Leslie	Parra	

NOES—None

(NOTE: Assembly Members Haynes and Oropeza were present when the above vote was taken on December 2, 2002, but are excused on this day.)

OATH OF OFFICE

The following oath of office was administered to Chief Clerk-elect E. Dotson Wilson, Chief Sergeant-at-Arms-elect Ronald E. Pane, Chaplain-elect Rev. Constantine C. Pappademos, and Alternate Chaplain-elect Rev. Ivan L. Williams, Sr. on Monday, December 2, 2002, by the Honorable Joyce L. Kennard, Associate Justice of the Supreme Court of California:

OATH

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

At 1:16 p.m., Hon. Herb Wesson, Speaker of the Assembly, presiding

MOTION TO ADJOURN

At 1:20 p.m., Assembly Member Firebaugh moved that the Assembly do now adjourn.

Assembly Member Mountjoy seconded the motion.

REMARKS ON CONDITION OF THE FILE

Assembly Member Cox arose to speak on the condition of the file.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member Firebaugh that the Assembly adjourn.

Motion carried.

COMMUNICATIONS

The following communication was presented by the Speaker and ordered printed in the Journal:

December 9, 2002

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

Dear Dotson: This is to advise you that I have appointed the following Democratic Leadership for the 2003–04 First Extraordinary Session, consistent with the Regular Session:

Speaker pro Tempore	Hon. Christine Kehoe
Assistant Speaker pro Tempore	Hon. Leland Yee
Majority Floor Leader	Hon. Marco Firebaugh
Majority Leader	Hon. Wilma Chan
Majority Whip	Hon. Fabian Nunez
Democratic Caucus Chair	Hon. George Nakano
Rules Committee Chair	Hon. Joe Nation

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

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

November 8, 2002

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

Dear Mr. Wilson: The Members of the Assembly Republican Caucus, in a meeting yesterday, have selected Assembly Member Dave Cox to serve as the Assembly Republican Leader for the upcoming 2003–2004 legislative session.

Additionally, I have been selected by my colleagues as the Assembly Republican Caucus Chairman and the Second Ranking Republican Leader. Both of these selections are effective immediately.

Thank you in advance for your assistance. If you have any questions, please contact the Republican Leader's office at 319-2005.

Sincerely,

TONY STRICKLAND
Assembly Republican Caucus Chairman

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Firebaugh the Assembly adjourned until 12 noon, Monday, January 6, 2003.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 1

ORGANIZATIONAL RECESS

Assembly Chamber, Sacramento
Tuesday, December 10, 2002

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the First Extraordinary Session was printed while the Assembly was in Organizational Recess.

COMMUNICATIONS

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

December 10, 2002

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

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Rules Committee for the 2003–04 First Extraordinary Session:

Assemblymember Joe Nation, Chair
Assemblymember Dave Cogdill, Vice Chair
Assemblymember John Benoit
Assemblymember Ron Calderon
Assemblymember Judy Chu
Assemblymember Mervyn Dymally
Assemblymember Tim Leslie
Assemblymember Cindy Montanez
Assemblymember Loni Hancock, Democratic Alternate
Assemblymember Lynn Daucher, Republican Alternate

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

December 10, 2002

E. Dotson Wilson

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

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Budget Committee for the 2003–04 First Extraordinary Session:

Assemblymember Jenny Oropeza, Chair
Assemblymember John Campbell, Vice Chair
Assemblymember Patricia Bates
Assemblymember John Benoit
Assemblymember Rudy Bermudez
Assemblymember Joe Canciamilla
Assemblymember Wilma Chan
Assemblymember Judy Chu
Assemblymember Dave Cogdill
Assemblymember Lynn Daucher
Assemblymember Manny Diaz
Assemblymember John Dutra
Assemblymember Mervyn Dymally
Assemblymember Dario Frommer
Assemblymember Jackie Goldberg
Assemblymember Tom Harman
Assemblymember Ray Haynes
Assemblymember Hannah-Beth Jackson
Assemblymember Rick Keene
Assemblymember Lloyd Levine
Assemblymember Carol Liu
Assemblymember Bill Maze
Assemblymember Kevin McCarthy
Assemblymember Cindy Montanez
Assemblymember George Nakano
Assemblymember Robert Pacheco
Assemblymember Fran Pavley
Assemblymember Sarah Reyes
Assemblymember Sharon Runner
Assemblymember Joe Simitian
Assemblymember Lois Wolk

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

December 10, 2002

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

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Budget Subcommittee #1—Health and Human Services for the 2003–04 First Extraordinary Session:

Assemblymember Judy Chu, Chair
Assemblymember Mervyn Dymally
Assemblymember Dario Frommer
Assemblymember Ray Haynes
Assemblymember Robert Pacheco

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

December 10, 2002

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

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Budget Subcommittee #2—Education Finance for the 2003–04 First Extraordinary Session:

Assemblymember Joe Simitian, Chair
Assemblymember Wilma Chan
Assemblymember Lynn Daucher
Assemblymember Jackie Goldberg
Assemblymember Carol Liu
Assemblymember Sharon Runner

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

December 10, 2002

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

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Budget Subcommittee #3—Resources for the 2003–04 First Extraordinary Session:

Assemblymember Fran Pavley, Chair
Assemblymember Joe Canciamilla
Assemblymember Tom Harman
Assemblymember Hannah-Beth Jackson
Assemblymember Bill Maze
Assemblymember Kevin McCarthy
Assemblymember Cindy Montanez
Assemblymember Lois Wolk

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

December 10, 2002

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

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Budget Subcommittee #4—State Administration for the 2003–04 First Extraordinary Session:

Assemblymember Rudy Bermudez, Chair
Assemblymember Dave Cogdill
Assemblymember Rick Keene
Assemblymember George Nakano
Assemblymember Sarah Reyes

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

December 10, 2002

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

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Budget Subcommittee #5—Information Technology/Transportation for the 2003–04 First Extraordinary Session:

Assemblymember Manny Diaz, Chair
Assemblymember Patricia Bates
Assemblymember John Benoit
Assemblymember John Dutra
Assemblymember Lloyd Levine

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, January 6, 2003
SECOND SESSION DAY
TWENTY-NINTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, January 6, 2003

The Assembly met at 11 a.m., without objection.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Brian Ebbert reading.

ROLL CALL

The following were placed upon the morning roll call—76:

Aghazarian	Dutra	Leslie	Pacheco
Bates	Dutton	Levine	Parra
Benoit	Dymally	Lieber	Pavley
Berg	Firebaugh	Liu	Plescia
Bermudez	Frommer	Longville	Reyes
Bogh	Garcia	Lowenthal	Richman
Calderon	Goldberg	Maddox	Ridley-Thomas
Campbell	Hancock	Maldonado	Runner
Canciamilla	Harman	Matthews	Salinas
Chan	Haynes	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	La Malfa	Nakano	Wiggins
Cox	La Suer	Nation	Wolk
Daucher	Laird	Negrete McLeod	Wyland
Diaz	Leno	Oropeza	Yee

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Member Wesson.

Because of illness: Assembly Members Jerome E. Horton and Koretz.

Because of travel delays: Assembly Member Nunez.

(NOTE: For explanation of absence of Assembly Member Wesson on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

MESSAGES FROM THE SENATE

Senate Chamber, December 9, 2002

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

Senate Concurrent Resolution No. 1

GREGORY P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 1—Relative to the Joint Rules for the 2003–04 First Extraordinary Session.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 1—**Daucher (Coauthor: Bates)**. An act to add and repeal Chapter 5 (commencing with Section 35800) and Chapter 6 (commencing with Section 35900) to Part 21 of the Education Code, relating to education.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

CHRISTINE KEHOE, Speaker pro Tempore

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, January 13, 2003

THIRD SESSION DAY

THIRTY-SIXTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, January 13, 2003

The Assembly met at 12:09 p.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—78:

Aghazarian	Dymally	Lieber	Pavley
Bates	Firebaugh	Liu	Plescia
Benoit	Frommer	Longville	Reyes
Berg	Garcia	Lowenthal	Richman
Bermudez	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Maldonado	Runner
Calderon	Harman	Matthews	Salinas
Campbell	Haynes	Maze	Samuelian
Canciamilla	Horton, Shirley	McCarthy	Simutian
Chan	Houston	Montanez	Spitzer
Chavez	Jackson	Mountjoy	Steinberg
Chu	Keene	Mullin	Strickland
Cogdill	Kehoe	Nakanishi	Vargas
Cohn	Koretz	Nakano	Wiggins
Corbett	La Malfa	Nation	Wolk
Correa	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	
Dutton	Levine	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Member Jerome E. Horton.

Because of illness: Assembly Member Cox.

(NOTE: For explanation of absence of Assembly Member Jerome E. Horton on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

January 7, 2003

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

Dear Mr. Wilson: This letter is to confirm the appointment of the following Members to the following Caucus positions whom have served and will serve as such in the First Extraordinary Session.

Tony Strickland, Caucus Chair
John Campbell, Assistant Republican Leader
Patricia Bates, Assistant Republican Leader
Dave Cogdill, Assistant Republican Leader
Bill Maze, Assistant Republican Leader
Guy Houston, Assistant Republican Leader
Bonnie Garcia, Assistant Republican Leader
Russ Bogh, Assistant Republican Leader
Tom Harman, Assistant Republican Leader
Keith Richman, Assistant Republican Leader
Lynn Daucher, Assistant Republican Leader
Robert Pacheco, Assistant Republican Leader
Ray Haynes, Assistant Republican Leader
Ken Maddox, Assistant Republican Leader
Sharon Runner, Assistant Republican Leader
Shirley Horton, Assistant Republican Leader
George Plescia, Whip
Mark Wyland, Whip
Kevin McCarthy, Whip
Rick Keene, Whip

Thank you for your consideration in this matter. Please contact Kevin Bassett in my office at 319-2005 if you have any questions.

Sincerely,

DAVE COX
Assembly Republican Leader

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 2—Bogh. An act to add Section 1231.3 to the Government Code, relating to public employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 16, 2003
FOURTH SESSION DAY
THIRTY-NINTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 16, 2003

The Assembly met at 8:41 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Brian Ebbert reading.

ROLL CALL

The following were placed upon the morning roll call—76:

Aghazarian	Dymally	Levine	Parra
Bates	Firebaugh	Lieber	Pavley
Benoit	Frommer	Liu	Plescia
Berg	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maldonado	Ridley-Thomas
Canciamilla	Harman	Matthews	Runner
Chan	Haynes	Maze	Salinas
Chavez	Horton, Jerome	McCarthy	Samuelian
Chu	Horton, Shirley	Montanez	Simitian
Cogdill	Jackson	Mountjoy	Spitzer
Cohn	Keene	Mullin	Steinberg
Corbett	Kehoe	Nakanishi	Strickland
Correa	Koretz	Nakano	Vargas
Cox	La Malfa	Nation	Wiggins
Daucher	La Suer	Negrete McLeod	Wolk
Diaz	Laird	Nunez	Wyland
Dutra	Leno	Oropeza	Yee
Dutton	Leslie	Pacheco	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Calderon, Campbell, Houston, and Maddox.

(NOTE: For explanations of absences of Assembly Members Calderon, Campbell, Houston, and Maddox on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

January 16, 2003

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Jackie Goldberg to replace Assemblymember Joe Canciamilla on the Assembly Budget Subcommittee #3—Resources for today’s hearing only.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 3—Leslie. An act to amend Section 10754 of, and to add Section 11004.7 to, the Revenue and Taxation Code, and to amend Section 9551.2 of, and to add Section 23583 to, the Vehicle Code, relating to taxation, and making an appropriation therefor.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 21, 2003
FIFTH SESSION DAY
FORTY-FOURTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, January 21, 2003

The Assembly met at 1:06 p.m.

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

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian Ebbert reading.

ROLL CALL

The following were placed upon the morning roll call—75:

Aghazarian	Dymally	Leslie	Parra
Benoit	Firebaugh	Levine	Pavley
Berg	Frommer	Lieber	Reyes
Bermudez	Garcia	Liu	Richman
Bogh	Goldberg	Longville	Ridley-Thomas
Calderon	Hancock	Maddox	Runner
Campbell	Harman	Maldonado	Salinas
Canciamilla	Haynes	Matthews	Samuelian
Chan	Horton, Jerome	Maze	Simitian
Chu	Horton, Shirley	McCarthy	Spitzer
Cogdill	Houston	Montanez	Steinberg
Cohn	Jackson	Mountjoy	Strickland
Corbett	Keene	Mullin	Vargas
Correa	Kehoe	Nakanishi	Wiggins
Cox	Koretz	Nakano	Wolk
Daucher	La Malfa	Nation	Wyland
Diaz	La Suer	Negrete McLeod	Yee
Dutra	Laird	Nunez	Mr. Speaker
Dutton	Leno	Pacheco	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Chavez, Oropeza, and Plescia.

On personal business, and waiving per diem: Assembly Members Bates and Lowenthal.

(NOTE: For explanations of absences of Assembly Members Chavez, Oropeza, and Plescia on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

January 21, 2003

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

Greg Schmidt
Secretary of the Senate
State Capitol, Room 400
Sacramento, California

Dear Mr. Wilson and Mr. Schmidt: Please be advised that the Assembly and Senate contingents of the Joint Committee on Rules met, respectively, and approved the following items:

1. Selection of Assembly Member Joe Nation as Chair of the Joint Committee on Rules for the 2003–04 Legislative Session (18–0).
2. Appointment of Jon Waldie as Chief Administrative Officer of the Joint Committee on Rules for the 2003–04 Legislative Session (18–0).

Please ensure that this action is printed in the Journal.

Sincerely,

JOE NATION
Chair

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 4—Wesson. An act to amend Sections 10754 and 11000 of the Revenue and Taxation Code, relating to taxation.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, January 22, 2003

SIXTH SESSION DAY

FORTY-FIFTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, January 22, 2003

The Assembly met at 7 a.m.
Hon. Barbara Matthews, Assembly Member, 17th District,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Brian Ebbert reading.

ROLL CALL

The following were placed upon the morning roll call—76:

Aghazarian	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Campbell	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Shirley	Maze	Samuelian
Chu	Houston	McCarthy	Simitian
Cogdill	Jackson	Montanez	Spitzer
Cohn	Keene	Mountjoy	Steinberg
Corbett	Kehoe	Mullin	Strickland
Correa	Koretz	Nakanishi	Vargas
Cox	La Malfa	Nakano	Wiggins
Daucher	La Suer	Nation	Wolk
Diaz	Laird	Negrete McLeod	Wyland
Dutra	Leno	Nunez	Yee
Dutton	Leslie	Pacheco	Mr. Speaker

Quorum present.

At 1:30 p.m., Hon. Mark Wyland, 74th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Bates, Chavez, Jerome E. Horton, and Oropeza.

(NOTE: For explanations of absences of Assembly Members Bates, Chavez, and Jerome E. Horton on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for letter explaining the absence of Assembly Member Oropeza on this day, on legislative business, pursuant to the Assembly Rules, see Assembly Daily Journal for the Regular Session for Tuesday, January 21, 2003.)

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 5—Daucher. An act to amend Sections 52122, 52123, 52124, and 52126 of the Education Code, relating to public schools.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 23, 2003
SEVENTH SESSION DAY
FORTY-SIXTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 23, 2003

The Assembly met at 8:42 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Brian Ebbert reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dutton	Levine	Parra
Bates	Dymally	Lieber	Pavley
Benoit	Firebaugh	Liu	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Ridley-Thomas
Calderon	Harman	Maldonado	Runner
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chan	Horton, Shirley	McCarthy	Simitian
Chavez	Houston	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On legislative business: Assembly Member Garcia.

(NOTE: For explanation of absence of Assembly Member Garcia on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

January 7, 2003

*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 2003–04 legislative session. Thank you for your attention to this matter.

Sincerely,

LOIS WOLK, Assembly Member
Eighth District

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bill was referred to committee:

<i>Assembly Bill No.</i>	<i>Committee</i>
4	----- Budget

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Oropeza announced that the Committee on Budget would meet today, upon adjournment of Floor session, in Room 4202, and on Monday, January 27, 2003.

(NOTE: Above referenced hearing announced earlier this day in the Regular Session.)

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

- ASSEMBLY BILL NO. 6—Oropeza.** An act relating to state and local government.
- ASSEMBLY BILL NO. 7—Oropeza.** An act relating to natural resources.
- ASSEMBLY BILL NO. 8—Oropeza.** An act relating to transportation.
- ASSEMBLY BILL NO. 9—Oropeza.** An act relating social services.
- ASSEMBLY BILL NO. 10—Oropeza.** An act relating to fiscal affairs.
- ASSEMBLY BILL NO. 11—Oropeza.** An act relating to health programs.
- ASSEMBLY BILL NO. 12—Oropeza.** An act relating to public education.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

<i>Assembly Bill No.</i>	<i>Committee</i>
6 -----	Budget
7 -----	Budget
8 -----	Budget
9 -----	Budget
10 -----	Budget
11 -----	Budget
12 -----	Budget

REPORTS OF STANDING COMMITTEES

Committee on Budget

Date of Hearing: January 23, 2003

Mr. Speaker: Your Committee on Budget reports:

Assembly Bill No. 4

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

OROPEZA, Chairwoman

Above bill ordered to second reading.

AUTHOR'S AMENDMENTS

Committee on Budget

January 23, 2003

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

Assembly Bill No. 6

Assembly Bill No. 10

Assembly Bill No. 7

Assembly Bill No. 11

Assembly Bill No. 8

Assembly Bill No. 12

Assembly Bill No. 9

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

OROPEZA, Chairwoman

ASSEMBLY BILL NO. 6—An act relating to state and local government.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

ASSEMBLY BILL NO. 7—An act relating to natural resources.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

ASSEMBLY BILL NO. 8—An act relating to transportation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

ASSEMBLY BILL NO. 9—An act relating to social services.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

ASSEMBLY BILL NO. 10—An act relating to fiscal affairs.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

ASSEMBLY BILL NO. 11—An act relating to health programs.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

ASSEMBLY BILL NO. 12—An act relating to public education.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

ADJOURNMENT

At 4:25 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 23, 2003

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

AB	RN	
6	033007	
7	033010	
8	033012	
9	033005	
10	033008	
11	033009	
12	033011	
	Daily Total:	7
	Cumulative Total:	7

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, January 27, 2003
EIGHTH SESSION DAY
FIFTIETH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, January 27, 2003

The Assembly met at 11:12 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—76:

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maldonado	Ridley-Thomas
Campbell	Harman	Matthews	Runner
Canciamilla	Haynes	Maze	Salinas
Chan	Horton, Shirley	McCarthy	Samuelian
Chu	Houston	Montanez	Simitian
Cogdill	Jackson	Mountjoy	Spitzer
Cohn	Keene	Mullin	Steinberg
Corbett	Kehoe	Nakanishi	Strickland
Correa	Koretz	Nakano	Vargas
Cox	La Malfa	Nation	Wiggins
Daucher	La Suer	Negrete McLeod	Wolk
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Chavez and Maddox.

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

Because of illness: Assembly Member Jerome E. Horton.

(NOTE: For explanations of absences of Assembly Members Chavez and Maddox on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 27, 2003

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

Assembly Bill No. 6
Assembly Bill No. 7
Assembly Bill No. 8
Assembly Bill No. 9

Assembly Bill No. 10
Assembly Bill No. 11
Assembly Bill No. 12

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 13—Bermudez. An act to add and repeal Section 20901.5 of the Government Code, relating to state employees' retirement, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 14—Bermudez. An act to add and repeal Section 20901.5 of the Government Code, relating to state employees' retirement, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 15—Bermudez. An act to add and repeal Section 20901.5 of the Government Code, relating to state employees' retirement, and declaring the urgency thereof, to take effect immediately.

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 4—An act to amend Sections 10754 and 11000 of the Revenue and Taxation Code, relating to taxation.

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

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Oropeza announced that the Committee on Budget would meet today at 3 p.m.

(NOTE: Above referenced hearing announced earlier this day in the Regular Session.)

REPORTS OF STANDING COMMITTEES Committee on Budget

Date of Hearing: January 27, 2003

Mr. Speaker: Your Committee on Budget reports:

Assembly Bill No. 7
Assembly Bill No. 10
Assembly Bill No. 11

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

OROPEZA, Chairwoman

Above bills ordered to second reading.

Date of Hearing: January 27, 2003

Mr. Speaker: Your Committee on Budget reports:

Assembly Bill No. 12

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

OROPEZA, Chairwoman

Above bill ordered to second reading.

Date of Hearing: January 27, 2003

Mr. Speaker: Your Committee on Budget reports:

Assembly Bill No. 6

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

OROPEZA, Chairwoman

Above bill ordered to second reading.

Date of Hearing: January 27, 2003

Mr. Speaker: Your Committee on Budget reports:

Assembly Bill No. 8

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

OROPEZA, Chairwoman

Above bill ordered to second reading.

ADJOURNMENT

At 9:25 p.m., the Assembly adjourned until 1:30 p.m., Tuesday, January 28, 2003.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 27, 2003**

The following measure was amended in the Assembly on this day:

AB RN

4 0302646

Daily Total: 1

Cumulative Total: 8

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 28, 2003
NINTH SESSION DAY
FIFTY-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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, January 28, 2003

The Assembly met at 2:01 p.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Francesca Vega reading.

ROLL CALL

The roll was called, and the following answered to their names—79:

Aghazarian	Dymally	Levine	Parra
Bates	Firebaugh	Lieber	Pavley
Benoit	Frommer	Liu	Plescia
Berg	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Ridley-Thomas
Calderon	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker
Dutton	Leslie	Pacheco	

Quorum present.

PRAYER

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

O Lord Our God, Grant that Your eyes may watch over us this day. Spread the wings of Your grace to protect us and extend Your holy hand to bless us. May Your Holy Spirit abide with us as we pray, to inspire us with hope, to strengthen us in humility and to nurture us in love.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Nakano then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Firebaugh, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

Because of a death in his family: Assembly Member Campbell.

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

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

Assembly Bill No. 4, ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 7—An act relating to natural resources.

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

ASSEMBLY BILL NO. 10—An act relating to fiscal affairs.

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

ASSEMBLY BILL NO. 11—An act relating to health programs.

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

ASSEMBLY BILL NO. 12—An act relating to public education.

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

ASSEMBLY BILL NO. 6—An act relating to state and local government.

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

ASSEMBLY BILL NO. 8—An act relating to transportation.

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

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 28, 2003

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

Assembly Bill No. 4

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND THE RULES

Assembly Member Firebaugh requests unanimous consent that the Rules be temporarily suspended for the purpose of permitting consideration of Assembly Bill No. 4, without reference to file.

Assembly Member Cogdill withheld unanimous consent.

Motion to Temporarily Suspend the Rules

Assembly Member Firebaugh moved that the Rules be temporarily suspended for the purpose of permitting consideration of Assembly Bill No. 4, without reference to file.

Assembly Member Chan seconded the motion.

Rules temporarily suspended by the following vote:

AYES—48

Berg	Dymally	Lieber	Parra
Bermudez	Firebaugh	Liu	Pavley
Calderon	Frommer	Longville	Reyes
Canciamilla	Goldberg	Lowenthal	Ridley-Thomas
Chan	Hancock	Matthews	Salinas
Chavez	Horton, Jerome	Montanez	Simitian
Chu	Jackson	Mullin	Steinberg
Cohn	Kehoe	Nakano	Vargas
Corbett	Koretz	Nation	Wiggins
Correa	Laird	Negrete McLeod	Wolk
Diaz	Leno	Nunez	Yee
Dutra	Levine	Oropeza	Mr. Speaker

NOES—31

Aghazarian	Garcia	Leslie	Plescia
Bates	Harman	Maddox	Richman
Benoit	Haynes	Maldonado	Runner
Bogh	Horton, Shirley	Maze	Samuelian
Cogdill	Houston	McCarthy	Spitzer
Cox	Keene	Mountjoy	Strickland
Daucher	La Malfa	Nakanishi	Wyland
Dutton	La Suer	Pacheco	

CONSIDERATION OF ASSEMBLY BILL NO. 7 BY UNANIMOUS CONSENT

Assembly Member Oropeza was granted unanimous consent to take up Assembly Bill No. 7, without reference to file, for purpose of consideration at this time.

ASSEMBLY BILL NO. 7 (Oropeza)—An act to repeal Article 1 (commencing with Section 127875) of Chapter 2 of Part 3 of Division 107 of the Health and Safety Code, and to amend Sections 11453, 11462, 11463, 11466.2, 11466.35, 12201, and 12201.03 of the Welfare and Institutions Code, relating to human services, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend by Assembly Member Haynes—Set 1

Assembly Member Haynes moved the adoption of amendments.
Amendments read.

**Motion to Table Haynes Amendments—Set 1
to Assembly Bill No. 7**

Assembly Member Firebaugh moved that the amendments offered by Assembly Member Haynes to Assembly Bill No. 7 be laid upon the table.

Assembly Member Chan seconded the motion.

Motion carried by the following vote:

AYES—47

Berg	Dymally	Lieber	Parra
Bermudez	Firebaugh	Liu	Pavley
Calderon	Frommer	Longville	Reyes
Canciamilla	Goldberg	Lowenthal	Ridley-Thomas
Chan	Hancock	Matthews	Salinas
Chavez	Horton, Jerome	Montanez	Simitian
Chu	Jackson	Mullin	Vargas
Cohn	Kehoe	Nakano	Wiggins
Corbett	Koretz	Nation	Wolk
Correa	Laird	Negrete McLeod	Yee
Diaz	Leno	Nunez	Mr. Speaker
Dutra	Levine	Oropeza	

NOES—30

Aghazarian	Garcia	Leslie	Plescia
Bates	Harman	Maddox	Runner
Benoit	Haynes	Maldonado	Samuelian
Bogh	Horton, Shirley	Maze	Spitzer
Cogdill	Houston	McCarthy	Strickland
Cox	Keene	Mountjoy	Wyland
Daucher	La Malfa	Nakanishi	
Dutton	La Suer	Pacheco	

Motion to Amend by Assembly Member Pacheco—Set 2

Assembly Member Pacheco moved the adoption of amendments.
Amendments read.

**Motion to Table Pacheco Amendments—Set 2
to Assembly Bill No. 7**

Assembly Member Firebaugh moved that the amendments offered by Assembly Member Pacheco to Assembly Bill No. 7 be laid upon the table.

Assembly Member Chan seconded the motion.

Motion carried by the following vote:

AYES—48

Berg	Dymally	Lieber	Parra
Bermudez	Firebaugh	Liu	Pavley
Calderon	Frommer	Longville	Reyes
Canciamilla	Goldberg	Lowenthal	Ridley-Thomas
Chan	Hancock	Matthews	Salinas
Chavez	Horton, Jerome	Montanez	Simitian
Chu	Jackson	Mullin	Steinberg
Cohn	Kehoe	Nakano	Vargas
Corbett	Koretz	Nation	Wiggins
Correa	Laird	Negrete McLeod	Wolk
Diaz	Leno	Nunez	Yee
Dutra	Levine	Oropeza	Mr. Speaker

NOES—29

Aghazarian	Garcia	Leslie	Runner
Bates	Harman	Maddox	Samuelian
Benoit	Haynes	Maldonado	Spitzer
Bogh	Horton, Shirley	Maze	Strickland
Cogdill	Houston	McCarthy	Wyland
Cox	Keene	Mountjoy	
Daucher	La Malfa	Pacheco	
Dutton	La Suer	Plescia	

Further Consideration of Assembly Bill No. 7

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—71

Aghazarian	Dutra	Leslie	Pavley
Bates	Dutton	Levine	Plescia
Benoit	Firebaugh	Lieber	Reyes
Berg	Frommer	Liu	Richman
Bermudez	Goldberg	Longville	Ridley-Thomas
Bogh	Hancock	Lowenthal	Runner
Calderon	Harman	Matthews	Salinas
Canciamilla	Haynes	Maze	Samuelian
Chan	Horton, Jerome	McCarthy	Simitian
Chavez	Horton, Shirley	Montanez	Steinberg
Chu	Houston	Mullin	Strickland
Cogdill	Jackson	Nakano	Vargas
Cohn	Keene	Nation	Wiggins
Corbett	Kehoe	Negrete McLeod	Wolk
Correa	Koretz	Nunez	Wyland
Cox	La Malfa	Oropeza	Yee
Daucher	Laird	Pacheco	Mr. Speaker
Diaz	Leno	Parra	

NOES—6

Garcia	Maddox	Mountjoy
La Suer	Maldonado	Nakanishi

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—71

Aghazarian	Dutra	Leslie	Pavley
Bates	Dutton	Levine	Plescia
Benoit	Firebaugh	Lieber	Reyes
Berg	Frommer	Liu	Richman
Bermudez	Goldberg	Longville	Ridley-Thomas
Bogh	Hancock	Lowenthal	Runner
Calderon	Harman	Matthews	Salinas
Canciamilla	Haynes	Maze	Samuelian
Chan	Horton, Jerome	McCarthy	Simitian
Chavez	Horton, Shirley	Montanez	Steinberg
Chu	Houston	Mullin	Strickland
Cogdill	Jackson	Nakano	Vargas
Cohn	Keene	Nation	Wiggins
Corbett	Kehoe	Negrete McLeod	Wolk
Correa	Koretz	Nunez	Wyland
Cox	La Malfa	Oropeza	Yee
Daucher	Laird	Pacheco	Mr. Speaker
Diaz	Leno	Parra	

NOES—6

Garcia	Maddox	Mountjoy
La Suer	Maldonado	Nakanishi

Vote Changes

By unanimous consent, the following vote change was permitted on the urgency clause to Assembly Bill No. 7, and on passage of the bill: Assembly Member Leslie, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

**CONSIDERATION OF ASSEMBLY BILL NO. 10
BY UNANIMOUS CONSENT**

Assembly Member Oropeza was granted unanimous consent to take up Assembly Bill No. 10, without reference to file, for purpose of consideration at this time.

ASSEMBLY BILL NO. 10 (Oropeza)—An act to amend Section 39612 of, and to add Section 39613 to, the Health and Safety Code, and to amend Section 13260 of, and to add Section 13260.2 to, the Water Code, relating to resources.

Bill read third time.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 2:39 p.m.

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

**CONSIDERATION OF ASSEMBLY BILL NO. 11
BY UNANIMOUS CONSENT**

Assembly Member Oropeza was granted unanimous consent to take up Assembly Bill No. 11, without reference to file, for purpose of consideration at this time.

ASSEMBLY BILL NO. 11 (Oropeza)—An act to amend Section 16320 of the Government Code, to amend Sections 21682 and 21683.1 of the Public Utilities Code, to repeal Section 10903 of the Revenue and Taxation Code, and to amend Section 6 of Chapter 213 of the Statutes of 2000, relating to state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend by Assembly Member Strickland

Assembly Member Strickland moved the adoption of amendments.
Amendments read.

**Motion to Table Strickland Amendments
to Assembly Bill No. 11**

Assembly Member Firebaugh moved that the amendments offered by Assembly Member Strickland to Assembly Bill No. 11 be laid upon the table.

Assembly Member Chan seconded the motion.

Motion carried by the following vote:

AYES—48

Berg	Dymally	Lieber	Parra
Bermudez	Firebaugh	Liu	Pavley
Calderon	Frommer	Longville	Reyes
Canciamilla	Goldberg	Lowenthal	Ridley-Thomas
Chan	Hancock	Matthews	Salinas
Chavez	Horton, Jerome	Montanez	Simitian
Chu	Jackson	Mullin	Steinberg
Cohn	Kehoe	Nakano	Vargas
Corbett	Koretz	Nation	Wiggins
Correa	Laird	Negrete McLeod	Wolk
Diaz	Leno	Nunez	Yee
Dutra	Levine	Oropeza	Mr. Speaker

NOES—30

Aghazarian	Garcia	Maddox	Richman
Bates	Harman	Maldonado	Runner
Benoit	Haynes	Maze	Samuelian
Bogh	Houston	McCarthy	Spitzer
Cogdill	Keene	Mountjoy	Strickland
Cox	La Malfa	Nakanishi	Wyland
Daucher	La Suer	Pacheco	
Dutton	Leslie	Plescia	

**Further Consideration of Assembly Bill No. 11
Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—76

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Levine	Pavley
Benoit	Firebaugh	Lieber	Plescia
Berg	Frommer	Liu	Reyes
Bermudez	Garcia	Longville	Richman
Bogh	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Matthews	Runner
Canciamilla	Harman	Maze	Salinas
Chan	Haynes	McCarthy	Samuelian
Chavez	Horton, Jerome	Montanez	Simitian
Chu	Horton, Shirley	Mountjoy	Spitzer
Cogdill	Houston	Mullin	Steinberg
Cohn	Jackson	Nakanishi	Strickland
Corbett	Keene	Nakano	Vargas
Correa	Kehoe	Nation	Wiggins
Cox	Koretz	Negrete McLeod	Wolk
Daucher	La Malfa	Nunez	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker

NOES—1

Maldonado

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

AYES—76

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Levine	Pavley
Benoit	Firebaugh	Lieber	Plescia
Berg	Frommer	Liu	Reyes
Bermudez	Garcia	Longville	Richman
Bogh	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Matthews	Runner
Canciamilla	Harman	Maze	Salinas
Chan	Haynes	McCarthy	Samuelian
Chavez	Horton, Jerome	Montanez	Simitian
Chu	Horton, Shirley	Mountjoy	Spitzer
Cogdill	Houston	Mullin	Steinberg
Cohn	Jackson	Nakanishi	Strickland
Corbett	Keene	Nakano	Vargas
Correa	Kehoe	Nation	Wiggins
Cox	Koretz	Negrete McLeod	Wolk
Daucher	La Malfa	Nunez	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker

NOES—1

Maldonado

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
ASSEMBLY BILL NO. 10**

At 2:44 p.m., on motion of Assembly Member Oropeza, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 2:45 p.m.

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON
ASSEMBLY BILL NO. 10**

At 2:45 p.m., on motion of Assembly Member Firebaugh, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

Call of the Assembly Continued

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

Motion carried. Time, 2:46 p.m.

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

**CONSIDERATION OF ASSEMBLY BILL NO. 12
BY UNANIMOUS CONSENT**

Assembly Member Oropeza was granted unanimous consent to take up Assembly Bill No. 12, without reference to file, for purpose of consideration at this time.

ASSEMBLY BILL NO. 12 (Oropeza)—An act to amend Sections 2933 and 13603 of the Penal Code, relating to corrections.

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

AYES—43

Berg	Firebaugh	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Matthews	Salinas
Canciamilla	Jackson	Montanez	Simitian
Chan	Kehoe	Mullin	Steinberg
Chavez	Koretz	Nakano	Vargas
Chu	Laird	Nation	Wiggins
Corbett	Leno	Negrete McLeod	Wolk
Diaz	Levine	Nunez	Yee
Dutra	Lieber	Oropeza	Mr. Speaker
Dymally	Liu	Pavley	

NOES—33

Aghazarian	Garcia	Maddox	Richman
Bates	Harman	Maldonado	Runner
Benoit	Haynes	Maze	Samuelian
Bogh	Horton, Shirley	McCarthy	Spitzer
Cogdill	Houston	Mountjoy	Strickland
Correa	Keene	Nakanishi	Wyland
Cox	La Malfa	Pacheco	
Daucher	La Suer	Parra	
Dutton	Leslie	Plescia	

Bill ordered transmitted to the Senate.

**CONSIDERATION OF ASSEMBLY BILL NO. 6
BY UNANIMOUS CONSENT**

Assembly Member Oropeza was granted unanimous consent to take up Assembly Bill No. 6, without reference to file, for purpose of consideration at this time.

ASSEMBLY BILL NO. 6 (Oropeza)—An act to amend Items 0250-001-0001, 0450-101-0932, 1760-001-0001, 1760-001-0666, 1760-011-0001, 2240-001-0001, 2240-011-0530, 2240-116-0929, 2660-011-3007, 2660-012-0041, 2660-015-0042, 2920-101-3005, 2920-111-0001, 2920-115-0440, 2920-115-0521, 3480-001-0035, 3480-001-0336, 3640-302-6029, 3790-001-0392, 3860-001-6031, 3910-001-0001, 3910-001-0387, 3960-001-0014, 3960-001-0557, 4260-001-0589, 4260-101-0001, 4440-102-0001, 5460-011-0001, 8100-001-0597, 8100-012-0001, 8350-011-0222, 8450-001-0001, and 8450-001-0016 of, and to add Items 0450-495, 0530-496, 0540-495, 0550-495, 0552-495, 0553-495, 0555-495, 0559-495, 0650-495, 0690-495, 0840-496, 0860-496, 0950-496, 0954-496, 1100-495, 1111-495, 1140-495, 1700-495, 1705-495, 1730-496, 1760-495, 1880-495, 2240-115-0972, 2240-115-0980, 2240-116-0813, 2240-116-0927, 2240-116-0938, 2240-116-0985, 2240-117-0813, 2240-495, 2310-015-0400, 2400-015-0933, 2660-012-3007, 2660-497, 2920-115-0393, 2920-116-0918, 2920-497, 3340-495, 3360-002-0382, 3360-495, 3460-495, 3480-495, 3540-496, 3540-497, 3560-001-0943, 3560-495, 3600-495, 3640-301-0660, 3640-496, 3740-497, 3720-495, 3790-495, 3790-496, 3820-001-0914, 3820-495, 3860-101-6031, 3860-495, 3860-496, 3900-496, 3930-495, 3940-495, 3960-496, 3980-495, 4120-495, 4130-495, 4140-495, 4170-495, 4200-011-0816, 4200-495, 4220-495, 4260-011-3020, 4260-497, 4280-495, 4300-496, 4440-495, 4700-495, 5160-496, 5175-496, 5180-496, 5240-496, 5430-497, 5440-495, 5450-495, 5460-495, 5480-495, 8100-496, 8140-495, 8260-495, 8300-495, 8320-495, 8350-495, 8380-495, 8460-495, 8570-495, 8620-495, 8700-495, 8885-495, 8910-495, 8955-495, 8960-495, 8965-495, 8966-495, 9860-495, and 9909-495 to, Section 2.00 of the Budget Act of 2002 (Chapter 379 of the Statutes of 2002), and to add Sections 4.90, 4.95, and 4.97 to, the Budget Act of 2002, relating to the support of state government, and making an appropriation therefor.

Bill read third time.

Motion to Amend

Assembly Member Keene moved the adoption of amendments.

Amendments read.

**Motion to Table Keene Amendments
to Assembly Bill No. 6**

Assembly Member Firebaugh moved that the amendments offered by Assembly Member Keene to Assembly Bill No. 6 be laid upon the table.

Assembly Member Chan seconded the motion.

Motion carried by the following vote:

AYES—47

Berg	Firebaugh	Liu	Pavley
Bermudez	Frommer	Longville	Reyes
Calderon	Goldberg	Lowenthal	Ridley-Thomas
Chan	Hancock	Matthews	Salinas
Chavez	Horton, Jerome	Montanez	Simitian
Chu	Jackson	Mullin	Steinberg
Cohn	Kehoe	Nakano	Vargas
Corbett	Koretz	Nation	Wiggins
Correa	Laird	Negrete McLeod	Wolk
Diaz	Leno	Nunez	Yee
Dutra	Levine	Oropeza	Mr. Speaker
Dymally	Lieber	Parra	

NOES—30

Aghazarian	Garcia	Leslie	Richman
Bates	Harman	Maddox	Runner
Benoit	Haynes	Maze	Samuelian
Bogh	Horton, Shirley	McCarthy	Spitzer
Cogdill	Houston	Mountjoy	Strickland
Cox	Keene	Nakanishi	Wyland
Daucher	La Malfa	Pacheco	
Dutton	La Suer	Plescia	

Further Consideration of Assembly Bill No. 6

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—46

Berg	Dymally	Lieber	Reyes
Bermudez	Firebaugh	Liu	Ridley-Thomas
Calderon	Frommer	Longville	Salinas
Canciamilla	Goldberg	Lowenthal	Simitian
Chan	Hancock	Montanez	Steinberg
Chavez	Horton, Jerome	Mullin	Vargas
Chu	Jackson	Nakano	Wiggins
Cohn	Kehoe	Nation	Wolk
Corbett	Koretz	Negrete McLeod	Yee
Correa	Laird	Nunez	Mr. Speaker
Diaz	Leno	Oropeza	
Dutra	Levine	Pavley	

NOES—30

Aghazarian	Garcia	Maddox	Plescia
Bates	Harman	Maldonado	Runner
Benoit	Horton, Shirley	Maze	Samuelian
Bogh	Houston	McCarthy	Spitzer
Cogdill	Keene	Mountjoy	Strickland
Cox	La Malfa	Nakanishi	Wyland
Daucher	La Suer	Pacheco	
Dutton	Leslie	Parra	

Bill ordered transmitted to the Senate.

**CONSIDERATION OF ASSEMBLY BILL NO. 8
BY UNANIMOUS CONSENT**

Assembly Member Oropeza was granted unanimous consent to take up Assembly Bill No. 8, without reference to file, for purpose of consideration at this time.

ASSEMBLY BILL NO. 8 (Oropeza)—An act to amend, repeal, and add Section 41335 of, to add Sections 14041.5, 33128.1, 33128.2, and 41339.1 to, and to repeal and add Section 41330 of, the Education Code, and to add Section 12.65 to the Budget Act of 2002, relating to education finance, and making an appropriation therefor.

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

AYES—43

Berg	Firebaugh	Liu	Reyes
Bermudez	Frommer	Longville	Ridley-Thomas
Calderon	Goldberg	Lowenthal	Salinas
Canciamilla	Hancock	Montanez	Simitian
Chan	Jackson	Mullin	Steinberg
Chu	Kehoe	Nakano	Vargas
Cohn	Koretz	Nation	Wiggins
Corbett	Laird	Negrete McLeod	Wolk
Diaz	Leno	Nunez	Yee
Dutra	Levine	Oropeza	Mr. Speaker
Dymally	Lieber	Pavley	

NOES—33

Aghazarian	Garcia	Maddox	Richman
Bates	Harman	Maldonado	Runner
Benoit	Haynes	Maze	Samuelian
Bogh	Horton, Shirley	McCarthy	Spitzer
Cogdill	Houston	Mountjoy	Strickland
Correa	Keene	Nakanishi	Wyland
Cox	La Malfa	Pacheco	
Daucher	La Suer	Parra	
Dutton	Leslie	Plescia	

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
ASSEMBLY BILL NO. 10**

At 3:50 p.m., on motion of Assembly Member Strickland, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 10 passed by the following vote:

AYES—41

Berg	Frommer	Longville	Salinas
Bermudez	Goldberg	Lowenthal	Simitian
Calderon	Hancock	Montanez	Steinberg
Chan	Jackson	Mullin	Vargas
Chavez	Kehoe	Nakano	Wiggins
Chu	Koretz	Nation	Wolk
Corbett	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Levine	Pavley	
Dymally	Lieber	Reyes	
Firebaugh	Liu	Ridley-Thomas	

NOES—35

Aghazarian	Dutton	Leslie	Parra
Bates	Garcia	Maddox	Plescia
Benoit	Harman	Maldonado	Richman
Bogh	Haynes	Matthews	Runner
Canciamilla	Horton, Shirley	Maze	Samuelian
Cogdill	Houston	McCarthy	Spitzer
Correa	Keene	Mountjoy	Strickland
Cox	La Malfa	Nakanishi	Wyland
Daucher	La Suer	Pacheco	

Bill ordered transmitted to the Senate immediately.

CAUCUS ANNOUNCEMENTS

At 3:51 p.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 3:51 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 4:21 p.m., the Assembly reconvened.

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

CONSIDERATION OF ASSEMBLY BILL NO. 4

Pursuant to a suspension of the rules earlier this day, Assembly Member Wesson took up Assembly Bill No. 4, without reference to file, for purpose of consideration at this time.

ASSEMBLY BILL NO. 4 (Wesson)—An act to amend Sections 10754 and 11000 of the Revenue and Taxation Code, relating to taxation.

Bill read third time.

Motion to Amend by Assembly Member Steinberg

Assembly Member Steinberg moved the adoption of amendments. Amendments read and adopted by the following vote:

AYES—47

Berg	Dymally	Lieber	Pavley
Bermudez	Firebaugh	Liu	Reyes
Calderon	Frommer	Longville	Ridley-Thomas
Canciamilla	Goldberg	Lowenthal	Salinas
Chan	Hancock	Montanez	Simitian
Chavez	Horton, Jerome	Mullin	Steinberg
Chu	Jackson	Nakano	Vargas
Cohn	Kehoe	Nation	Wiggins
Corbett	Koretz	Negrete McLeod	Wolk
Correa	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Levine	Parra	

NOES—31

Aghazarian	Garcia	Leslie	Plescia
Bates	Harman	Maddox	Richman
Benoit	Haynes	Maldonado	Runner
Bogh	Horton, Shirley	Maze	Samuelian
Cogdill	Houston	McCarthy	Spitzer
Cox	Keene	Mountjoy	Strickland
Daucher	La Malfa	Nakanishi	Wyland
Dutton	La Suer	Pacheco	

Bill ordered reprinted.

Request for Unanimous Consent to Temporarily Suspend the Rules

Assembly Member Firebaugh requested unanimous consent that the Rules be temporarily suspended for the purpose of permitting consideration of Assembly Bill No. 4, as amended, without reference to file.

Assembly Member Cogdill withheld unanimous consent.

Motion to Temporarily Suspend the Rules

Assembly Member Firebaugh moved that the Rules be temporarily suspended for the purpose of permitting consideration of Assembly Bill No. 4, as amended, without reference to file.

Assembly Member Chan seconded the motion.

Rules temporarily suspended by the following vote:

AYES—48

Berg	Dymally	Lieber	Parra
Bermudez	Firebaugh	Liu	Pavley
Calderon	Frommer	Longville	Reyes
Canciamilla	Goldberg	Lowenthal	Ridley-Thomas
Chan	Hancock	Matthews	Salinas
Chavez	Horton, Jerome	Montanez	Simitian
Chu	Jackson	Mullin	Steinberg
Cohn	Kehoe	Nakano	Vargas
Corbett	Koretz	Nation	Wiggins
Correa	Laird	Negrete McLeod	Wolk
Diaz	Leno	Nunez	Yee
Dutra	Levine	Oropeza	Mr. Speaker

NOES—31

Aghazarian	Garcia	Leslie	Plescia
Bates	Harman	Maddox	Richman
Benoit	Haynes	Maldonado	Runner
Bogh	Horton, Shirley	Maze	Samuelian
Cogdill	Houston	McCarthy	Spitzer
Cox	Keene	Mountjoy	Strickland
Daucher	La Malfa	Nakanishi	Wyland
Dutton	La Suer	Pacheco	

Further Consideration of Assembly Bill No. 4

ASSEMBLY BILL NO. 4 (Wesson)—An act to amend Sections 10754 and 11000 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

AYES—45

Berg	Firebaugh	Liu	Ridley-Thomas
Bermudez	Frommer	Longville	Salinas
Calderon	Goldberg	Lowenthal	Simitian
Canciamilla	Hancock	Montanez	Steinberg
Chan	Horton, Jerome	Mullin	Vargas
Chavez	Jackson	Nakano	Wiggins
Chu	Kehoe	Nation	Wolk
Cohn	Koretz	Negrete McLeod	Yee
Corbett	Laird	Nunez	Mr. Speaker
Diaz	Leno	Oropeza	
Dutra	Levine	Pavley	
Dymally	Lieber	Reyes	

NOES—34

Aghazarian	Garcia	Maddox	Plescia
Bates	Harman	Maldonado	Richman
Benoit	Haynes	Matthews	Runner
Bogh	Horton, Shirley	Maze	Samuelian
Cogdill	Houston	McCarthy	Spitzer
Correa	Keene	Mountjoy	Strickland
Cox	La Malfa	Nakanishi	Wyland
Daucher	La Suer	Pacheco	
Dutton	Leslie	Parra	

Bill ordered transmitted to the Senate.

VOTE ADDS

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

Firebaugh Motion to Suspend Rules: Bates, Daucher, Shirley Horton, La Suer, Maddox, Maldonado, Mountjoy, and Samuelian—No.

Assembly Bill No. 7, Motion to Table Haynes Amendments: Nation—Aye; Bates, Maddox, and Mountjoy—No.

Assembly Bill No. 7, Motion to Table Pacheco Amendments: Bates and Maddox—No.

Assembly Bill No. 7 and Urgency: Aghazarian, Bates, Shirley Horton, Houston, and La Malfa—Aye; Maddox—No.

Assembly Bill No. 11, Motion to Table Strickland Amendments: Maddox—No.

Assembly Bill No. 11 and Urgency: Maldonado—No.

Assembly Bill No. 12: Salinas—Aye.

Assembly Bill No. 8: Frommer—Aye; Correa—No.

Assembly Bill No. 4: La Malfa—No.

ADJOURNMENT

At 5:52 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 28, 2003

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

AB	RN
4	0306831
6	0306806
7	0306615
8	0306631
10	0303827
11	0306757
12	0306758

Daily Total: 7

Cumulative Total: 15

Amendments were considered by the Assembly, but not adopted, to the following measures:

AB

- 6 (Keene amendments, RN0306692, laid upon the table)
- 7 (Haynes amendments—Set 1, RN0306809, laid upon the table)
(Pacheco amendments—Set 2, RN0306805, laid upon the table)
- 11 (Strickland amendments, RN0306827, laid upon the table)

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 30, 2003
TENTH SESSION DAY
FIFTY-THIRD CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 30, 2003

The Assembly met at 8:33 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—77:

Aghazarian	Dymally	Lieber	Pavley
Bates	Firebaugh	Liu	Plescia
Benoit	Frommer	Longville	Reyes
Berg	Garcia	Lowenthal	Richman
Bermudez	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Maldonado	Runner
Campbell	Harman	Matthews	Samuelian
Canciamilla	Haynes	Maze	Simitian
Chan	Horton, Shirley	McCarthy	Spitzer
Chavez	Houston	Montanez	Steinberg
Chu	Jackson	Mountjoy	Strickland
Cogdill	Keene	Mullin	Vargas
Cohn	Kehoe	Nakanishi	Wiggins
Corbett	Koretz	Nakano	Wolk
Correa	La Malfa	Nation	Wyland
Cox	La Suer	Negrete McLeod	Yee
Daucher	Laird	Nunez	Mr. Speaker
Diaz	Leno	Oropeza	
Dutra	Leslie	Pacheco	
Dutton	Levine	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Calderon and Salinas.

Because of illness: Assembly Member Jerome E. Horton.

(NOTE: For explanations of absences of Assembly Members Calderon and Salinas on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

MESSAGES FROM THE SENATE

Senate Chamber, January 30, 2003

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

Senate Bill No. 4
Senate Bill No. 6
Senate Bill No. 7
Senate Bill No. 9
Senate Bill No. 11
Senate Bill No. 12

Senate Bill No. 13
Senate Bill No. 14
Senate Bill No. 15
Senate Bill No. 16
Senate Bill No. 17

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

FIRST READING OF SENATE BILLS

The following bills were read the first time:

SENATE BILL NO. 4—An act to amend Section 13260 of, and to add Section 13260.2 to, the Water Code, relating to water.

SENATE BILL NO. 6—An act to amend Section 39612 of, and to add Section 39613 to, the Health and Safety Code, relating to air pollution.

SENATE BILL NO. 7—An act to amend Section 14556.8 of the Government Code, to amend Sections 21682 and 21683.1 of the Public Utilities Code, and to amend Section 7104 of the Revenue and Taxation Code, relating to transportation.

SENATE BILL NO. 9—An act to amend Section 16320 of the Government Code, relating to the state budget.

SENATE BILL NO. 11—An act relating to the state budget, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

SENATE BILL NO. 12—An act to repeal Section 10903 of the Revenue and Taxation Code, relating to vehicle license fees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

SENATE BILL NO. 13—An act to amend Section 13603 of the Penal Code, relating to corrections.

SENATE BILL NO. 14—An act to amend Sections 11453, 11462, 11463, 11466.2, 11466.35, 12201, and 12201.03 of the Welfare and Institutions Code, relating to public social services.

SENATE BILL NO. 15—An act to amend Sections 2933, 3041, and 3057 of, and to add Section 3001.5 to, the Penal Code, relating to the Department of Corrections.

SENATE BILL NO. 16—An act to amend Sections 52122, 52123, 52124, 52124.5, 52126, and 52335.2 of, to amend, repeal, and add Section 41335 to, to add Sections 14041.5, 33128.1, and 41339.1 to, to repeal Article 13 (commencing with Section 44400) of Chapter 2 of Part 25 of, and to repeal and add Section 41330 to, the Education Code, relating to school finance.

SENATE BILL NO. 17—An act to amend Items 0250-001-0001, 0450-101-0932, 0650-111-0001, 0650-114-0001, 1760-001-0001, 1760-001-0666, 1760-011-0001, 2240-011-0530, 2240-116-0929, 2660-011-3007, 2660-012-0041, 2660-015-0042, 2920-101-3005, 2920-111-0001, 2920-115-0440, 2920-115-0521, 3640-302-6029, 3790-001-0392, 3860-001-6031, 3910-001-0001, 3910-001-0387, 3960-001-0014, 3960-001-0557, 4260-101-0001, 4440-102-0001, 5460-011-0001, 6110-105-0001, 6110-111-0001, 6110-113-0001, 6110-140-0001, 6110-149-0001, 6110-158-0001, 6110-166-0001, 6110-189-0001, 6110-190-0001, 6110-193-0001, 6110-196-0001, 6110-196-0890, 6110-212-0001, 6110-226-0001, 6110-240-0001, 6110-295-0001, 6110-485, 6110-494, 6110-495, 6360-101-0001, 6360-495, 6870-101-0001, 6870-295-0001, 6870-485, 6870-495, 8100-001-0597, 8100-012-0001, 8350-001-0223, 8350-011-0222, 8450-001-0001, 8450-001-0016, and 8665-001-9326 of Section 2.00 of, to add Items 0450-495, 0530-496, 0540-495, 0550-495, 0552-495, 0553-495, 0555-495, 0559-495, 0650-495, 0650-496, 0690-495, 0840-496, 0860-496, 0950-496, 0954-496, 1100-495, 1111-495, 1140-495, 1700-495, 1705-495, 1730-496, 1760-495, 1880-495, 2240-115-0972, 2240-115-0980, 2240-116-0813, 2240-116-0927, 2240-116-0938, 2240-116-0985, 2240-117-0813, 2240-495, 2310-015-0400, 2400-015-0933, 2660-497, 2920-115-0393, 2920-116-0918, 2920-497, 3340-495, 3360-002-0382, 3360-495, 3460-495, 3480-495, 3540-496, 3540-497, 3560-001-0943, 3560-495, 3600-495, 3640-301-6031, 3640-496, 3640-497, 3720-495, 3790-495, 3790-496, 3820-001-0914, 3820-495, 3860-101-6031, 3860-495, 3860-496, 3900-496, 3930-495, 3940-495, 3960-496, 3980-495, 4120-495, 4130-495, 4170-495, 4200-011-0816, 4200-495, 4220-495, 4260-011-3020, 4260-497, 4280-495, 4300-496, 4440-495, 4700-495, 5160-496, 5175-496, 5180-496, 5240-496, 5430-497, 5440-495, 5450-495, 5460-495, 5480-495, 6110-301-0660, 6110-496, 6110-497, 6120-495, 6255-495, 6360-496, 6440-495, 6600-495, 6610-495, 6870-496, 7980-496, 8100-496, 8140-495, 8260-495, 8300-495, 8320-495, 8350-495, 8380-495, 8460-495, 8570-495, 8620-495, 8885-495, 8910-495, 8955-495, 8960-495, 8965-495, 8966-495, 9860-495, and 9909-495 to, and to repeal Items 6110-144-0001, 6110-177-0001, 6110-197-0001, 6110-200-0001, and 6110-243-0001 of, Section 2.00 of the Budget Act of 2002 (Chapter 379 of the Statutes of 2002), and to add Sections 4.90 and 4.95 to, the Budget Act of 2002, relating to the support of state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, February 3, 2003
ELEVENTH SESSION DAY
FIFTY-SEVENTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, February 3, 2003

The Assembly met at 11:55 a.m.

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

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Francesca Vega reading.

ROLL CALL

The roll was called, and the following answered to their names—79:

Aghazarian	Dutton	Levine	Parra
Bates	Dymally	Lieber	Pavley
Benoit	Firebaugh	Liu	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Garcia	Lowenthal	Richman
Bogh	Goldberg	Maddox	Ridley-Thomas
Calderon	Hancock	Maldonado	Runner
Campbell	Harman	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chan	Horton, Shirley	McCarthy	Simitian
Chavez	Houston	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	

Quorum present.

PRAYER

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

Merciful God, As we gather this day, we pause to remember the astronauts aboard the Space Shuttle Columbia who died tragically two days ago as they were making their return from a 16-day science mission in space. As people of faith, love and hope, we remember these crew members who were a magnificent mosaic of humanity and who heroically exemplified our ability to strive for achievement and progress for all the people of this planet.

Also on this day and in the days to come, we pray for our President and our national leaders; and we ask You, Lord, to grant them wisdom and strength as they address the needs that follow this national tragedy. Those who serve our country and our communities are exposed to grave danger each day as they serve. Lord, keep us mindful of their offering and their sacrifice.

May Your heavenly grace, O God, protect all of us and may Your presence bring us comfort and peace.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Ridley-Thomas then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Firebaugh, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

Because of a death in his family: Assembly Member Haynes.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly

<i>Bill No.</i>	<i>Committee</i>
1 -----	Budget
2 -----	Budget
3 -----	Budget
5 -----	Budget

Senate

<i>Bill No.</i>	<i>Committee</i>
4 -----	Budget
6 -----	Budget
7 -----	Budget
9 -----	Budget
11 -----	Budget
12 -----	Budget

13 ----- Budget
 14 ----- Budget
 15 ----- Budget
 16 ----- Budget
 17 ----- Budget

SPECIAL COMMITTEE MEETINGS

Assembly Member Firebaugh was granted unanimous consent that the Committee on Budget be permitted to hold a special meeting at this time, in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 11:56 a.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 12:11 p.m., the Assembly reconvened.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Budget

Date of Hearing: February 3, 2003

Mr. Speaker: Your Committee on Budget reports:
Senate Bill No. 13
Senate Bill No. 14

With the recommendation: Do pass.

OROPEZA, Chairwoman

Above bills ordered to second reading.

Date of Hearing: February 3, 2003

Mr. Speaker: Your Committee on Budget reports:
Senate Bill No. 15

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

OROPEZA, Chairwoman

Above bill ordered to second reading.

SENATE BILLS NOS. 13 AND 14 TAKEN UP BY UNANIMOUS CONSENT FOR SECOND READING

Assembly Member Firebaugh was granted unanimous consent to take up Senate Bills Nos. 13 and 14 without reference to file, for the purpose of reading the bills a second time.

SENATE BILL NO. 13—An act to amend Section 13603 of the Penal Code, relating to corrections.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 14—An act to amend Sections 11453, 11462, 11463, 11466.2, 11466.35, 12201, and 12201.03 of the Welfare and Institutions Code, relating to public social services.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 15 TAKEN UP BY UNANIMOUS CONSENT FOR SECOND READING

Assembly Member Firebaugh was granted unanimous consent to take up Senate Bill No. 15 without reference to file, for the purpose of reading the bill a second time and adopting the committee amendments at this time.

SENATE BILL NO. 15—An act to amend Sections 2933, 3041, and 3057 of, and to add Section 3001.5 to, the Penal Code, relating to the Department of Corrections.

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

MOTION TO ADJOURN

At 12:17 p.m., Assembly Member Firebaugh moved that the Assembly do now adjourn.

Assembly Member Cox seconded the motion.

REMARKS ON CONDITION OF THE FILE

Assembly Member Leslie arose to speak on the condition of the file.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member Firebaugh that the Assembly adjourn.

Motion carried.

RECESS

By unanimous consent, at 12:19 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

MESSAGES FROM THE SENATE

Senate Chamber, February 3, 2003

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

Assembly Bill No. 6
Assembly Bill No. 8

Assembly Bill No. 10
Assembly Bill No. 11

And respectfully requests the Assembly to concur in said amendments.

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

Above bills ordered to unfinished business file.

Senate Chamber, February 3, 2003

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

Assembly Bill No. 4

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

Above bill ordered enrolled.

Senate Chamber, February 3, 2003

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

Senate Bill No. 10

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

Senate Chamber, February 3, 2003

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

Senate Concurrent Resolution No. 2

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

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 10—An act to add Section 52126.1 to, and to add Chapter 6.50 (commencing with Section 52129) to Part 28 of, the Education Code, relating to class size.

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 2—Relative to final adjournment of the 2003–04 First Extraordinary Session of the Legislature.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Firebaugh, the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 3, 2003**

The following measure was amended in the Assembly on this day:

AB	RN	
15	0306943	
Daily Total:		1
Cumulative Total:		16

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 4, 2003
TWELFTH SESSION DAY
FIFTY-EIGHTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, February 4, 2003

The Assembly met at 12:53 p.m.

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

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Francesca Vega reading.

ROLL CALL

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

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Campbell	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker

Quorum present—80.

PRAYER

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

Almighty God, Bestow upon us and upon all Your faithful people, Your manifold gifts of grace. Let our minds be enlightened by Your truth and our hearts purified by Your presence, that we may be strengthened spiritually with Your divine power. Grant us to have a right judgement in all things and to always rejoice in the comfort of Your holiness.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Plescia then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Firebaugh, seconded by Assembly Member Cogdill.

**AUTHOR'S AMENDMENTS
Committee on Budget**

February 4, 2003

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

Assembly Bill No. 1

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

OROPEZA, Chairwoman

ASSEMBLY BILL NO. 1—An act to add and repeal Chapter 5 (commencing with Section 35800) and Chapter 6 (commencing with Section 35900) to Part 21 of the Education Code, relating to education.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**CONSIDERATION OF SENATE AMENDMENTS—
ASSEMBLY RULE 77 SUSPENDED**

Assembly Member Oropeza was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 6, without reference to file.

ASSEMBLY BILL NO. 6 (Oropeza)—An act to amend Items 0250-001-0001, 0450-101-0932, 1760-001-0001, 1760-001-0666, 1760-011-0001, 2240-001-0001, 2240-011-0530, 2240-116-0929, 2660-011-3007, 2660-012-0041, 2660-015-0042, 2920-101-3005, 2920-111-0001, 2920-115-0440, 2920-115-0521, 3640-302-6029, 3790-001-0392, 3860-001-6031, 3910-001-0001, 3910-001-0387, 3960-001-0014, 3960-001-0557, 4260-101-0001, 4440-102-0001, 5460-011-0001, 8100-001-0597, 8100-012-0001, 8350-011-0222, 8450-001-0001, and 8450-001-0016 of, and to add Items 0450-495, 0530-496, 0540-495, 0550-495, 0552-495, 0553-495, 0555-495, 0559-495, 0650-495, 0690-495, 0840-496, 0860-496, 0950-496, 0954-496, 1100-495, 1111-495, 1140-495, 1700-495, 1705-495, 1730-496, 1760-495, 1880-495, 2240-115-0972, 2240-115-0980, 2240-116-0813, 2240-116-0927, 2240-116-0938, 2240-116-0985, 2240-117-0813, 2240-495, 2310-015-0400, 2400-015-0933, 2660-497, 2920-115-0393, 2920-116-0918, 2920-497, 3340-495, 3360-002-0382, 3360-495, 3460-495, 3480-495, 3540-496, 3540-497, 3560-001-0943, 3560-495, 3600-495, 3640-301-0660, 3640-496, 3640-497, 3720-495, 3790-495, 3790-496, 3820-001-0914, 3820-495, 3860-101-6031, 3860-495, 3860-496, 3900-496, 3930-495, 3940-495, 3960-496, 3980-495, 4120-495, 4130-495, 4170-495, 4200-011-0816, 4200-495, 4220-495, 4260-011-3020, 4260-497, 4280-495, 4300-496, 4440-495, 4700-495, 5160-496, 5175-496, 5180-496, 5240-496, 5430-497, 5440-495, 5450-495, 5460-495, 5480-495, 8100-496, 8140-495, 8260-495, 8300-495, 8320-495, 8350-495, 8380-495, 8460-495, 8570-495, 8620-495, 8885-495, 8910-495, 8955-495, 8960-495, 8965-495, 8966-495, 9860-495, and 9909-495 to, Section 2.00 of the Budget Act of 2002 (Chapter 379 of the Statutes of 2002), and to add Sections 4.90, 4.95, and 4.97 to, the Budget Act of 2002, relating to the support of state government, and making an appropriation therefor.

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

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

Assembly Rule 112 Suspended

Assembly Members Nunez and Wesson were granted unanimous consent that Assembly Rule 112 be temporarily suspended for the purpose of reading a paper on the Floor.

The question being on concurrence in Senate amendments.

Amendments concurred in by the following vote:

AYES—45

Berg	Firebaugh	Liu	Ridley-Thomas
Bermudez	Frommer	Longville	Salinas
Calderon	Goldberg	Lowenthal	Simitian
Canciamilla	Hancock	Montanez	Steinberg
Chan	Horton, Jerome	Mullin	Vargas
Chavez	Jackson	Nakano	Wiggins
Chu	Kehoe	Nation	Wolk
Cohn	Koretz	Negrete McLeod	Yee
Corbett	Laird	Nunez	Mr. Speaker
Diaz	Leno	Oropeza	
Dutra	Levine	Pavley	
Dymally	Lieber	Reyes	

NOES—32

Aghazarian	Daucher	La Suer	Pacheco
Bates	Dutton	Leslie	Parra
Benoit	Garcia	Maddox	Plescia
Bogh	Harman	Maldonado	Runner
Campbell	Horton, Shirley	Maze	Samuelian
Cogdill	Houston	McCarthy	Spitzer
Correa	Keene	Mountjoy	Strickland
Cox	La Malfa	Nakanishi	Wyland

Above bill ordered enrolled.

**CONSIDERATION OF SENATE AMENDMENTS—
ASSEMBLY RULE 77 SUSPENDED**

Assembly Member Oropeza was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 8, without reference to file.

ASSEMBLY BILL NO. 8 (Oropeza)—An act to amend, repeal, and add Section 41335 of, to add Sections 14041.5, 33128.1, 33128.2, and 41339.1 to, to add and repeal Section 60423 of, and to repeal and add Section 41330 of, the Education Code, to add Items 6110-301-0660 and 6110-497 to Section 2.00 of, and to add Section 12.65 to, Chapter 379 of the Statutes of 2002, relating to education finance, and making an appropriation therefor.

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

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

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

AYES—45

Berg	Firebaugh	Liu	Ridley-Thomas
Bermudez	Frommer	Longville	Salinas
Calderon	Goldberg	Lowenthal	Simitian
Canciamilla	Hancock	Montanez	Steinberg
Chan	Horton, Jerome	Mullin	Vargas
Chavez	Jackson	Nakano	Wiggins
Chu	Keohoe	Nation	Wolk
Cohn	Koretz	Negrete McLeod	Yee
Corbett	Laird	Nunez	Mr. Speaker
Diaz	Leno	Oropeza	
Dutra	Levine	Pavley	
Dymally	Lieber	Reyes	

NOES—33

Aghazarian	Dutton	Leslie	Richman
Bates	Garcia	Maddox	Runner
Benoit	Harman	Maldonado	Samuelian
Bogh	Haynes	Maze	Spitzer
Campbell	Horton, Shirley	McCarthy	Strickland
Cogdill	Houston	Nakanishi	Wyland
Correa	Keene	Pacheco	
Cox	La Malfa	Parra	
Daucher	La Suer	Plescia	

Above bill ordered enrolled.

**CONSIDERATION OF SENATE AMENDMENTS—
ASSEMBLY RULE 77 SUSPENDED**

Assembly Member Oropeza was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 10, without reference to file.

ASSEMBLY BILL NO. 10 (Oropeza)—An act to amend Section 39612 of, and to add Section 39613 to, the Health and Safety Code, and to amend Section 13260 of, and to add Sections 13260.2 and 13260.3 to, the Water Code, relating to resources.

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

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

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

AYES—43

Berg	Firebaugh	Lieber	Reyes
Bermudez	Frommer	Liu	Ridley-Thomas
Calderon	Goldberg	Longville	Salinas
Chan	Hancock	Lowenthal	Simitian
Chavez	Horton, Jerome	Montanez	Steinberg
Chu	Jackson	Mullin	Vargas
Cohn	Kehoe	Nakano	Wiggins
Corbett	Koretz	Nation	Wolk
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker
Dymally	Levine	Pavley	

NOES—36

Aghazarian	Daucher	La Suer	Pacheco
Bates	Dutton	Leslie	Parra
Benoit	Garcia	Maddox	Plescia
Bogh	Harman	Maldonado	Richman
Campbell	Haynes	Matthews	Runner
Canciamilla	Horton, Shirley	Maze	Samuelian
Cogdill	Houston	McCarthy	Spitzer
Correa	Keene	Mountjoy	Strickland
Cox	La Malfa	Nakanishi	Wyland

Above bill ordered enrolled.

**CONSIDERATION OF SENATE AMENDMENTS—
ASSEMBLY RULE 77 SUSPENDED**

Assembly Member Oropeza was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 11, without reference to file.

ASSEMBLY BILL NO. 11 (Oropeza)—An act to amend Section 16320 of the Government Code, and to repeal Section 10903 of the Revenue and Taxation Code, relating to state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

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

AYES—74

Aghazarian	Dutra	Levine	Pavley
Bates	Dutton	Lieber	Plescia
Benoit	Dymally	Liu	Reyes
Berg	Firebaugh	Longville	Richman
Bermudez	Frommer	Lowenthal	Ridley-Thomas
Bogh	Goldberg	Matthews	Runner
Calderon	Hancock	Maze	Salinas
Campbell	Harman	McCarthy	Samuelian
Canciamilla	Horton, Jerome	Montanez	Simitian
Chan	Horton, Shirley	Mountjoy	Spitzer
Chavez	Houston	Mullin	Steinberg
Chu	Jackson	Nakanishi	Strickland
Cogdill	Keene	Nakano	Vargas
Cohn	Kehoe	Nation	Wiggins
Corbett	Koretz	Negrete McLeod	Wolk
Correa	La Malfa	Nunez	Yee
Cox	Laird	Oropeza	Mr. Speaker
Daucher	Leno	Pacheco	
Diaz	Leslie	Parra	

NOES—2

Garcia Maldonado

Above bill ordered enrolled.

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

SENATE BILL NO. 13 (Committee on Budget and Fiscal Review)—An act to amend Section 13603 of the Penal Code, relating to corrections.

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

Bill passed by the following vote:

AYES—71

Aghazarian	Dutra	Leno	Parra
Bates	Dutton	Leslie	Pavley
Benoit	Dymally	Levine	Reyes
Berg	Firebaugh	Lieber	Richman
Bermudez	Frommer	Liu	Ridley-Thomas
Calderon	Goldberg	Longville	Runner
Campbell	Hancock	Lowenthal	Salinas
Canciamilla	Harman	Matthews	Samuelian
Chan	Haynes	Maze	Simitian
Chavez	Horton, Jerome	McCarthy	Spitzer
Chu	Horton, Shirley	Montanez	Steinberg
Cogdill	Houston	Mullin	Strickland
Cohn	Jackson	Nakano	Vargas
Corbett	Keene	Nation	Wiggins
Correa	Kehoe	Negrete McLeod	Wolk
Cox	Koretz	Nunez	Yee
Daucher	La Malfa	Oropeza	Mr. Speaker
Diaz	Laird	Pacheco	

NOES—8

Bogh	Maddox	Mountjoy	Plescia
La Suer	Maldonado	Nakanishi	Wyland

Bill ordered transmitted to the Senate.

SENATE BILL NO. 14 (Committee on Budget and Fiscal Review)—An act to amend Sections 11453, 11462, 11463, 11466.2, 11466.35, 12201, and 12201.03 of the Welfare and Institutions Code, relating to public social services.

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

Bill passed by the following vote:

AYES—74

Aghazarian	Dutra	Leslie	Plescia
Bates	Dutton	Levine	Reyes
Benoit	Dymally	Lieber	Richman
Berg	Firebaugh	Liu	Ridley-Thomas
Bermudez	Frommer	Longville	Runner
Bogh	Goldberg	Lowenthal	Salinas
Calderon	Hancock	Matthews	Samuelian
Campbell	Harman	Maze	Simitian
Canciamilla	Haynes	McCarthy	Spitzer
Chan	Horton, Jerome	Montanez	Steinberg
Chavez	Horton, Shirley	Mullin	Strickland
Chu	Houston	Nakano	Vargas
Cogdill	Jackson	Nation	Wiggins
Cohn	Keene	Negrete McLeod	Wolk
Corbett	Kehoe	Nunez	Wyland
Correa	Koretz	Oropeza	Yee
Cox	La Malfa	Pacheco	Mr. Speaker
Daucher	Laird	Parra	
Diaz	Leno	Pavley	

NOES—6

Garcia	Maddox	Mountjoy
La Suer	Maldonado	Nakanishi

Vote Changes

By unanimous consent, the following vote changes were permitted on Senate Bill No. 14: Assembly Member Mountjoy, from “Aye” to “No”; Assembly Member Bogh, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

Objection to Vote Adds and Changes

Assembly Member Firebaugh withheld unanimous consent on any further requests for vote adds or vote changes on the roll call votes taken on this day on Assembly Bill No. 11 and Senate Bill No. 14.

SENATE BILL NO. 15 (Committee on Budget and Fiscal Review)—An act to amend Sections 2933 and 3057 of the Penal Code, relating to the Department of Corrections.

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

Bill passed by the following vote:

AYES—42

Berg	Firebaugh	Lowenthal	Ridley-Thomas
Bermudez	Goldberg	Matthews	Salinas
Calderon	Hancock	Montanez	Simitian
Chan	Jackson	Mullin	Steinberg
Chavez	Kehoe	Nakano	Vargas
Chu	Koretz	Nation	Wiggins
Cohn	Laird	Negrete McLeod	Wolk
Corbett	Leno	Nunez	Yee
Diaz	Levine	Oropeza	Mr. Speaker
Dutra	Lieber	Pavley	
Dymally	Longville	Reyes	

NOES—38

Aghazarian	Dutton	La Suer	Parra
Bates	Frommer	Leslie	Plescia
Benoit	Garcia	Liu	Richman
Bogh	Harman	Maddox	Runner
Campbell	Haynes	Maldonado	Samuelian
Canciamilla	Horton, Jerome	Maze	Spitzer
Cogdill	Horton, Shirley	McCarthy	Strickland
Correa	Houston	Mountjoy	Wyland
Cox	Keene	Nakanishi	
Daucher	La Malfa	Pacheco	

Bill ordered transmitted to the Senate.

OBJECTION WITHDRAWN

Assembly Member Firebaugh withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 14.

VOTE ADDS

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

Assembly Bill No. 6, Concurrence: Bogh and Shirley Horton—No.

Assembly Bill No. 8, Concurrence: Jerome Horton—Aye; Maddox—No.

Assembly Bill No. 11, Concurrence: Chan, Leslie, and Negrete McLeod—Aye.

Senate Bill No. 13: Nunez—Aye; Maddox—No.

Senate Bill No. 14: Wyland—Aye.

Senate Bill No. 15: Frommer, Jerome Horton, and La Suer—No.

RECESS

By unanimous consent, at 2:46 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON FEBRUARY 4, 2003

The following measure was amended in the Assembly on this day:

AB	RN	
1	0301692	
Daily Total:		1
Cumulative Total:		17

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, February 5, 2003
THIRTEENTH SESSION DAY
FIFTY-NINTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, February 5, 2003

The Assembly met at 7 a.m.

Hon. Abel Maldonado, Assembly Member, 33rd District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—78:

Aghazarian	Dymally	Lieber	Pavley
Bates	Firebaugh	Liu	Plescia
Benoit	Frommer	Longville	Reyes
Berg	Garcia	Lowenthal	Richman
Bermudez	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Maldonado	Runner
Calderon	Harman	Matthews	Salinas
Campbell	Haynes	Maze	Samuelian
Canciamilla	Horton, Jerome	McCarthy	Simitian
Chan	Horton, Shirley	Montanez	Spitzer
Chavez	Houston	Mountjoy	Steinberg
Chu	Jackson	Mullin	Strickland
Cogdill	Keene	Nakanishi	Vargas
Cohn	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	
Dutton	Levine	Parra	

Quorum present.

At 11:38 a.m., Hon. Dave Cox, 5th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Corbett and Kehoe.

(NOTE: For explanations of absences of Assembly Members Corbett and Kehoe on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 5, 2003

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

Assembly Bill No. 1

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

REPORTS OF STANDING COMMITTEES

Committee on Budget

Date of Hearing: February 5, 2003

Mr. Speaker: Your Committee on Budget reports:

Assembly Bill No. 1

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

OROPEZA, Chairwoman

Above bill re-referred to the Committee on Rules.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Friday, February 7, 2003
FOURTEENTH SESSION DAY
SIXTY-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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, February 7, 2003

The Assembly met at 8:55 a.m.

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

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Francesca Vega reading.

ROLL CALL

The roll was called, and the following answered to their names—60:

Aghazarian	Diaz	Leslie	Nation
Bates	Dutra	Levine	Parra
Benoit	Dutton	Lieber	Plescia
Berg	Dymally	Longville	Reyes
Bogh	Garcia	Lowenthal	Ridley-Thomas
Canciamilla	Hancock	Maddox	Runner
Chan	Harman	Maldonado	Salinas
Chavez	Haynes	Matthews	Simitian
Chu	Jackson	Maze	Spitzer
Cogdill	Keene	McCarthy	Steinberg
Cohn	Kehoe	Montanez	Strickland
Corbett	Koretz	Mountjoy	Vargas
Correa	La Malfa	Mullin	Wiggins
Cox	Laird	Nakanishi	Wolk
Daucher	Leno	Nakano	Mr. Speaker

Quorum present.

PRAYER

Upon invitation of Speaker pro Tempore Kehoe, the following prayer was offered by Assembly Member John Dutra, of the 20th Assembly District:

Heavenly Father, Your gift is love, and in all our deliberations we would be aware that peace and happiness come not from what we have, but what we share. Help us in our laws to share the grace and blessings of Your Spirit with one another.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Dymally then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Chan, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Bermudez, Calderon, Campbell, Firebaugh, Frommer, Goldberg, Jerome E. Horton, Houston, La Suer, Liu, Negrete McLeod, Nunez, Oropeza, Pacheco, Pavley, Richman, Samuelian, and Yee.

On personal business, and waiving per diem: Assembly Members Shirley Horton and Wyland.

(NOTE: For explanations of absences of Assembly Members Bermudez, Calderon, Campbell, Firebaugh, Frommer, Goldberg, Jerome E. Horton, Houston, Liu, Negrete McLeod, Nunez, Oropeza, Pacheco, Pavley, Richman, Samuelian, and Yee on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for explanation of absence of Assembly Member La Suer on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for February 6, 2003.)

COMMUNICATIONS

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

February 7, 2003

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

Dear Dotson: This is to advise you that I have created the Assembly Education Committee for the 2003–04 First Extraordinary Session, consistent with the Regular Session membership.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

REPORTS OF STANDING COMMITTEES
Committee on Rules

Date of Hearing: February 7, 2003

Mr. Speaker: Your Committee on Rules reports:
 Assembly Bill No. 1

With the recommendation: That the bill be re-referred to the Committee on Education.
 NATION, Chairman

Above bill re-referred to the Committee on Education.

MESSAGES FROM THE SENATE

February 6, 2003

The Honorable E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chambers
Sacramento, California

Dear Dotson: By direction of the Senate I respectfully request that you return Senate Bill 10 to the Senate for further action.

Sincerely,

GREGORY P. SCHMIDT
 Secretary of the Senate

BILL RETURNED TO SENATE

Assembly Member Chan was granted unanimous consent that Senate Bill No. 10 be returned to the Senate for further action.

RECESS

By unanimous consent, at 8:56 a.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 11, 2003
FIFTEENTH SESSION DAY
SIXTY-FIFTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, February 11, 2003

The Assembly met at 11:13 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Brian Ebbert reading.

ROLL CALL

The following were placed upon the morning roll call—75:

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Harman	Maldonado	Ridley-Thomas
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chan	Horton, Shirley	McCarthy	Simitian
Chavez	Houston	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wolk
Cox	La Malfa	Nation	Wyland
Daucher	La Suer	Negrete McLeod	Yee
Diaz	Laird	Nunez	Mr. Speaker
Dutra	Leno	Oropeza	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Corbett, Hancock, Maddox, and Wiggins.

Because of travel delays: Assembly Member Runner.

(NOTE: For explanations of absences of Assembly Members Corbett, Hancock, Maddox, Runner, and Wiggins on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

MESSAGES FROM THE SENATE

Senate Chamber, February 11, 2003

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

Senate Bill No. 15

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

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, February 19, 2003
SIXTEENTH SESSION DAY
SEVENTY-THIRD CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, February 19, 2003

The Assembly met at 7 a.m.
Hon. Barbara Matthews, Assembly Member, 17th District,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Brian Ebbert reading.

ROLL CALL

The following were placed upon the morning roll call—75:

Aghazarian	Dutton	Levine	Pavley
Benoit	Dymally	Lieber	Plescia
Berg	Firebaugh	Longville	Reyes
Bermudez	Frommer	Lowenthal	Richman
Bogh	Goldberg	Maddox	Ridley-Thomas
Calderon	Hancock	Maldonado	Runner
Campbell	Harman	Matthews	Salinas
Canciamilla	Haynes	Maze	Samuelian
Chan	Horton, Shirley	McCarthy	Simitian
Chavez	Houston	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Pacheco	Mr. Speaker
Dutra	Leslie	Parra	

Quorum present.

At 1:32 p.m., Hon. Russ Bogh, 65th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Member Jerome E. Horton.

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

Because of illness: Assembly Members Bates and Oropeza.

Because of illness in her family: Assembly Member Garcia.

(NOTE: For explanation of absence of Assembly Member Jerome E. Horton on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

AUTHOR'S AMENDMENTS
Committee on Education

February 19, 2003

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

Assembly Bill No. 1

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

GOLDBERG, Chairwoman

ASSEMBLY BILL NO. 1—An act to add and repeal Chapter 5 (commencing with Section 35800) and Chapter 6 (commencing with Section 35900) of Part 21 of the Education Code, relating to education.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 19, 2003**

The following measure was amended in the Assembly on this day:

AB	RN	
1	0307201	
Daily Total:		1
Cumulative Total:		18

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 20, 2003
SEVENTEENTH SESSION DAY
SEVENTY-FOURTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, February 20, 2003

The Assembly met at 8:40 a.m.

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

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—76:

Aghazarian	Dutton	Leno	Pacheco
Benoit	Dymally	Leslie	Parra
Berg	Firebaugh	Levine	Pavley
Bermudez	Frommer	Lieber	Plescia
Bogh	Garcia	Longville	Richman
Calderon	Goldberg	Lowenthal	Ridley-Thomas
Campbell	Hancock	Maddox	Runner
Canciamilla	Harman	Maldonado	Salinas
Chan	Haynes	Matthews	Samuelian
Chavez	Horton, Jerome	Maze	Simitian
Chu	Horton, Shirley	McCarthy	Spitzer
Cogdill	Houston	Montanez	Steinberg
Cohn	Jackson	Mountjoy	Strickland
Corbett	Keene	Mullin	Vargas
Correa	Kehoe	Nakanishi	Wiggins
Cox	Koretz	Nakano	Wolk
Daucher	La Malfa	Nation	Wyland
Diaz	La Suer	Negrete McLeod	Yee
Dutra	Laird	Nunez	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Member Bates.

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

Because of illness: Assembly Member Oropeza.

Because of a death in her family: Assembly Member Reyes.

(NOTE: For explanation of absence of Assembly Member Bates on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 20, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 1

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 16—Goldberg. An act to add Section 17206 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ADJOURNMENT

At 4 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 25, 2003
EIGHTEENTH SESSION DAY
SEVENTY-NINTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, February 25, 2003

The Assembly met at 7 a.m.
Hon. Barbara Matthews, Assembly Member, 17th District,
presiding.
Assistant Chief Clerk Lawrence A. Murman at the Desk.
Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—77:

Aghazarian	Dutton	Lieber	Pavley
Bates	Dymally	Liu	Plescia
Benoit	Firebaugh	Longville	Reyes
Berg	Garcia	Lowenthal	Richman
Bermudez	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Maldonado	Runner
Calderon	Harman	Matthews	Salinas
Campbell	Haynes	Maze	Samuelian
Canciamilla	Horton, Shirley	McCarthy	Simitian
Chan	Houston	Montanez	Spitzer
Chavez	Jackson	Mountjoy	Steinberg
Chu	Keene	Mullin	Strickland
Cogdill	Kehoe	Nakanishi	Vargas
Cohn	Koretz	Nakano	Wiggins
Corbett	La Malfa	Nation	Wolk
Correa	La Suer	Negrete McLeod	Wyland
Cox	Laird	Nunez	Mr. Speaker
Daucher	Leno	Oropeza	
Diaz	Leslie	Pacheco	
Dutra	Levine	Parra	

Quorum present.

At 1:55 p.m., Hon. Patricia Wiggins, 7th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Jerome E. Horton and Yee.

To attend a funeral: Assembly Member Frommer.

(NOTE: For explanations of absences of Assembly Members Jerome E. Horton and Yee on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

MESSAGES FROM THE SENATE

Senate Chamber, February 24, 2003

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

Senate Bill No. 10
Senate Bill No. 18
Senate Bill No. 19

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

FIRST READING OF SENATE BILLS

The following bills were read the first time:

SENATE BILL NO. 10—An act to amend Sections 52122, 52123, 52124, and 52124.5 of the Education Code, relating to class size.

SENATE BILL NO. 18—An act to amend, repeal, and add Section 41335 of, to add Sections 14041.5, 33128.1, 33128.2, and 41339.1 to, to add and repeal Section 60423 of, to repeal Article 13 (commencing with Section 44400) of Chapter 2 of Part 25 of, and to repeal and add Section 41330 of, the Education Code, to add Items 6110-301-0660 and 6110-497 to Section 2.00 of, and to add Section 12.65 to, Chapter 379 of the Statutes of 2002, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

SENATE BILL NO. 19—An act to amend Items 0250-001-0001, 0450-101-0932, 1760-001-0001, 1760-001-0666, 1760-011-0001, 2240-001-0001, 2240-011-0530, 2240-116-0929, 2660-011-3007, 2660-015-0042, 2920-101-3005, 2920-111-0001, 2920-115-0440, 2920-115-0521, 3640-302-6029, 3790-001-0392, 3860-001-6031, 3910-001-0001, 3910-001-0387, 3960-001-0014, 3960-001-0557, 4260-101-0001, 4440-102-0001, 5460-011-0001, 8100-001-0597, 8100-012-0001, 8350-011-0222, 8450-001-0001, 8450-001-0016, and 8665-001-9326 of, and to add Items 0450-495, 0530-496, 0540-495, 0550-495, 0552-495, 0553-495, 0555-495, 0559-495, 0650-495, 0690-495, 0840-496, 0860-496, 0950-496, 0954-496, 1100-495, 1111-495, 1140-495, 1700-495, 1705-495, 1730-496, 1760-495, 1880-495, 2240-115-0972, 2240-115-0980, 2240-116-0813, 2240-116-0927, 2240-116-0938, 2240-116-0985, 2240-117-0813, 2240-495, 2310-015-0400, 2400-015-0933, 2660-497, 2920-115-0393, 2920-116-0918, 2920-497, 3340-495, 3360-002-0382, 3360-495, 3460-495, 3480-495, 3540-496, 3540-497, 3560-001-0943, 3560-495, 3600-495, 3640-301-6031, 3640-496, 3640-497, 3720-495, 3790-495, 3790-496, 3820-001-0914, 3820-495, 3860-101-6031, 3860-495, 3860-496, 3900-496, 3930-495, 3940-495, 3960-496, 3980-495, 4120-495, 4130-495, 4170-495, 4200-011-0816, 4200-495, 4220-495, 4260-011-3020, 4260-497, 4280-495, 4300-496, 4440-495, 4700-495, 5160-496, 5175-496, 5180-496, 5240-496, 5430-497, 5440-495, 5450-495, 5460-495, 5480-495, 8100-496, 8140-495, 8260-495, 8300-495, 8320-495, 8350-495, 8380-495, 8460-495, 8570-495, 8620-495, 8885-495, 8910-495, 8955-495, 8960-495, 8965-495, 8966-495, 9860-495, and 9909-495 to, Section 2.00 of the Budget Act of 2002 (Chapter 379 of the Statutes of 2002), and to add Sections 4.90, 4.95, and 11.90 to, the Budget Act of 2002, relating to the support of state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 27, 2003
NINETEENTH SESSION DAY
EIGHTY-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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, February 27, 2003

The Assembly met at 8:40 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—78:

Aghazarian	Dutton	Leslie	Pavley
Bates	Dymally	Levine	Plescia
Benoit	Firebaugh	Lieber	Reyes
Berg	Frommer	Liu	Richman
Bermudez	Garcia	Longville	Ridley-Thomas
Bogh	Goldberg	Lowenthal	Runner
Calderon	Hancock	Maddox	Salinas
Campbell	Harman	Maldonado	Samuelian
Canciamilla	Haynes	Matthews	Simitian
Chan	Horton, Jerome	Maze	Spitzer
Chavez	Horton, Shirley	McCarthy	Steinberg
Chu	Houston	Montanez	Strickland
Cogdill	Jackson	Mountjoy	Vargas
Cohn	Keene	Mullin	Wiggins
Corbett	Kehoe	Nakanishi	Wolk
Correa	Koretz	Nakano	Wyland
Cox	La Malfa	Nation	Yee
Daucher	La Suer	Negrete McLeod	Mr. Speaker
Diaz	Laird	Pacheco	
Dutra	Leno	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Member Nunez.

Because of illness: Assembly Member Oropeza.

(NOTE: For explanation of absence of Assembly Member Nunez on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

February 26, 2003

*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 Assemblymembers as Democratic Assistant Whips for the 2003–04 Regular Session:

- Assemblymember Ron Calderon
- Assemblymember Jackie Goldberg
- Assemblymember Lloyd Levine
- Assemblymember Cindy Montanez
- Assemblymember Gloria Negrete McLeod
- Assemblymember Fran Pavley
- Assemblymember Simon Salinas

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

<i>Senate</i>	<i>Committee</i>
<i>Bill No.</i>	
10 -----	Ed.
18 -----	Budget
19 -----	Budget

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, March 3, 2003
TWENTIETH SESSION DAY
EIGHTY-FIFTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, March 3, 2003

The Assembly met at 12:10 p.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Brian Ebbert reading.

ROLL CALL

The following were placed upon the morning roll call—77:

Aghazarian	Dymally	Levine	Plescia
Bates	Firebaugh	Lieber	Reyes
Benoit	Frommer	Liu	Richman
Berg	Garcia	Longville	Ridley-Thomas
Bermudez	Goldberg	Maddox	Runner
Bogh	Hancock	Maldonado	Salinas
Calderon	Harman	Matthews	Samuelian
Campbell	Haynes	Maze	Simitian
Canciamilla	Horton, Jerome	McCarthy	Spitzer
Chan	Horton, Shirley	Montanez	Steinberg
Chavez	Houston	Mountjoy	Strickland
Chu	Jackson	Mullin	Vargas
Cogdill	Keene	Nakanishi	Wiggins
Cohn	Kehoe	Nakano	Wolk
Corbett	Koretz	Nation	Wyland
Cox	La Malfa	Negrete McLeod	Yee
Daucher	La Suer	Nunez	Mr. Speaker
Diaz	Laird	Pacheco	
Dutra	Leno	Parra	
Dutton	Leslie	Pavley	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Correa and Lowenthal.

Because of illness: Assembly Member Oropeza.

(NOTE: For explanations of absences of Assembly Members Correa and Lowenthal on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 17—Kehoe and Vargas (Coauthors: Berg, Calderon, Cohn, Lowenthal, Matthews, Montanez, Nakano, Pavley, Reyes, and Wolk). An act to amend Section 2933 of the Penal Code, relating to prisoners.

REPORTS OF STANDING COMMITTEES
Committee on Budget

Date of Hearing: March 3, 2003

Mr. Speaker: Your Committee on Budget reports:
Senate Bill No. 11

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

OROPEZA, Chairwoman

Above bill ordered to second reading.

Date of Hearing: March 3, 2003

Mr. Speaker: Your Committee on Budget reports:
Senate Bill No. 19

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

OROPEZA, Chairwoman

Above bill ordered to second reading.

Date of Hearing: March 3, 2003

Mr. Speaker: Your Committee on Budget reports:
Senate Bill No. 18

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

OROPEZA, Chairwoman

Above bill ordered to second reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, March 4, 2003
TWENTY-FIRST SESSION DAY
EIGHTY-SIXTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, March 4, 2003

The Assembly met at 7 a.m.

Hon. Abel Maldonado, Assembly Member, 33rd District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—78:

Aghazarian	Dymally	Lieber	Pavley
Bates	Firebaugh	Liu	Plescia
Benoit	Frommer	Longville	Reyes
Berg	Garcia	Lowenthal	Richman
Bermudez	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Maldonado	Runner
Calderon	Harman	Matthews	Salinas
Campbell	Haynes	Maze	Samuelian
Canciamilla	Horton, Shirley	McCarthy	Simitian
Chan	Houston	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	
Dutton	Levine	Parra	

Quorum present.

At 12 noon, Hon. Ken Maddox, 68th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Chavez and Jerome E. Horton.

(NOTE: For explanations of absences of Assembly Members Chavez and Jerome E. Horton on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

SENATE BILL NO. 11—An act relating to the state budget, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

SENATE BILL NO. 19—An act to amend Items 0250-001-0001, 0450-101-0932, 1760-001-0001, 1760-001-0666, 1760-011-0001, 2240-001-0001, 2240-011-0530, 2240-116-0929, 2660-011-3007, 2660-015-0042, 2920-101-3005, 2920-111-0001, 2920-115-0440, 2920-115-0521, 3640-302-6029, 3790-001-0392, 3860-001-6031, 3910-001-0001, 3910-001-0387, 3960-001-0014, 3960-001-0557, 4260-101-0001, 4440-102-0001, 5460-011-0001, 8100-001-0597, 8100-012-0001, 8350-011-0222, 8450-001-0001, 8450-001-0016, and 8665-001-9326 of, and to add Items 0450-495, 0530-496, 0540-495, 0550-495, 0552-495, 0553-495, 0555-495, 0559-495, 0650-495, 0690-495, 0840-496, 0860-496, 0950-496, 0954-496, 1100-495, 1111-495, 1140-495, 1700-495, 1705-495, 1730-496, 1760-495, 1880-495, 2240-115-0972, 2240-115-0980, 2240-116-0813, 2240-116-0927, 2240-116-0938, 2240-116-0985, 2240-117-0813, 2240-495, 2310-015-0400, 2400-015-0933, 2660-497, 2920-115-0393, 2920-116-0918, 2920-497, 3340-495, 3360-002-0382, 3360-495, 3460-495, 3480-495, 3540-496, 3540-497, 3560-001-0943, 3560-495, 3600-495, 3640-301-6031, 3640-496, 3640-497, 3720-495, 3790-495, 3790-496, 3820-001-0914, 3820-495, 3860-101-6031, 3860-495, 3860-496, 3900-496, 3930-495, 3940-495, 3960-496, 3980-495, 4120-495, 4130-495, 4170-495, 4200-011-0816, 4200-495, 4220-495, 4260-011-3020, 4260-497, 4280-495, 4300-496, 4440-495, 4700-495, 5160-496, 5175-496, 5180-496, 5240-496, 5430-497, 5440-495, 5450-495, 5460-495, 5480-495, 8100-496, 8140-495, 8260-495, 8300-495, 8320-495, 8350-495, 8380-495, 8460-495, 8570-495, 8620-495, 8885-495, 8910-495, 8955-495, 8960-495, 8965-495, 8966-495, 9860-495, and 9909-495 to, Section 2.00 of the Budget Act of 2002 (Chapter 379 of the Statutes of 2002), and to add Sections 4.90, 4.95, and 11.90 to, the Budget Act of 2002, relating to the support of state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

SENATE BILL NO. 18—An act to amend, repeal, and add Section 41335 of, to add Sections 14041.5, 33128.1, 33128.2, and 41339.1 to, to add and repeal Section 60423 of, to repeal Article 13 (commencing with Section 44400) of Chapter 2 of Part 25 of, and to repeal and add Section 41330 of, the Education Code, to add Items 6110-301-0660 and 6110-497 to Section 2.00 of, and to add Section 12.65 to, Chapter 379 of the Statutes of 2002, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 4, 2003

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

SB	RN
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11	0307809
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18	0307876
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19	0307770
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Daily Total:	3
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Cumulative Total:	23
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CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, March 5, 2003
TWENTY-SECOND SESSION DAY
EIGHTY-SEVENTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, March 5, 2003

The Assembly met at 7 a.m.

Hon. Simon Salinas, Assembly Member, 28th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—74:

Aghazarian	Dutton	Lieber	Pavley
Bates	Dymally	Liu	Plescia
Benoit	Garcia	Longville	Reyes
Berg	Goldberg	Lowenthal	Richman
Bermudez	Hancock	Maddox	Ridley-Thomas
Bogh	Harman	Maldonado	Runner
Calderon	Haynes	Matthews	Salinas
Campbell	Horton, Shirley	Maze	Samuelian
Canciamilla	Houston	McCarthy	Simitian
Chan	Jackson	Montanez	Spitzer
Chu	Keene	Mountjoy	Steinberg
Cogdill	Kehoe	Mullin	Strickland
Cohn	Koretz	Nakanishi	Vargas
Corbett	La Malfa	Nakano	Wolk
Correa	La Suer	Nation	Wyland
Cox	Laird	Negrete McLeod	Yee
Daucher	Leno	Nunez	Mr. Speaker
Diaz	Leslie	Pacheco	
Dutra	Levine	Parra	

Quorum present.

At 1:35 p.m., Speaker pro Tempore Christine Kehoe, 76th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Chavez, Firebaugh, and Jerome E. Horton.

Because of illness: Assembly Members Frommer, Oropeza, and Wiggins.

(NOTE: For explanation of absence of Assembly Member Firebaugh on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for explanations of absence of Assembly Members Chavez and Jerome E. Horton on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Journal for March 4, 2003.)

COMMUNICATIONS

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

March 5, 2003

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

Dear Dotson: This is to advise you that I have appointed Assemblymembers Cindy Montanez and Gloria Negrete McLeod to replace Assemblymembers Manny Diaz and Gene Mullin on the Assembly Education Committee for today's hearing only.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

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

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

Senate Bills Nos. 11, 19, and 18, ordered to third reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, March 10, 2003
TWENTY-THIRD SESSION DAY
NINETY-SECOND CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, March 10, 2003

The Assembly met at 1:33 p.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Francesca Vega reading.

ROLL CALL

The roll was called, and the following answered to their names—79:

Aghazarian	Dutton	Levine	Parra
Bates	Dymally	Lieber	Pavley
Benoit	Firebaugh	Liu	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Garcia	Lowenthal	Richman
Bogh	Goldberg	Maddox	Ridley-Thomas
Calderon	Hancock	Maldonado	Runner
Campbell	Harman	Matthews	Salinas
Canciamilla	Haynes	Maze	Samuelian
Chan	Horton, Jerome	McCarthy	Simitian
Chavez	Horton, Shirley	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	

Quorum present.

PRAYER

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

O Lord God, You pour out mercy and kindness and always invite us even though we turn away from You. To You we commit all our weakness. Forgive us our transgressions, both of the whole day and of our entire life, for we know how great is Your kindness. O God, our Creator, we know that You alone can save our souls, and we glorify You.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Campbell then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Chan, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

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

**CONSIDERATION OF DAILY FILE
THIRD READING OF SENATE BILLS**

SENATE BILL NO. 11 (Committee on Budget and Fiscal Review)—An act to amend Sections 11453, 11462, 11463, 11466.2, 11466.35, 12201, and 12201.03 of the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—73

Aghazarian	Dutra	Levine	Plescia
Bates	Dutton	Lieber	Reyes
Benoit	Dymally	Liu	Ridley-Thomas
Berg	Firebaugh	Longville	Runner
Bermudez	Frommer	Lowenthal	Salinas
Bogh	Goldberg	Matthews	Samuelian
Calderon	Hancock	Maze	Simitian
Campbell	Harman	McCarthy	Spitzer
Canciamilla	Haynes	Montanez	Steinberg
Chan	Horton, Jerome	Mountjoy	Strickland
Chavez	Horton, Shirley	Mullin	Vargas
Chu	Jackson	Nakano	Wiggins
Cogdill	Keene	Nation	Wolk
Cohn	Kehoe	Negrete McLeod	Wyland
Corbett	Koretz	Nunez	Yee
Correa	La Malfa	Oropeza	Mr. Speaker
Cox	Laird	Pacheco	
Daucher	Leno	Parra	
Diaz	Leslie	Pavley	

NOES—3

La Suer	Maldonado	Nakanishi
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The question being on the passage of the bill.

Bill passed by the following vote:

AYES—73

Aghazarian	Dutra	Levine	Plescia
Bates	Dutton	Lieber	Reyes
Benoit	Dymally	Liu	Ridley-Thomas
Berg	Firebaugh	Longville	Runner
Bermudez	Frommer	Lowenthal	Salinas
Bogh	Goldberg	Matthews	Samuelian
Calderon	Hancock	Maze	Simitian
Campbell	Harman	McCarthy	Spitzer
Canciamilla	Haynes	Montanez	Steinberg
Chan	Horton, Jerome	Mountjoy	Strickland
Chavez	Horton, Shirley	Mullin	Vargas
Chu	Jackson	Nakano	Wiggins
Cogdill	Keene	Nation	Wolk
Cohn	Kehoe	Negrete McLeod	Wyland
Corbett	Koretz	Nunez	Yee
Correa	La Malfa	Oropeza	Mr. Speaker
Cox	Laird	Pacheco	
Daucher	Leno	Parra	
Diaz	Leslie	Pavley	

NOES—3

La Suer	Maldonado	Nakanishi
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Bill ordered transmitted to the Senate.

(NOTE: For explanation of vote by Assembly Member Correa relative to Senate Bill No. 11, see Assembly Journal for March 13, 2003, page 145.)

SENATE BILL NO. 19 (Chesbro) An act to amend Items 0250-001-0001, 0450-101-0932, 1760-001-0001, 1760-001-0666, 1760-011-0001, 2240-001-0001, 2240-011-0530, 2240-116-0929, 2660-011-3007, 2660-015-0042, 2920-101-3005, 2920-111-0001, 2920-115-0440, 2920-115-0521, 3640-302-6029, 3790-001-0392, 3860-001-6031, 3910-001-0001, 3910-001-0387, 3960-001-0014, 3960-001-0557, 4260-101-0001, 4440-102-0001, 5460-011-0001, 8100-001-0597, 8100-012-0001, 8350-011-0222, 8450-001-0001, and 8450-001-0016 of, and to add Items 0450-495, 0530-496, 0540-495, 0550-495, 0552-495, 0553-495, 0555-495, 0559-495, 0650-495, 0690-495, 0840-496, 0860-496, 0950-496, 0954-496, 1100-495, 1111-495, 1140-495, 1700-495, 1705-495, 1730-496, 1760-495, 1880-495, 2240-115-0972, 2240-115-0980, 2240-116-0813, 2240-116-0927, 2240-116-0938, 2240-116-0985, 2240-117-0813, 2240-495, 2310-015-0400, 2400-015-0933, 2660-497, 2920-115-0393, 2920-116-0918, 2920-497, 3340-495, 3360-002-0382, 3360-495, 3460-495, 3480-495, 3540-496, 3540-497, 3560-001-0943, 3560-495, 3600-495, 3640-301-6031, 3640-496, 3640-497, 3720-495, 3790-495, 3790-496, 3820-001-0914, 3820-495, 3860-101-6031, 3860-495, 3860-496, 3900-496, 3930-495, 3940-495, 3960-496, 3980-495, 4120-495, 4130-495, 4170-495, 4200-011-0816, 4200-495, 4220-495, 4260-011-3020, 4260-497, 4280-495, 4300-496, 4440-495, 4700-495, 5160-496, 5175-496, 5180-496, 5240-496, 5430-497, 5440-495, 5450-495, 5460-495, 5480-495, 8100-496, 8140-495, 8260-495, 8300-495, 8320-495, 8350-495, 8380-495, 8460-495, 8570-495, 8620-495, 8885-495, 8910-495, 8955-495, 8960-495, 8965-495, 8966-495, 9860-495, and 9909-495 to, Section 2.00 of the Budget Act of 2002 (Chapter 379 of the Statutes of 2002), and to add Sections 4.90, 4.95, and 11.90 to, the Budget Act of 2002, relating to the support of state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—68

Aghazarian	Dutra	Levine	Pacheco
Bates	Dymally	Lieber	Pavley
Benoit	Firebaugh	Liu	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Matthews	Runner
Campbell	Harman	Maze	Salinas
Canciamilla	Haynes	McCarthy	Samuelian
Chan	Horton, Jerome	Montanez	Simitian
Chavez	Jackson	Mountjoy	Steinberg
Chu	Keene	Mullin	Strickland
Cogdill	Kehoe	Nakanishi	Vargas
Cohn	Koretz	Nakano	Wiggins
Corbett	La Malfa	Nation	Wolk
Cox	Laird	Negrete McLeod	Wyland
Daucher	Leno	Nunez	Yee
Diaz	Leslie	Oropeza	Mr. Speaker

NOES—10

Bogh	Garcia	Maddox	Spitzer
Correa	Horton, Shirley	Maldonado	
Dutton	La Suer	Parra	

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

AYES—68

Aghazarian	Dutra	Levine	Pacheco
Bates	Dymally	Lieber	Pavley
Benoit	Firebaugh	Liu	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Matthews	Runner
Campbell	Harman	Maze	Salinas
Canciamilla	Haynes	McCarthy	Samuelian
Chan	Horton, Jerome	Montanez	Simitian
Chavez	Jackson	Mountjoy	Steinberg
Chu	Keene	Mullin	Strickland
Cogdill	Kehoe	Nakanishi	Vargas
Cohn	Koretz	Nakano	Wiggins
Corbett	La Malfa	Nation	Wolk
Cox	Laird	Negrete McLeod	Wyland
Daucher	Leno	Nunez	Yee
Diaz	Leslie	Oropeza	Mr. Speaker

NOES—10

Bogh	Garcia	Maddox	Spitzer
Correa	Horton, Shirley	Maldonado	
Dutton	La Suer	Parra	

Bill ordered transmitted to the Senate.

SENATE BILL NO. 18 (Chesbro)—An act to amend Sections 69995, 69997, and 69998 of, to amend, repeal, and add Section 41335 of, to add Sections 14041.5, 33128.1, 33128.2, and 41339.1 to, to add and repeal Section 60423 of, and to repeal and add Section 41330 of, the Education Code, to add Items 6110-301-0660 and 6110-497 to Section 2.00 of, and to add Section 12.65 to, Chapter 379 of the Statutes of 2002, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read.

Assembly Rule 112 Suspended

Assembly Member Daucher was granted unanimous consent that Assembly Rule 112 be suspended for the purpose of permitting her to read a paper during debate on the Floor.

The question being on the adoption of the urgency clause.

Urgency clause adopted by the following vote:

AYES—64

Aghazarian	Daucher	Laird	Oropeza
Bates	Diaz	Leno	Pacheco
Benoit	Dutra	Leslie	Pavley
Berg	Dutton	Levine	Reyes
Bermudez	Dymally	Lieber	Ridley-Thomas
Bogh	Firebaugh	Liu	Runner
Calderon	Frommer	Longville	Salinas
Campbell	Goldberg	Lowenthal	Samuelian
Canciamilla	Hancock	Matthews	Simitian
Chan	Harman	McCarthy	Steinberg
Chavez	Haynes	Montanez	Strickland
Chu	Horton, Jerome	Mullin	Vargas
Cogdill	Jackson	Nakano	Wiggins
Cohn	Keene	Nation	Wolk
Corbett	Kehoe	Negrete McLeod	Yee
Cox	Koretz	Nunez	Mr. Speaker

NOES—13

Correa	La Suer	Nakanishi	Wyland
Garcia	Maddox	Parra	
Horton, Shirley	Maldonado	Plescia	
La Malfa	Mountjoy	Spitzer	

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—64

Aghazarian	Daucher	Laird	Oropeza
Bates	Diaz	Leno	Pacheco
Benoit	Dutra	Leslie	Pavley
Berg	Dutton	Levine	Reyes
Bermudez	Dymally	Lieber	Ridley-Thomas
Bogh	Firebaugh	Liu	Runner
Calderon	Frommer	Longville	Salinas
Campbell	Goldberg	Lowenthal	Samuelian
Canciamilla	Hancock	Matthews	Simitian
Chan	Harman	McCarthy	Steinberg
Chavez	Haynes	Montanez	Strickland
Chu	Horton, Jerome	Mullin	Vargas
Cogdill	Jackson	Nakano	Wiggins
Cohn	Keene	Nation	Wolk
Corbett	Kehoe	Negrete McLeod	Yee
Cox	Koretz	Nunez	Mr. Speaker

NOES—13

Correa	La Suer	Nakanishi	Wyland
Garcia	Maddox	Parra	
Horton, Shirley	Maldonado	Plescia	
La Malfa	Mountjoy	Spitzer	

Vote Changes

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

Bill ordered transmitted to the Senate.

VOTE ADDS

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

Senate Bill No. 11 and Urgency: La Suer—No.

Senate Bill No. 19 and Urgency: Correa, Dutton, and Shirley Horton—No.

Senate Bill No. 18 and Urgency: Bates, Bogh, Frommer, and Jerome Horton—Aye; Maddox, Mountjoy, Spitzer, and Wyland—No.

RECESS

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

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, March 11, 2003
TWENTY-FOURTH SESSION DAY
NINETY-THIRD CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, March 11, 2003

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—80:

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Campbell	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker

Quorum present.

At 1:54 p.m., Hon. Ellen Corbett, 18th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 18—Cox and Campbell. An act to add and repeal Section 13322.5 of the Government Code, relating to the state budget, and declaring the urgency thereof, to take effect immediately.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 13, 2003
TWENTY-FIFTH SESSION DAY
NINETY-FIFTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, March 13, 2003

The Assembly met at 9:13 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Brian Ebbert reading.

ROLL CALL

The following were placed upon the morning roll call—76:

Aghazarian	Dutton	Leno	Pacheco
Bates	Dymally	Leslie	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Campbell	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Vargas
Corbett	Kehoe	Nakanishi	Wiggins
Cox	Koretz	Nakano	Wolk
Daucher	La Malfa	Nation	Wyland
Diaz	La Suer	Negrete McLeod	Yee
Dutra	Laird	Nunez	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Correa, Levine, and Strickland.

Because of illness: Assembly Member Oropeza.

(NOTE: For explanations of absences of Assembly Members Correa, Levine, and Strickland on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

Explanation of Vote—Senate Bill No. 11

March 12, 2003

*The Honorable E. Dotson Wilson
Chief Clerk,
State Capitol, Room 3126
Sacramento, California*

Re: Floor vote on Senate Bill 11 X

Dear Mr. Wilson: I have become aware that I inadvertently signed onto the ballot on the wrong bill during Floor Session on Monday, March 10, 2003.

It was my intention to cast a “NO” vote on Senate Bill 11X. Instead, I inadvertently cast a “NO” vote on the ballot on another Senate Bill X, which I had previously voted against on the floor.

It was my intent to vote NO on Senate Bill 11X.

Sincerely,

LOU CORREA, Assembly Member
Sixty-ninth District

MESSAGES FROM THE SENATE

Senate Chamber, March 13, 2003

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

- Senate Bill No. 18
- Senate Bill No. 19

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

MESSAGES FROM THE SENATE

March 13, 2003

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

Dear Dotson: By direction of the Senate I am returning Senate Bill 14 to the Assembly for further action.

Sincerely,

GREGORY SCHMIDT
Secretary of the Senate

Above bill held at the Desk.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, March 18, 2003

TWENTY-SIXTH SESSION DAY

ONE HUNDREDTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, March 18, 2003

The Assembly met at 7 a.m.
Hon. Barbara Matthews, Assembly Member, 17th District,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—77:

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Levine	Pavley
Benoit	Firebaugh	Lieber	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Garcia	Lowenthal	Richman
Bogh	Goldberg	Maddox	Ridley-Thomas
Calderon	Hancock	Maldonado	Runner
Campbell	Harman	Matthews	Salinas
Canciamilla	Haynes	Maze	Samuelian
Chan	Horton, Jerome	McCarthy	Spitzer
Chavez	Horton, Shirley	Montanez	Steinberg
Chu	Houston	Mountjoy	Vargas
Cogdill	Jackson	Mullin	Wiggins
Cohn	Keene	Nakanishi	Wolk
Corbett	Kehoe	Nakano	Wyland
Correa	Koretz	Nation	Yee
Cox	La Malfa	Negrete McLeod	Mr. Speaker
Daucher	La Suer	Nunez	
Diaz	Laird	Oropeza	
Dutra	Leno	Pacheco	

Quorum present.

At 2:02 p.m., Hon. Rick Keene, 3rd District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Member Simitian.

On personal business, and waiving per diem: Assembly Members Liu and Strickland.

(NOTE: For explanation of absence of Assembly Member Simitian on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 17, 2003

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

Assembly Bill No. 10

Assembly Bill No. 11

And reports the same correctly enrolled, and presented to the Governor on the 17th day of March, 2003, at 4:30 p.m.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

HERB J. WESSON, JR., Speaker

TRESHA PETIT-PHAR, Acting Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, March 19, 2003

**TWENTY-SEVENTH SESSION DAY
ONE HUNDRED 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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, March 19, 2003

The Assembly met at 7 a.m.
Hon. Barbara Matthews, Assembly Member, 17th District,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—74:

Aghazarian	Dymally	Leslie	Parra
Bates	Firebaugh	Levine	Pavley
Benoit	Frommer	Lieber	Plescia
Berg	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Ridley-Thomas
Calderon	Harman	Maldonado	Runner
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Vargas
Correa	Kehoe	Nakanishi	Wiggins
Cox	Koretz	Nakano	Wolk
Daucher	La Malfa	Nation	Yee
Diaz	La Suer	Negrete McLeod	Mr. Speaker
Dutra	Laird	Nunez	
Dutton	Leno	Pacheco	

Quorum present.

At 1:15 p.m., Hon. Darrell Steinberg, 9th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Chan and Corbett.

On personal business, and waiving per diem: Assembly Members Liu, Strickland, and Wyland.

Because of illness: Assembly Member Oropeza.

(NOTE: For explanations of absences of Assembly Members Chan and Corbett on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

MESSAGES FROM THE GOVERNOR

The following messages from the Governor were received and ordered printed in the Journal:

Governor's Message—Assembly Bill No. 10

Governor's Office, Sacramento
March 18, 2003

To the Members of the California State Assembly:

I am signing AB 10X as one of the reforms necessary to address the state's current budget deficit. My fiscal year 2003–04 budget would reduce General Fund expenditures for the Air Resources Board (ARB) and the State Water Resources Control Board (SWRCB) and partially replace these environmental program reductions with fee revenues.

This bill authorizes the ARB to increase their existing emission based fee on stationary sources of air pollution, including consumer products and paints. AB 10X also authorizes the SWRCB to increase their existing annual fees for waste discharges that could pollute water resources.

I have reduced ARB General Fund support by \$12 million in anticipation that the Board will equitably recover an additional \$10 million from the sources of air pollution. So too I have reduced \$28.5 million in General Fund appropriations to the SWRCB and asked the regulated community to contribute an additional \$14.9 million to protect California's water quality and the public health. It is only fair that those who contribute to California's air and water pollution bear a greater share of the cost of regulatory activities to achieve clean, healthful air and water quality.

I am directing the SWRCB and ARB to conduct a public process that invites participation of all affected stakeholders in the development of their regulatory fee schedules. As prescribed by AB 10X, expenditure of the fees must be related to the activities of those paying the fees and should not exceed the reasonable and necessary costs of these agencies to implement their respective programs as appropriated in the Budget Act.

I further urge the SWRCB and ARB to carefully balance the threat to water and air quality with any additional economic burdens placed on California small businesses, public agencies, and agriculture when developing their fee schedules. For the ARB, that means the fees from stationary sources, consumer products, and architectural coatings should not exceed a combined total of \$13 million in the budget year.

In signing this legislation, I am keenly aware of the potential burden increased fees could have on fee payers. At the same time, it is essential that both the SWRCB and ARB receive the funds necessary to continue our vital air and water quality protection programs.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 11

Governor's Office, Sacramento

March 18, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 11X. This is a trailer bill related to the implementation of the Mid-Year Spending Reductions Bill (SB 19X). The bill makes various changes necessary for implementation of the proposed solutions in the Budget. Specifically, it provides general authority for interfund loans, provides an appropriation to make long-term contractual obligation payments for eliminated or reduced programs, and other technical clean-up.

While I am signing this bill, I would note that subsequent legislation is needed to correctly apply the reporting requirements and the limitation on the use of the appropriation to make payments when programs are eliminated or reduced due to budgetary shortfalls. There is a drafting error that references an incorrect section of the bill for this purpose. I am asking the Department of Finance to work with the Legislature to clean-up this error in subsequent legislation.

Sincerely,

GRAY DAVIS

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Friday, March 28, 2003

**TWENTY-EIGHTH SESSION DAY
ONE HUNDRED TENTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, March 28, 2003

The Assembly met at 8:40 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—50:

Aghazarian	Dutra	Lieber	Reyes
Bates	Dymally	Lowenthal	Richman
Benoit	Garcia	Matthews	Ridley-Thomas
Berg	Goldberg	Maze	Salinas
Bermudez	Horton, Shirley	McCarthy	Samuelian
Bogh	Jackson	Mountjoy	Steinberg
Canciamilla	Keene	Mullin	Strickland
Chan	Kehoe	Nakanishi	Vargas
Chu	La Suer	Nakano	Wiggins
Cogdill	Laird	Nation	Wolk
Corbett	Leno	Negrete McLeod	Wyland
Cox	Leslie	Pacheco	
Daucher	Levine	Plescia	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Calderon, Campbell, Chavez, Correa, Diaz, Dutton, Firebaugh, Frommer, Hancock, Harman, Haynes, Houston, Koretz, La Malfa, Longville, Maddox, Maldonado, Montanez, Nunez, Parra, Pavley, Runner, Simitian, Spitzer, Wesson, and Yee.

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

Because of travel delays: Assembly Member Cohn.

Because of illness: Assembly Members Jerome E. Horton and Oropeza.

(NOTE: For explanations of absences of Assembly Members Calderon, Campbell, Correa, Diaz, Dutton, Frommer, Hancock, Harman, Haynes, Houston, Koretz, La Malfa, Longville, Maddox, Maldonado, Montanez, Nunez, Parra, Pavley, Runner, Simitian, Spitzer, Wesson, and Yee on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for explanations of absences of Assembly Members Chavez and Firebaugh on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Journal for March 27, 2003.)

MESSAGES FROM THE SENATE

Senate Chamber, March 27, 2003

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

Senate Bill No. 22

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

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 22—An act to add Chapter 7 (commencing with Section 16910) to Part 3 of Division 4 of Title 2 of the Government Code, relating to public pension obligations

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

CHRISTINE KEHOE, Speaker pro Tempore

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, April 1, 2003

TWENTY-NINTH SESSION DAY

ONE HUNDRED FOURTEENTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, April 1, 2003

The Assembly met at 12:15 p.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—77:

Aghazarian	Dutton	Levine	Pavley
Bates	Dymally	Lieber	Plescia
Benoit	Firebaugh	Liu	Reyes
Berg	Frommer	Longville	Richman
Bermudez	Garcia	Maddox	Ridley-Thomas
Bogh	Goldberg	Maldonado	Runner
Calderon	Hancock	Matthews	Salinas
Campbell	Harman	Maze	Samuelian
Canciamilla	Haynes	McCarthy	Simitian
Chan	Horton, Shirley	Montanez	Spitzer
Chavez	Houston	Mountjoy	Strickland
Chu	Jackson	Mullin	Vargas
Cogdill	Keene	Nakanishi	Wiggins
Cohn	Kehoe	Nakano	Wolk
Corbett	Koretz	Nation	Wyland
Correa	La Malfa	Negrete McLeod	Yee
Cox	La Suer	Nunez	Mr. Speaker
Daucher	Laird	Oropeza	
Diaz	Leno	Pacheco	
Dutra	Leslie	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business, per diem waived for the 2003–2004 Session (See Assembly Journal, page 72.): Assembly Member Steinberg.

On personal business, and waiving per diem: Assembly Member Jerome E. Horton.

Because of illness: Assembly Member Lowenthal.

(NOTE: For explanation of absence of Assembly Member Steinberg on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bill was referred to committee:

<i>Senate</i>		<i>Committee</i>
<i>Bill No.</i>		Budget
22	-----	

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, April 7, 2003

THIRTIETH SESSION DAY

ONE HUNDRED TWENTIETH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, April 7, 2003

The Assembly met at 12:12 p.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—76:

Aghazarian	Dutra	Leno	Parra
Bates	Dutton	Leslie	Pavley
Benoit	Dymally	Levine	Plescia
Berg	Firebaugh	Liu	Reyes
Bermudez	Frommer	Lowenthal	Richman
Bogh	Garcia	Maddox	Ridley-Thomas
Calderon	Goldberg	Maldonado	Runner
Campbell	Hancock	Matthews	Salinas
Canciamilla	Harman	Maze	Samuelian
Chan	Horton, Jerome	McCarthy	Simitian
Chavez	Horton, Shirley	Montanez	Spitzer
Chu	Houston	Mountjoy	Steinberg
Cogdill	Jackson	Mullin	Strickland
Cohn	Keene	Nakanishi	Vargas
Corbett	Kehoe	Nation	Wiggins
Correa	Koretz	Negrete McLeod	Wolk
Cox	La Malfa	Nunez	Wyland
Daucher	La Suer	Oropeza	Yee
Diaz	Laird	Pacheco	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Haynes and Nakano.

Because of illness: Assembly Member Lieber.

Because of travel delays: Assembly Member Longville.

(NOTE: For explanations of absences of Assembly Members Haynes and Nakano on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

REPORTS OF STANDING COMMITTEES
Committee on Budget

Date of Hearing: April 7, 2003

Mr. Speaker: Your Committee on Budget reports:
Senate Bill No. 22

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

Above bill ordered to second reading.

ADJOURNMENT

At 4:20 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, April 8, 2003

THIRTY-FIRST SESSION DAY

ONE HUNDRED TWENTY-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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, April 8, 2003

The Assembly met at 7 a.m.

Hon. Simon Salinas, Assembly Member, 28th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—78:

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Levine	Pavley
Benoit	Firebaugh	Liu	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Garcia	Lowenthal	Richman
Bogh	Goldberg	Maddox	Ridley-Thomas
Calderon	Hancock	Maldonado	Runner
Campbell	Harman	Matthews	Salinas
Canciamilla	Haynes	Maze	Samuelian
Chan	Horton, Jerome	McCarthy	Simitian
Chavez	Horton, Shirley	Montanez	Steinberg
Chu	Houston	Mountjoy	Strickland
Cogdill	Jackson	Mullin	Vargas
Cohn	Keene	Nakanishi	Wiggins
Corbett	Kehoe	Nakano	Wolk
Correa	Koretz	Nation	Wyland
Cox	La Malfa	Negrete McLeod	Yee
Daucher	La Suer	Nunez	Mr. Speaker
Diaz	Laird	Oropeza	
Dutra	Leno	Pacheco	

Quorum present.

At 12:25 p.m., Hon. Patricia Wiggins, 7th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

Because of illness: Assembly Member Lieber.

To attend a funeral in the District: Assembly Member Spitzer.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 22—An act to add Chapter 7 (commencing with Section 16910) to Part 3 of Division 4 of Title 2 of the Government Code, relating to public pension obligations.

Senate Bill No. 22 Passed and Retained

By unanimous consent Senate Bill No. 22 was passed on file, to retain its place on file.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, April 10, 2003

THIRTY-SECOND SESSION DAY

ONE HUNDRED TWENTY-THIRD CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, April 10, 2003

The Assembly met at 12:10 p.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—75:

Aghazarian	Frommer	Lieber	Pavley
Bates	Garcia	Liu	Plescia
Benoit	Goldberg	Longville	Reyes
Berg	Hancock	Lowenthal	Richman
Bermudez	Harman	Maddox	Ridley-Thomas
Bogh	Haynes	Maldonado	Runner
Campbell	Horton, Jerome	Matthews	Salinas
Canciamilla	Horton, Shirley	Maze	Samuelian
Chavez	Houston	McCarthy	Simitian
Chu	Jackson	Montanez	Spitzer
Cogdill	Keene	Mountjoy	Steinberg
Cohn	Kehoe	Mullin	Strickland
Corbett	Koretz	Nakanishi	Vargas
Cox	La Malfa	Nakano	Wiggins
Diaz	La Suer	Nation	Wolk
Dutra	Laird	Negrete McLeod	Wyland
Dutton	Leno	Nunez	Yee
Dymally	Leslie	Pacheco	Mr. Speaker
Firebaugh	Levine	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

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

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

Because of illness: Assembly Members Calderon, Chan, and Oropeza.

(NOTE: For letter explaining the absence of Assembly Member Correa on this day on legislative business pursuant to the Assembly Rules, and waiving per diem, see Assembly Daily Journal for April 9, 2003.)

COMMUNICATIONS

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

April 10, 2003

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Joe Canciamilla to the Assembly Budget Subcommittee #2—Education Finance for the 2003–04 First Extraordinary Session.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

SECOND READING OF SENATE BILLS

SENATE BILL NO. 22—An act to add Chapter 7 (commencing with Section 16910) to Part 3 of Division 4 of Title 2 of the Government Code, relating to public pension obligations.

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

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON APRIL 10, 2003**

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

SB RN

22 0309428

Daily Total: 1

Cumulative Total: 24

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, April 21, 2003

THIRTY-THIRD SESSION DAY

ONE HUNDRED THIRTY-FOURTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, April 21, 2003

The Assembly met at 12:10 p.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—80:

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Campbell	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

AUTHOR'S AMENDMENTS Committee on Education

April 21, 2003

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

Senate Bill No. 10

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

GOLDBERG, Chairwoman

SENATE BILL NO. 10—An act to amend Sections 52122, 52123, 52124, and 52124.5 of the Education Code, relating to class size.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

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

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

Senate Bill No. 22, ordered to third reading.

ADJOURNMENT

At 4:14 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON APRIL 21, 2003**

The following measure was amended in the Assembly on this day:

SB RN

10 0310265

Daily Total: 1

Cumulative Total: 25

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, April 28, 2003

**THIRTY-FOURTH SESSION DAY
ONE HUNDRED FORTY-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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, April 28, 2003

The Assembly met at 12:10 p.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

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

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Campbell	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

AUTHOR'S AMENDMENTS Committee on Budget

April 28, 2003

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

Senate Bill No. 6

Senate Bill No. 7

Senate Bill No. 9

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

OROPEZA, Chairwoman

SENATE BILL NO. 6—An act to amend Section 39612 of, and to add Section 39613 to, the Health and Safety Code, relating to air pollution.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

SENATE BILL NO. 7—An act to amend Section 14556.8 of the Government Code, to amend Sections 21682 and 21683.1 of the Public Utilities Code, and to amend Section 7104 of the Revenue and Taxation Code, relating to transportation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

SENATE BILL NO. 9—An act to amend Section 16320 of the Government Code, relating to the State Budget.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS
Committee on Budget

April 28, 2003

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

Senate Bill No. 4

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

OROPEZA, Chairwoman

SENATE BILL NO. 4—An act to amend Section 13260 of, and to add Section 13260.2 to, the Water Code, relating to water.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

ADJOURNMENT

At 5 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON APRIL 28, 2003

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

SB	RN
4	0311269
6	0311214
7	0311223
9	0311182

Daily Total:	4
Cumulative Total:	29

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, May 1, 2003

THIRTY-FIFTH SESSION DAY

ONE HUNDRED FORTY-FOURTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, May 1, 2003

The Assembly met at 12:56 p.m.

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

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian Ebbert reading.

ROLL CALL

The roll was called, and the following answered to their
names—79:

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Lieber	Pavley
Benoit	Firebaugh	Liu	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Garcia	Lowenthal	Richman
Bogh	Goldberg	Maddox	Ridley-Thomas
Calderon	Hancock	Maldonado	Runner
Campbell	Harman	Matthews	Salinas
Canciamilla	Haynes	Maze	Samuelian
Chan	Horton, Jerome	McCarthy	Simitian
Chavez	Horton, Shirley	Montanez	Spitzer
Chu	Houston	Mountjoy	Steinberg
Cogdill	Jackson	Mullin	Strickland
Cohn	Keene	Nakanishi	Vargas
Corbett	Kehoe	Nakano	Wiggins
Correa	Koretz	Nation	Wolk
Cox	La Malfa	Negrete McLeod	Wyland
Daucher	La Suer	Nunez	Yee
Diaz	Laird	Oropeza	Mr. Speaker
Dutra	Leno	Pacheco	

Quorum present.

PRAYER

Upon invitation of Speaker pro Tempore Kehoe, the following prayer was offered by Rabbi Brad Bloom, of Congregation B’Nai Israel, in Sacramento:

Dear God, Today as we commemorate Yom HaShoah, Holocaust Remembrance Day in the California Assembly, we cannot ignore the fact that Germany elected Adolph Hitler as Chancellor. The Nazis used democracy as their pathway to power. Dear God may we never take for granted the democratic system in America. The survivors of the camps understand why democracy and America are a haven and a blessing. That is why it is so appropriate that this Legislature pause from its deliberations this morning to reflect carefully about a time not so long ago when darkness ruled the earth and how hatred became a virus. There was no cure for it then and there is no cure for it today. In Judaism we teach, “Whatever is hateful to you, do not do to another.” Dear God may this hour inspire us to cherish the privilege of the offices we hold. Let us never succumb to hatred and bigotry so that we may prove to every American who fought and gave his and her life to rid the world of Nazism that we have learned from the past, that our challenge is to fashion a world where, as the prophets exclaimed, “Everyone may sit under their vine and fig tree and none shall make them afraid.” We ask for Your blessings upon this country, America, and the legislators and people of the great State of California, and let us say—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Steinberg then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Chan, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leaves of absence for the day:

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

MESSAGES FROM THE SENATE

Senate Chamber, May 1, 2003

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

Senate Bill No. 20

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

Senate Chamber, May 1, 2003

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

Senate Bill No. 24

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

Senate Chamber, May 1, 2003

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

Senate Bill No. 25

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

Senate Chamber, May 1, 2003

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

Senate Bill No. 26

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

Senate Chamber, May 1, 2003

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

Senate Bill No. 28

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

Senate Chamber, May 1, 2003

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

Senate Bill No. 29

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

FIRST READING OF SENATE BILLS

The following bills were read the first time:

SENATE BILL NO. 20—An act to amend Section 22954 of, and to add and repeal 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.

SENATE BILL NO. 24—An act to amend Section 17706 of the Family Code, to amend Sections 1570.2, 1570.7, 1572, 1576, and 1585 of, and to repeal Sections 1572.5, 1572.7, 1572.9, 1573, and 1573.5 of, the Health and Safety Code, and to amend Sections 9115, 11462.06, and 14124.93 of, to add Chapter 13 (commencing with Section 4850) to Division 4.5 of, and to repeal Chapter 4.5 (commencing with Section 19350) of Part 2 of Division 10 of, the Welfare and Institutions Code, relating to health and human services, and declaring the urgency thereof, to take effect immediately.

SENATE BILL NO. 25—An act to amend 1103 and 1103.2 of the Civil Code, to amend Section 8589.4, and to repeal Section 8589.5, of the Government Code, and to amend Section 13601 and 13602 of the Penal Code, relating to public safety, and declaring the urgency thereof, to take effect immediately.

SENATE BILL NO. 26—An act to amend Section 104322 of the Health and Safety Code, and to amend Sections 4380, 14005.31, 14005.32, 14011.15, 14067, 14132, 14132.88, 14148.5, and 14154 of, to amend and repeal Section 14110.65 of, and to add Section 14011.16 to, the Welfare and Institutions Code, relating to health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

SENATE BILL NO. 28—An act to add Section 69999.5 to, and to repeal Chapter 3.44 (commencing with Section 44751) of Part 25 of, the Education Code, and to amend Sections 52 and 53 of, and to repeal Section 54 of, Chapter 1167 of the Statutes of 2002, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

SENATE BILL NO. 29—An act to add and repeal Chapter 7 (commencing with Section 16910) to Part 3 of Division 4 of Title 2 of the Government Code, relating to public pension obligations, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

RESOLUTIONS

The following resolution was offered:

Resolution to Dispense With Constitutional Provision

By Assembly Member Oropeza.

Resolved, That Senate Bills Nos. 20, 24, 25, 26, 28, and 29 present cases of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bills be read on three separate days in each house is hereby dispensed with, and it is ordered that the bills be placed upon their passage.

Resolution read, and adopted by the following vote:

AYES—76

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Lieber	Pavley
Benoit	Firebaugh	Liu	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Garcia	Lowenthal	Richman
Bogh	Goldberg	Maddox	Ridley-Thomas
Calderon	Hancock	Maldonado	Runner
Campbell	Harman	Matthews	Salinas
Canciamilla	Haynes	Maze	Samuelian
Chan	Horton, Jerome	McCarthy	Simitian
Chavez	Horton, Shirley	Montanez	Spitzer
Chu	Houston	Mullin	Steinberg
Cohn	Jackson	Nakanishi	Strickland
Corbett	Keene	Nakano	Vargas
Correa	Kehoe	Nation	Wiggins
Cox	Koretz	Negrete McLeod	Wolk
Daucher	La Malfa	Nunez	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker

NOES—None

Article IV, Section 8(b) of the Constitution was declared dispensed with.

Second Reading of Bills

SENATE BILL NO. 20—An act to amend Section 22954 of, and to add and repeal 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.

Bill read second time.

SENATE BILL NO. 24—An act to amend Section 17706 of the Family Code, to amend Sections 1570.2, 1570.7, 1572, 1576, and 1585 of, and to repeal Sections 1572.5, 1572.7, 1572.9, 1573, and 1573.5, of, the Health and Safety Code, and to amend Sections 9115, 11462.06, and 14124.93 of, to add Chapter 13 (commencing with Section 4850) to Division 4.5 of, and to repeal Chapter 4.5 (commencing with Section 19350) of Part 2 of Division 10 of, the Welfare and Institutions Code, relating to health and human services, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

SENATE BILL NO. 25—An act to amend 1103 and 1103.2 of the Civil Code, to amend Section 8589.4, and to repeal Section 8589.5, of the Government Code, and to amend Section 13601 and 13602 of the Penal Code, relating to public safety, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

SENATE BILL NO. 26—An act to amend Section 104322 of the Health and Safety Code, and to amend Sections 4380, 14005.31, 14005.32, 14011.15, 14067, 14132, 14132.88, 14148.5, and 14154 of, to amend and repeal Section 14110.65 of, and to add Section 14011.16 to, the Welfare and Institutions Code, relating to health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

SENATE BILL NO. 28—An act to add Section 69999.5 to, and to repeal Chapter 3.44 (commencing with Section 44751) of Part 25 of, the Education Code, and to amend Sections 52 and 53 of, and to repeal Section 54 of, Chapter 1167 of the Statutes of 2002, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

SENATE BILL NO. 29—An act to add and repeal Chapter 7 (commencing with Section 16910) to Part 3 of Division 4 of Title 2 of the Government Code, relating to public pension obligations, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

CONSIDERATION OF SENATE BILL NO. 20 BY UNANIMOUS CONSENT

Assembly Member Wesson was granted unanimous consent to take up Senate Bill No. 20 without reference to file, for purpose of consideration.

SENATE BILL NO. 20 (Committee on Budget and Fiscal Review)—An act to amend Section 22954 of, and to add and repeal 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.

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

Urgency Clause

Urgency clause read.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 1:08 p.m.

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

CONSIDERATION OF SENATE BILL NO. 29 BY UNANIMOUS CONSENT

Assembly Member Oropeza was granted unanimous consent to take up Senate Bill No. 29 without reference to file, for purpose of consideration.

SENATE BILL NO. 29 (Committee on Budget and Fiscal Review)—An act to add and repeal Chapter 7 (commencing with Section 16910) to Part 3 of Division 4 of Title 2 of the Government Code, relating to public pension obligations, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 1:10 p.m.

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

CONSIDERATION OF SENATE BILL NO. 24 BY UNANIMOUS CONSENT

Assembly Member Oropeza was granted unanimous consent to take up Senate Bill No. 24 without reference to file, for purpose of consideration.

SENATE BILL NO. 24 (Committee on Budget and Fiscal Review)—An act to amend Section 17706 of the Family Code, to amend Sections 1570.2, 1570.7, 1572, 1576, and 1585 of, and to repeal Sections 1572.5, 1572.7, 1572.9, 1573, and 1573.5, of, the Health and Safety Code, and to amend Sections 9115, 11462.06, and 14124.93 of, to add Chapter 13 (commencing with Section 4850) to Division 4.5 of, and to repeal Chapter 4.5 (commencing with Section 19350) of Part 2 of Division 10 of, the Welfare and Institutions Code, relating to health and human services, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 1:11 p.m.

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

CONSIDERATION OF SENATE BILL NO. 25 BY UNANIMOUS CONSENT

Assembly Member Oropeza was granted unanimous consent to take up Senate Bill No. 25 without reference to file, for purpose of consideration.

SENATE BILL NO. 25 (Committee on Budget and Fiscal Review)—An act to amend 1103 and 1103.2 of the Civil Code, to amend Section 8589.4, and to repeal Section 8589.5, of the Government Code, and to amend Section 13601 and 13602 of the Penal Code, relating to public safety, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 1:12 p.m.

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

CONSIDERATION OF SENATE BILL NO. 26 BY UNANIMOUS CONSENT

Assembly Member Oropeza was granted unanimous consent to take up Senate Bill No. 26 without reference to file, for purpose of consideration.

SENATE BILL NO. 26 (Committee on Budget and Fiscal Review)—An act to amend Section 104322 of the Health and Safety Code, and to amend Sections 4380, 14005.31, 14005.32, 14011.15, 14067, 14132, 14132.88, 14148.5, and 14154 of, to amend and repeal Section 14110.65 of, and to add Section 14011.16 to, the Welfare and Institutions Code, relating to health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 1:13 p.m.

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

CONSIDERATION OF SENATE BILL NO. 28 BY UNANIMOUS CONSENT

Assembly Member Oropeza was granted unanimous consent to take up Senate Bill No. 28 without reference to file, for purpose of consideration.

SENATE BILL NO. 28 (Committee on Budget and Fiscal Review)—An act to add Section 69999.5 to, and to repeal Chapter 3.44 (commencing with Section 44751) of Part 25 of, the Education Code, and to amend Sections 52 and 53 of, and to repeal Section 54 of, Chapter 1167 of the Statutes of 2002, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 1:14 p.m.

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

CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY CLAUSE TO SENATE BILL NO. 29

At 1:25 p.m., on motion of Assembly Member Firebaugh, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 29 adopted by the following vote:

AYES—72

Aghazarian	Dutton	Lieber	Pavley
Bates	Dymally	Liu	Plescia
Benoit	Firebaugh	Longville	Reyes
Berg	Frommer	Lowenthal	Richman
Bermudez	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Matthews	Runner
Calderon	Harman	Maze	Salinas
Campbell	Haynes	McCarthy	Samuelian
Chan	Horton, Jerome	Montanez	Simitian
Chavez	Houston	Mullin	Spitzer
Chu	Jackson	Nakanishi	Steinberg
Cohn	Keene	Nakano	Strickland
Corbett	Kehoe	Nation	Vargas
Correa	Koretz	Negrete McLeod	Wiggins
Cox	La Malfa	Nunez	Wolk
Daucher	Laird	Oropeza	Wyland
Diaz	Leno	Pacheco	Yee
Dutra	Leslie	Parra	Mr. Speaker

NOES—5

Garcia	La Suer	Mountjoy
Horton, Shirley	Maldonado	

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—72

Aghazarian	Dutton	Lieber	Pavley
Bates	Dymally	Liu	Plescia
Benoit	Firebaugh	Longville	Reyes
Berg	Frommer	Lowenthal	Richman
Bermudez	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Matthews	Runner
Calderon	Harman	Maze	Salinas
Campbell	Haynes	McCarthy	Samuelian
Chan	Horton, Jerome	Montanez	Simitian
Chavez	Houston	Mullin	Spitzer
Chu	Jackson	Nakanishi	Steinberg
Cohn	Keene	Nakano	Strickland
Corbett	Kehoe	Nation	Vargas
Correa	Koretz	Negrete McLeod	Wiggins
Cox	La Malfa	Nunez	Wolk
Daucher	Laird	Oropeza	Wyland
Diaz	Leno	Pacheco	Yee
Dutra	Leslie	Parra	Mr. Speaker

NOES—5

Garcia	La Suer	Mountjoy
Horton, Shirley	Maldonado	

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY
CLAUSE TO SENATE BILL NO. 20**

At 1:25 p.m., on motion of Assembly Member Firebaugh, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 20 adopted by the following vote:

AYES—73

Aghazarian	Dutton	Liu	Reyes
Bates	Dymally	Longville	Richman
Benoit	Firebaugh	Lowenthal	Ridley-Thomas
Berg	Frommer	Maddox	Runner
Bermudez	Goldberg	Matthews	Salinas
Bogh	Hancock	Maze	Samuelian
Calderon	Harman	McCarthy	Simitian
Campbell	Haynes	Montanez	Spitzer
Canciamilla	Horton, Jerome	Mullin	Steinberg
Chan	Houston	Nakanishi	Strickland
Chavez	Jackson	Nakano	Vargas
Chu	Keene	Nation	Wiggins
Cohn	Kehoe	Negrete McLeod	Wolk
Corbett	Koretz	Nunez	Wyland
Correa	La Malfa	Oropeza	Yee
Cox	Laird	Pacheco	Mr. Speaker
Daucher	Leno	Parra	
Diaz	Leslie	Pavley	
Dutra	Lieber	Plescia	

NOES—1

La Suer

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—73

Aghazarian	Dutton	Liu	Reyes
Bates	Dymally	Longville	Richman
Benoit	Firebaugh	Lowenthal	Ridley-Thomas
Berg	Frommer	Maddox	Runner
Bermudez	Goldberg	Matthews	Salinas
Bogh	Hancock	Maze	Samuelian
Calderon	Harman	McCarthy	Simitian
Campbell	Haynes	Montanez	Spitzer
Canciamilla	Horton, Jerome	Mullin	Steinberg
Chan	Houston	Nakanishi	Strickland
Chavez	Jackson	Nakano	Vargas
Chu	Keene	Nation	Wiggins
Cohn	Kehoe	Negrete McLeod	Wolk
Corbett	Koretz	Nunez	Wyland
Correa	La Malfa	Oropeza	Yee
Cox	Laird	Pacheco	Mr. Speaker
Daucher	Leno	Parra	
Diaz	Leslie	Pavley	
Dutra	Lieber	Plescia	

NOES—1

La Suer

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY
CLAUSE TO SENATE BILL NO. 24**

At 1:26 p.m., on motion of Assembly Member Firebaugh, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 24 adopted by the following vote:

AYES—71

Aghazarian	Dutra	Leslie	Plescia
Bates	Dutton	Lieber	Reyes
Benoit	Dymally	Liu	Richman
Berg	Firebaugh	Longville	Ridley-Thomas
Bermudez	Frommer	Lowenthal	Runner
Bogh	Goldberg	Matthews	Salinas
Calderon	Hancock	Maze	Samuelian
Campbell	Harman	McCarthy	Simitian
Canciamilla	Haynes	Montanez	Spitzer
Chan	Horton, Jerome	Mullin	Steinberg
Chavez	Houston	Nakano	Strickland
Chu	Jackson	Nation	Vargas
Cohn	Keene	Negrete McLeod	Wiggins
Corbett	Kehoe	Nunez	Wolk
Correa	Koretz	Oropeza	Wyland
Cox	La Malfa	Pacheco	Yee
Daucher	Laird	Parra	Mr. Speaker
Diaz	Leno	Pavley	

NOES—7

Garcia	La Suer	Maldonado	Nakanishi
Horton, Shirley	Maddox	Mountjoy	

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—71

Aghazarian	Dutra	Leslie	Plescia
Bates	Dutton	Lieber	Reyes
Benoit	Dymally	Liu	Richman
Berg	Firebaugh	Longville	Ridley-Thomas
Bermudez	Frommer	Lowenthal	Runner
Bogh	Goldberg	Matthews	Salinas
Calderon	Hancock	Maze	Samuelian
Campbell	Harman	McCarthy	Simitian
Canciamilla	Haynes	Montanez	Spitzer
Chan	Horton, Jerome	Mullin	Steinberg
Chavez	Houston	Nakano	Strickland
Chu	Jackson	Nation	Vargas
Cohn	Keene	Negrete McLeod	Wiggins
Corbett	Kehoe	Nunez	Wolk
Correa	Koretz	Oropeza	Wyland
Cox	La Malfa	Pacheco	Yee
Daucher	Laird	Parra	Mr. Speaker
Diaz	Leno	Pavley	

NOES—7

Garcia	La Suer	Maldonado	Nakanishi
Horton, Shirley	Maddox	Mountjoy	

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY
CLAUSE TO SENATE BILL NO. 25**

At 1:26 p.m., on motion of Assembly Member Oropeza, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 25 adopted by the following vote:

AYES—71

Aghazarian	Dutra	Lieber	Plescia
Bates	Dutton	Liu	Reyes
Benoit	Dymally	Longville	Richman
Berg	Firebaugh	Lowenthal	Ridley-Thomas
Bermudez	Frommer	Matthews	Runner
Bogh	Goldberg	Maze	Salinas
Calderon	Hancock	McCarthy	Samuelian
Campbell	Harman	Montanez	Simitian
Canciamilla	Haynes	Mullin	Spitzer
Chan	Horton, Jerome	Nakanishi	Steinberg
Chavez	Houston	Nakano	Strickland
Chu	Jackson	Nation	Vargas
Cohn	Keene	Negrete McLeod	Wiggins
Corbett	Kehoe	Nunez	Wolk
Correa	Koretz	Oropeza	Wyland
Cox	Laird	Pacheco	Yee
Daucher	Leno	Parra	Mr. Speaker
Diaz	Leslie	Pavley	

NOES—7

Garcia	La Malfa	Maddox	Mountjoy
Horton, Shirley	La Suer	Maldonado	

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—71

Aghazarian	Dutra	Lieber	Plescia
Bates	Dutton	Liu	Reyes
Benoit	Dymally	Longville	Richman
Berg	Firebaugh	Lowenthal	Ridley-Thomas
Bermudez	Frommer	Matthews	Runner
Bogh	Goldberg	Maze	Salinas
Calderon	Hancock	McCarthy	Samuelian
Campbell	Harman	Montanez	Simitian
Canciamilla	Haynes	Mullin	Spitzer
Chan	Horton, Jerome	Nakanishi	Steinberg
Chavez	Houston	Nakano	Strickland
Chu	Jackson	Nation	Vargas
Cohn	Keene	Negrete McLeod	Wiggins
Corbett	Kehoe	Nunez	Wolk
Correa	Koretz	Oropeza	Wyland
Cox	Laird	Pacheco	Yee
Daucher	Leno	Parra	Mr. Speaker
Diaz	Leslie	Pavley	

NOES—7

Garcia	La Malfa	Maddox	Mountjoy
Horton, Shirley	La Suer	Maldonado	

Bill ordered transmitted to the Senate.

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

At 1:26 p.m., on motion of Assembly Member Firebaugh, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

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

AYES—70

Aghazarian	Dutra	Lieber	Reyes
Bates	Dutton	Liu	Richman
Benoit	Dymally	Longville	Ridley-Thomas
Berg	Firebaugh	Lowenthal	Runner
Bermudez	Frommer	Matthews	Salinas
Bogh	Goldberg	Maze	Samuelian
Calderon	Hancock	McCarthy	Simitian
Campbell	Harman	Montanez	Spitzer
Canciamilla	Haynes	Mullin	Steinberg
Chan	Horton, Jerome	Nakano	Strickland
Chavez	Jackson	Nation	Vargas
Chu	Keene	Negrete McLeod	Wiggins
Cohn	Kehoe	Nunez	Wolk
Corbett	Koretz	Oropeza	Wyland
Correa	La Malfa	Pacheco	Yee
Cox	Laird	Parra	Mr. Speaker
Daucher	Leno	Pavley	
Diaz	Leslie	Plescia	

NOES—8

Garcia	Houston	Maddox	Mountjoy
Horton, Shirley	La Suer	Maldonado	Nakanishi

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—70

Aghazarian	Dutra	Lieber	Reyes
Bates	Dutton	Liu	Richman
Benoit	Dymally	Longville	Ridley-Thomas
Berg	Firebaugh	Lowenthal	Runner
Bermudez	Frommer	Matthews	Salinas
Bogh	Goldberg	Maze	Samuelian
Calderon	Hancock	McCarthy	Simitian
Campbell	Harman	Montanez	Spitzer
Canciamilla	Haynes	Mullin	Steinberg
Chan	Horton, Jerome	Nakano	Strickland
Chavez	Jackson	Nation	Vargas
Chu	Keene	Negrete McLeod	Wiggins
Cohn	Kehoe	Nunez	Wolk
Corbett	Koretz	Oropeza	Wyland
Correa	La Malfa	Pacheco	Yee
Cox	Laird	Parra	Mr. Speaker
Daucher	Leno	Pavley	
Diaz	Leslie	Plescia	

NOES—8

Garcia	Houston	Maddox	Mountjoy
Horton, Shirley	La Suer	Maldonado	Nakanishi

Vote Changes

By unanimous consent, the following vote change was permitted on the urgency clause to Senate Bill No. 26, and on passage of the bill: Assembly Member Nakanishi, from "Aye" to "No".

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY
CLAUSE TO SENATE BILL NO. 28**

At 1:27 p.m., on motion of Assembly Member Firebaugh, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 28 adopted by the following vote:

AYES—69

Aghazarian	Dutton	Liu	Reyes
Bates	Dymally	Longville	Richman
Benoit	Firebaugh	Lowenthal	Ridley-Thomas
Berg	Frommer	Matthews	Salinas
Bermudez	Goldberg	Maze	Samuelian
Calderon	Hancock	McCarthy	Simitian
Campbell	Harman	Montanez	Spitzer
Canciamilla	Haynes	Mullin	Steinberg
Chan	Horton, Jerome	Nakanishi	Strickland
Chavez	Jackson	Nakano	Vargas
Chu	Keene	Nation	Wiggins
Cohn	Kehoe	Negrete McLeod	Wolk
Corbett	Koretz	Nunez	Wyland
Correa	La Malfa	Oropeza	Yee
Cox	Laird	Pacheco	Mr. Speaker
Daucher	Leno	Parra	
Diaz	Leslie	Pavley	
Dutra	Lieber	Plescia	

NOES—7

Garcia	Houston	Maddox	Mountjoy
Horton, Shirley	La Suer	Maldonado	

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—69

Aghazarian	Dutton	Liu	Reyes
Bates	Dymally	Longville	Richman
Benoit	Firebaugh	Lowenthal	Ridley-Thomas
Berg	Frommer	Matthews	Salinas
Bermudez	Goldberg	Maze	Samuelian
Calderon	Hancock	McCarthy	Simitian
Campbell	Harman	Montanez	Spitzer
Canciamilla	Haynes	Mullin	Steinberg
Chan	Horton, Jerome	Nakanishi	Strickland
Chavez	Jackson	Nakano	Vargas
Chu	Keene	Nation	Wiggins
Cohn	Kehoe	Negrete McLeod	Wolk
Corbett	Koretz	Nunez	Wyland
Correa	La Malfa	Oropeza	Yee
Cox	Laird	Pacheco	Mr. Speaker
Daucher	Leno	Parra	
Diaz	Leslie	Pavley	
Dutra	Lieber	Plescia	

NOES—7

Garcia	Houston	Maddox	Mountjoy
Horton, Shirley	La Suer	Maldonado	

Bill ordered transmitted to the Senate.

VOTE ADDS

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

Resolution to Invoke Constitution: Maddox, Nakanishi, and Simitian—Aye.

Senate Bill No. 29 and Urgency: La Malfa—Aye.

Senate Bill No. 20 and Urgency: Liu—Aye.

Senate Bill No. 24 and Urgency: Montanez—Aye.

RECESS

By unanimous consent, at 1:28 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, May 12, 2003

THIRTY-SIXTH SESSION DAY

ONE HUNDRED FIFTY-FIFTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, May 12, 2003

The Assembly met at 12:13 p.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—78:

Aghazarian	Dymally	Levine	Parra
Bates	Firebaugh	Lieber	Pavley
Benoit	Frommer	Liu	Reyes
Berg	Garcia	Longville	Richman
Bermudez	Goldberg	Lowenthal	Ridley-Thomas
Bogh	Hancock	Maddox	Runner
Calderon	Harman	Maldonado	Salinas
Campbell	Haynes	Matthews	Samuelian
Canciamilla	Horton, Jerome	Maze	Simitian
Chavez	Horton, Shirley	McCarthy	Spitzer
Chu	Houston	Montanez	Steinberg
Cogdill	Jackson	Mountjoy	Strickland
Cohn	Keene	Mullin	Vargas
Corbett	Kehoe	Nakanishi	Wiggins
Correa	Koretz	Nakano	Wolk
Cox	La Malfa	Nation	Wyland
Daucher	La Suer	Negrete McLeod	Yee
Diaz	Laird	Nunez	Mr. Speaker
Dutra	Leno	Oropeza	
Dutton	Leslie	Pacheco	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Member Plescia.

Because of illness: Assembly Member Chan.

(NOTE: For explanation of absence of Assembly Member Plescia on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ADJOURNMENT

At 3:35 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, May 15, 2003

**THIRTY-SEVENTH SESSION DAY
ONE HUNDRED FIFTY-EIGHTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, May 15, 2003

The Assembly met at 11:20 a.m.

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

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called, and the following answered to their names—78:

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Levine	Pavley
Benoit	Firebaugh	Lieber	Plescia
Berg	Frommer	Liu	Reyes
Bermudez	Garcia	Longville	Richman
Bogh	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Maddox	Runner
Campbell	Harman	Maldonado	Salinas
Canciamilla	Haynes	Matthews	Samuelian
Chan	Horton, Jerome	Maze	Simitian
Chavez	Horton, Shirley	McCarthy	Spitzer
Chu	Houston	Montanez	Steinberg
Cogdill	Jackson	Mountjoy	Strickland
Cohn	Keene	Mullin	Vargas
Corbett	Kehoe	Nakanishi	Wiggins
Correa	Koretz	Nation	Wolk
Cox	La Malfa	Negrete McLeod	Wyland
Daucher	La Suer	Nunez	Yee
Diaz	Laird	Oropeza	
Dutra	Leno	Pacheco	

Quorum present.

PRAYER

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

All-Mighty God, In our desire for You, we ask You to help us turn our faces away from the sins of the world, that we may see things as they really are, no longer believing in a shadow as in truth. Then we may hope with our mind full of confidence, to receive those great things promised in the Scriptures and prepared by Your love.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Chan then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Chan, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Speaker Wesson.

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

(NOTE: For explanation of absence of Speaker Wesson on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for explanation of absence of Assembly Member Nakano, on legislative business, and waiving per diem, pursuant to the Assembly Rules, see Assembly Journal for May 13, 2003.)

**CONSIDERATION OF DAILY FILE
THIRD READING OF SENATE BILLS**

SENATE BILL NO. 22 (Committee on Budget and Fiscal Review)—An act to add and repeal Chapter 7 (commencing with Section 16910) of Part 3 of Division 4 of Title 2 of the Government Code, relating to public pension obligations, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Assembly Member Oropeza moved the adoption of amendments. Amendments read and adopted; bill ordered reprinted.

Further Consideration of Senate Bill No. 22 by Unanimous Consent

Assembly Member Oropeza was granted unanimous consent to take up Senate Bill No. 22, as amended, without reference to file, for purpose of consideration.

SENATE BILL NO. 22 (Committee on Budget and Fiscal Review)—An act to amend Section 5924 of, and to add Section 17213 to, the Government Code, relating to state finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—76

Aghazarian	Dutra	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Pleseia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Campbell	Harman	Maldonado	Runner
Cancianilla	Horton; Jerome	Matthews	Salinas
Chan	Horton; Shirley	Maze	Samuelian
Chavez	Houston	McCarthy	Simitian
Chu	Jackson	Montanez	Spitzer
Cogdill	Keene	Mountjoy	Steinberg
Cohn	Kehoe	Mullin	Strickland
Corbett	Koretz	Nakanishi	Vargas
Correa	La Malfa	Nation	Wiggins
Cox	La Suer	Negrete McLeod	Wolk
Daucher	Laird	Nunez	Wyland
Diaz	Leno	Oropeza	Yee

NOES—None

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

AYES—76

Aghazarian	Dutra	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Pleseia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Campbell	Harman	Maldonado	Runner
Cancianilla	Horton; Jerome	Matthews	Salinas
Chan	Horton; Shirley	Maze	Samuelian
Chavez	Houston	McCarthy	Simitian
Chu	Jackson	Montanez	Spitzer
Cogdill	Keene	Mountjoy	Steinberg
Cohn	Kehoe	Mullin	Strickland
Corbett	Koretz	Nakanishi	Vargas
Correa	La Malfa	Nation	Wiggins
Cox	La Suer	Negrete McLeod	Wolk
Daucher	Laird	Nunez	Wyland
Diaz	Leno	Oropeza	Yee

NOES—None

Bill ordered transmitted to the Senate:

(NOTE: On May 29, 2003, the action was rescinded whereby the urgency clause was adopted and Senate Bill No. 22 was passed, and whereby the bill was ordered transmitted to the Senate. See page 215.)

VOTE ADDS

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

Senate Bill No. 22 and Urgency: Correa, Maldonado, Mountjoy, and Nakanishi—Aye.

RECESS

By unanimous consent, at 11:23 a.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

CHRISTINE KEHOE, Speaker pro Tempore

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MAY 15, 2003**

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

SB	RN
22	0312259

Daily Total:	1
Cumulative Total:	26

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, May 20, 2003

THIRTY-EIGHTH SESSION DAY

ONE HUNDRED SIXTY-THIRD CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, May 20, 2003

The Assembly met at 7 a.m.

Hon. Barbara Matthews, Assembly Member, 17th District,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—78:

Aghazarian	Dutton	Lieber	Pavley
Bates	Dymally	Liu	Plescia
Benoit	Frommer	Longville	Reyes
Berg	Garcia	Lowenthal	Richman
Bermudez	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Maldonado	Runner
Calderon	Harman	Matthews	Salinas
Campbell	Haynes	Maze	Samuelian
Canciamilla	Horton, Jerome	McCarthy	Simitian
Chan	Horton, Shirley	Montanez	Spitzer
Chavez	Houston	Mountjoy	Steinberg
Chu	Jackson	Mullin	Strickland
Cogdill	Keene	Nakanishi	Vargas
Cohn	Koretz	Nakano	Wiggins
Corbett	La Malfa	Nation	Wolk
Correa	La Suer	Negrete McLeod	Wyland
Cox	Laird	Nunez	Yee
Daucher	Leno	Oropeza	Mr. Speaker
Diaz	Leslie	Pacheco	
Dutra	Levine	Parra	

Quorum present.

At 1:56 p.m., Hon. John Dutra, 20th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Member Kehoe.

Because of illness: Assembly Member Firebaugh.

(NOTE: For letter explaining the absence of Assembly Member Kehoe on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for May 20, 2003.)

COMMUNICATIONS

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

May 20, 2003

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Jenny Oropeza to serve as the Democratic alternate and Assemblymember John Campbell to serve as the Republican alternate on the Budget Subcommittee #1—Health and Human Services for the 2003–04 First Extraordinary Session.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

May 20, 2003

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Jenny Oropeza to serve as the Democratic alternate and Assemblymember John Campbell to serve as the Republican alternate on the Budget Subcommittee #2—Education Finance for the 2003–04 First Extraordinary Session.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

May 20, 2003

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Jenny Oropeza to serve as the Democratic alternate and Assemblymember John Campbell to serve as the Republican alternate on the Budget Subcommittee #3—Resources for the 2003–04 First Extraordinary Session.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

May 20, 2003

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Jenny Oropeza to serve as the Democratic alternate and Assemblymember John Campbell to serve as the Republican alternate on the Budget Subcommittee #4—State Administration for the 2003–04 First Extraordinary Session.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

May 20, 2003

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Jenny Oropeza to serve as the Democratic alternate and Assemblymember John Campbell to serve as the Republican alternate on the Budget Subcommittee #5—Information Technology/Transportation for the 2003–04 First Extraordinary Session.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, May 29, 2003

THIRTY-NINTH SESSION DAY

ONE HUNDRED SEVENTY-SECOND CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, May 29, 2003

The Assembly met at 9:34 a.m.

Hon. Leland Y. Yee, Assistant Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called, and the following answered to their names—78:

Aghazarian	Firebaugh	Lieber	Pavley
Bates	Frommer	Liu	Plescia
Benoit	Garcia	Longville	Reyes
Berg	Goldberg	Lowenthal	Richman
Bermudez	Hancock	Maddox	Ridley-Thomas
Bogh	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker
Dutton	Leslie	Pacheco	
Dymally	Levine	Parra	

Quorum present.

PRAYER

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

O Lord, Take Your rightful place in our hearts and reign supreme in our lives. Show us that every wound has a blessing and every scar a remembered grace. Be with us in moments of hard thinking and painful decision-making as well as in times of triumphant joy. Lord, You are the source of our inspiration. May justice and truth be the fruit of our labors.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Dutra then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Chan, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Member Calderon.

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

(NOTE: For explanation of absence of Assembly Member Calderon on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for May 28, 2003.)

MESSAGES FROM THE SENATE

May 27, 2003

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

Dear Dotson: By direction of the Senate I am returning Senate Bill 22 to the Assembly for further action.

Sincerely,

GREGORY P. SCHMIDT
Secretary of the Senate

Above bill held at the Desk.

ACTION RESCINDED ON SENATE BILL NO. 22

Assembly Member Firebaugh was granted unanimous consent to rescind the action whereby the Assembly, on May 15, 2003 (Assembly Journal, page 206), adopted the urgency clause and passed Senate Bill No. 22, and whereby the bill was ordered transmitted to the Senate.

CONSIDERATION OF SENATE BILL NO. 22 BY UNANIMOUS CONSENT

Assembly Member Oropeza was granted unanimous consent to take up Senate Bill No. 22 without reference to file, for purpose of amendment.

SENATE BILL NO. 22 (Committee on Budget and Fiscal Review)—An act to amend Section 5924 of, and to add Section 17213 to, the Government Code, relating to state finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Assembly Member Oropeza moved the adoption of amendments. Amendments read and adopted; bill ordered reprinted.

Further Consideration of Senate Bill No. 22 by Unanimous Consent

Assembly Member Oropeza was granted unanimous consent to take up Senate Bill No. 22 without reference to file, for purpose of consideration.

SENATE BILL NO. 22 (Committee on Budget and Fiscal Review)—An act to amend Section 5924 of, and to add Section 17213 to, the Government Code, relating to state finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—78

Aghazarian	Firebaugh	Lieber	Pavley
Bates	Frommer	Liu	Plescía
Benoit	Garcia	Longville	Reyes
Berg	Goldberg	Lowenthal	Richman
Bermudez	Hancock	Maddox	Ridley-Thomas
Bogh	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker
Dutton	Leslie	Pacheco	
Dymally	Levine	Parra	

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—78

Aghazarian	Firebaugh	Lieber	Pavley
Bates	Frommer	Liu	Plescia
Benoit	Garcia	Longville	Reyes
Berg	Goldberg	Lowenthal	Richman
Bermudez	Hancock	Maddox	Ridley-Thomas
Bogh	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker
Dutton	Leslie	Pacheco	
Dymally	Levine	Parra	

NOES—None

VOTE ADDS

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

Senate Bill No. 22 and Urgency: Bogh, Chavez, Correa, Daucher, Maldonado, Mountjoy, Nation, Spitzer, and Wyland—Aye.

RECESS

By unanimous consent, at 9:37 a.m., Assistant Speaker pro Tempore Yee declared the Assembly recessed.

MESSAGES FROM THE SENATE

Senate Chamber, May 29, 2003

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

Senate Bill No. 22

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

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MAY 29, 2003**

The following measure was amended in the Assembly on this day:

SB RN

22 0313071

Daily Total: 1

Cumulative Total: 27

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, June 9, 2003

FORTIETH SESSION DAY

ONE HUNDRED EIGHTY-THIRD CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, June 9, 2003

The Assembly met at 12:26 p.m.
Hon. Leland Y. Yee, Assistant Speaker pro Tempore of the
Assembly, presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—75:

Aghazarian	Dutton	Lieber	Parra
Bates	Dymally	Liu	Pavley
Benoit	Garcia	Longville	Plescia
Berg	Goldberg	Lowenthal	Reyes
Bermudez	Hancock	Maddox	Richman
Bogh	Harman	Maldonado	Ridley-Thomas
Calderon	Haynes	Matthews	Runner
Campbell	Horton, Jerome	Maze	Salinas
Canciamilla	Horton, Shirley	McCarthy	Samuelian
Chan	Houston	Montanez	Spitzer
Chavez	Jackson	Mountjoy	Steinberg
Chu	Keene	Mullin	Strickland
Cogdill	Koretz	Nakanishi	Vargas
Cohn	La Malfa	Nakano	Wiggins
Corbett	La Suer	Nation	Wolk
Cox	Laird	Negrete McLeod	Wyland
Daucher	Leno	Nunez	Yee
Diaz	Leslie	Oropeza	Mr. Speaker
Dutra	Levine	Pacheco	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, June 19, 2003

FORTY-FIRST SESSION DAY

ONE HUNDRED NINETY-THIRD CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, June 19, 2003

The Assembly met at 9:10 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dutton	Levine	Parra
Bates	Dymally	Lieber	Pavley
Benoit	Frommer	Liu	Plescia
Berg	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Ridley-Thomas
Calderon	Harman	Maldonado	Runner
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chan	Horton, Shirley	McCarthy	Simitian
Chavez	Houston	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

Because of illness: Assembly Member Firebaugh.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Friday, June 27, 2003

**FORTY-SECOND SESSION DAY
TWO HUNDRED 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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, June 27, 2003

The Assembly met at 9:08 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dutton	Levine	Parra
Bates	Dymally	Lieber	Pavley
Benoit	Frommer	Liu	Plescia
Berg	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Ridley-Thomas
Calderon	Harman	Maldonado	Runner
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chan	Horton, Shirley	McCarthy	Simitian
Chavez	Houston	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

Because of illness: Assembly Member Firebaugh.

ADJOURNMENT

At 5:49 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, July 7, 2003

FORTY-THIRD SESSION DAY

TWO HUNDRED ELEVENTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, July 7, 2003

The Assembly met at 11:08 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—78:

Aghazarian	Dymally	Lieber	Pavley
Bates	Frommer	Liu	Plescia
Benoit	Garcia	Longville	Reyes
Berg	Goldberg	Lowenthal	Richman
Bermudez	Hancock	Maddox	Ridley-Thomas
Bogh	Harman	Maldonado	Runner
Calderon	Haynes	Matthews	Salinas
Campbell	Horton, Jerome	Maze	Samuelian
Canciamilla	Horton, Shirley	McCarthy	Simitian
Chan	Houston	Montanez	Spitzer
Chavez	Jackson	Mountjoy	Steinberg
Chu	Keene	Mullin	Strickland
Cogdill	Kehoe	Nakanishi	Vargas
Cohn	Koretz	Nakano	Wiggins
Corbett	La Malfa	Nation	Wolk
Correa	La Suer	Negrete McLeod	Wyland
Cox	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	
Dutton	Levine	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

Because of illness: Assembly Members Daucher and Firebaugh.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, July 17, 2003

FORTY-FOURTH SESSION DAY

TWO HUNDRED TWENTY-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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, July 17, 2003

The Assembly met at 9:09 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—78:

Aghazarian	Dutton	Lieber	Pavley
Bates	Frommer	Liu	Plescia
Benoit	Garcia	Longville	Reyes
Berg	Goldberg	Lowenthal	Richman
Bermudez	Hancock	Maddox	Ridley-Thomas
Bogh	Harman	Maldonado	Runner
Calderon	Haynes	Matthews	Salinas
Campbell	Horton, Jerome	Maze	Samuelian
Canciamilla	Horton, Shirley	McCarthy	Simitian
Chan	Houston	Montanez	Spitzer
Chavez	Jackson	Mountjoy	Steinberg
Chu	Keene	Mullin	Strickland
Cogdill	Kehoe	Nakanishi	Vargas
Cohn	Koretz	Nakano	Wiggins
Corbett	La Malfa	Nation	Wolk
Correa	La Suer	Negrete McLeod	Wyland
Cox	Laird	Nunez	Yee
Daucher	Leno	Oropeza	Mr. Speaker
Diaz	Leslie	Pacheco	
Dutra	Levine	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

Because of illness: Assembly Members Dymally and Firebaugh.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, July 29, 2003

FORTY-FIFTH SESSION DAY

TWO HUNDRED THIRTY-THIRD CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, July 29, 2003

The Assembly met at 3:16 p.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called, and the following answered to their names—78:

Aghazarian	Dutton	Levine	Pavley
Bates	Dymally	Lieber	Plescia
Benoit	Frommer	Liu	Reyes
Berg	Garcia	Longville	Richman
Bermudez	Goldberg	Lowenthal	Ridley-Thomas
Bogh	Hancock	Maldonado	Runner
Calderon	Harman	Matthews	Salinas
Campbell	Haynes	Maze	Samuelian
Canciamilla	Horton, Jerome	McCarthy	Simitian
Chan	Horton, Shirley	Montanez	Spitzer
Chavez	Houston	Mountjoy	Steinberg
Chu	Jackson	Mullin	Strickland
Cogdill	Keene	Nakanishi	Vargas
Cohn	Kehoe	Nakano	Wiggins
Corbett	Koretz	Nation	Wolk
Correa	La Malfa	Negrete McLeod	Wyland
Cox	La Suer	Nunez	Yee
Daucher	Laird	Oropeza	Mr. Speaker
Diaz	Leno	Pacheco	
Dutra	Leslie	Parra	

Quorum present.

PRAYER

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

Holy Father in Heaven, We thank You for Your holy name, which You have made to dwell in our hearts, and for the knowledge and faith and immortality which You have made known to us. You created all things and have given us even food and drink for our enjoyment. We ask this day, O Lord, that You look upon us in Your compassion, and provide us also with spiritual food and drink, and eternal life.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Runner then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Chan, seconded by Assembly Member Strickland.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

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

Because of illness: Assembly Member Firebaugh.

MESSAGES FROM THE SENATE

Senate Chamber, July 27, 2003

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

Assembly Bill No. 7

And respectfully requests the Assembly to concur in said amendments.

GREGORY P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

**CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 7
BY UNANIMOUS CONSENT**

Assembly Member Oropeza was granted unanimous consent to take up consideration of Assembly Bill No. 7, without reference to file.

ASSEMBLY BILL NO. 7 (Oropeza)—An act to amend Section 29530 of, and to add Title 17 (commencing with Section 99000) to, the Government Code, and to amend Sections 7202 and 7203 of, and to add Sections 6051.5, 6051.6, 6201.5, 6201.6, 7101.3, and 7203.1 to, the Revenue and Taxation Code, relating to government finance, and making an appropriation therefor.

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

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 3:21 p.m.

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

RECESS

By unanimous consent, at 3:22 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 5:15 p.m., the Assembly reconvened.

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

**CALL OF THE ASSEMBLY DISPENSED WITH
ON CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 7**

At 5:15 p.m., on motion of Assembly Member Oropeza, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 7 by the following vote:

AYES—55

Aghazarian	Diaz	Leno	Pacheco
Benoit	Dutton	Leslie	Parra
Berg	Dymally	Levine	Pavley
Bermudez	Frommer	Lieber	Reyes
Calderon	Goldberg	Liu	Ridley-Thomas
Chan	Hancock	Lowenthal	Salinas
Chavez	Harman	Matthews	Simitian
Chu	Horton, Jerome	Maze	Steinberg
Cogdill	Horton, Shirley	Montanez	Vargas
Cohn	Houston	Mullin	Wiggins
Corbett	Jackson	Nakano	Wolk
Correa	Kehoe	Nation	Yee
Cox	Koretz	Nunez	Mr. Speaker
Daucher	Laird	Oropeza	

NOES—19

Bates	Keene	McCarthy	Samuelian
Bogh	La Malfa	Mountjoy	Spitzer
Campbell	La Suer	Nakanishi	Strickland
Garcia	Longville	Plescia	Wyland
Haynes	Maldonado	Runner	

Above bill ordered enrolled.

BILLS WITHDRAWN FROM ENROLLMENT

Assembly Member Chan was granted unanimous consent that Assembly Bills Nos. 4, 6, and 8 be withdrawn from enrollment and that the bills be ordered held at the Desk.

**SENATE CONCURRENT RESOLUTION NO. 2 TAKEN UP
BY UNANIMOUS CONSENT**

Assembly Member Oropeza was granted unanimous consent to take up Senate Concurrent Resolution No. 2, without reference to committee or file.

SENATE CONCURRENT RESOLUTION NO. 2—Relative to final adjournment of the 2003–04 First Extraordinary Session of the Legislature.

Resolution read, and adopted by the following vote:

AYES—77

Aghazarian	Dymally	Lieber	Plescia
Bates	Frommer	Liu	Reyes
Benoit	Garcia	Longville	Richman
Berg	Goldberg	Lowenthal	Ridley-Thomas
Bermudez	Hancock	Maldonado	Runner
Bogh	Harman	Matthews	Salinas
Calderon	Haynes	Maze	Samuelian
Campbell	Horton, Jerome	McCarthy	Simitian
Canciamilla	Horton, Shirley	Montanez	Spitzer
Chan	Houston	Mountjoy	Steinberg
Chavez	Jackson	Mullin	Strickland
Chu	Keene	Nakanishi	Vargas
Cogdill	Kehoe	Nakano	Wiggins
Cohn	Koretz	Nation	Wolk
Corbett	La Malfa	Negrete McLeod	Wyland
Correa	La Suer	Nunez	Yee
Cox	Laird	Oropeza	Mr. Speaker
Diaz	Leno	Pacheco	
Dutra	Leslie	Parra	
Dutton	Levine	Pavley	

NOES—None

Resolution ordered transmitted to the Senate.

ADJOURNMENT

At 5:17 p.m., pursuant to the provisions of Senate Concurrent Resolution No. 2, the 2003–04 First Extraordinary Session of the Legislature adjourned *sine die*.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE

2003-04 FIRST EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

APPENDIX TO THE ASSEMBLY JOURNAL
FOR THE 2003-04 FIRST EXTRAORDINARY SESSION

Assembly Chamber, Sacramento
August 18, 2003

The following is an appendix to the Assembly Journal for the 2003-04 First Extraordinary Session containing information received subsequent to adjournment *sine die* of the session.

REPORTS OF STANDING COMMITTEES
Committee on Budget

July 29, 2003

Mr. Speaker: Your Committee on Budget reports the following bill pursuant to the provisions of Joint Rule 62(a):
Assembly Bill No. 5

OROPEZA, Chair

Above bill ordered filed with the Chief Clerk.

Committee on Education

July 29, 2003

Mr. Speaker: Your Committee on Education reports the following bill pursuant to the provisions of Joint Rule 62(a):
Assembly Bill No. 1

GOLDBERG, Chair

Above bill ordered filed with the Chief Clerk.

Committee on Budget

July 29, 2003

Mr. Speaker: Your Committee on Budget reports:
Assembly Bill No. 2
Assembly Bill No. 3
Assembly Bill No. 9
Without action.

OROPEZA, Chair

July 29, 2003

Mr. Speaker: Your Committee on Budget reports:

Senate Bill No. 4

Senate Bill No. 12

Senate Bill No. 6

Senate Bill No. 16

Senate Bill No. 7

Senate Bill No. 17

Senate Bill No. 9

Without action.

OROPEZA, Chair

Above bills ordered transmitted to the Senate.

Committee on Education

July 29, 2003

Mr. Speaker: Your Committee on Education reports:

Senate Bill No. 10

Without action.

GOLDBERG, Chair

Above bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

Senate Chamber, July 30, 2003

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 12

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

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 31, 2003

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

Assembly Bill No. 7

And reports the same correctly enrolled, and presented to the Governor on the 31st day of July, 2003, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

MEASURES WHICH DIED AT DESK

Assembly Bills Nos. 4*, 6*, 8*, 13, 14, 15, 16, 17, and 18;

Senate Bill No. 14†; Senate Concurrent Resolution No. 1

* NOTE: Bills withdrawn from enrollment and held at desk.

† NOTE: Bill returned from the Senate and held at desk.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

Volume 6

Journal of the Assembly

Legislature of the State of California
2003–04 Second Extraordinary Session
January 23, 2003 to February 18, 2003



HON. HERB J. WESSON, JR.
Speaker

HON. CHRISTINE KEHOE
Speaker pro Tempore

HON. MARCO FIREBAUGH
Majority Floor Leader

HON. WILMA CHAN
Majority Leader

HON. LELAND Y. YEE
Assistant Speaker pro Tempore

HON. DAVE COX
Republican Leader

E. DOTSON WILSON
Chief Clerk of the Assembly

PAM CAVILEER
Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 SECOND EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 23, 2003
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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 23, 2003

At 9:30 a.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Gray Davis, Governor of the State of California, dated January 22, 2003, convening the Legislature of the State of California on this day in extraordinary session.

In conformity with Government Code Section 9150, the following officers for the 2003–04 Regular Session were present and performing their respective duties: E. Dotson Wilson, Chief Clerk, Pam Cavileer, Minute Clerk, and Ronald E. Pane, Chief Sergeant-at-Arms.

Hon. Christine Kehoe, Speaker pro Tempore of the Assembly for the 2003–04 Regular Session, presiding.

Assistant Clerk Brian Ebbert reading.

ROLL CALL

The roll was called and the following answered to their names—79:

Aghazarian	Dutton	Levine	Parra
Bates	Dymally	Lieber	Pavley
Benoit	Firebaugh	Liu	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Ridley-Thomas
Calderon	Harman	Maldonado	Runner
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chan	Horton, Shirley	McCarthy	Simitian
Chavez	Houston	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	

PRAYER

Upon invitation of Speaker pro Tempore Kehoe the following prayer was offered by Rev. Constantine C. Pappademos, Chaplain of the Assembly for the 2003–04 Regular Session:

Blessed Lord, Refresh us all who carry heavy burdens, with Your presence and Your power. Quiet our minds and ease our hearts by bringing us close to things infinite and eternal. Lead our footsteps to Your path, from darkness into light, that in Your light we may see light. And crown us as Your servants by making us springs of strength and joy to all whom we serve.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Strickland then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Firebaugh, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCES FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On legislative business: Assembly Member Garcia.

(NOTE: For explanation of absence of Assembly Member Garcia on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

December 4, 2002

E. Dotson Wilson

Chief Clerk

State Capitol, Room 3196

Sacramento, California

Dear Mr. Wilson: This letter is to state for the record that I choose to waive my per diem for the 2003–04 legislative session.

Thank you for your assistance.

Sincerely,

DARRELL STEINBERG, Assembly Member
Ninth District

January 7, 2003

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 2003–04 legislative session.

Thank you for your attention to this matter.

Sincerely,

LOIS WOLK, Assembly Member
Eighth District

PROCLAMATION OF THE GOVERNOR

Speaker pro Tempore Kehoe directed the Clerk to read the following Proclamation of the Governor convening the Legislature in extraordinary session:

PROCLAMATION

by the

Governor of the State of California

WHEREAS, an extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in special session; and

WHEREAS, on December 30, 2002, the Court of Appeal held in the case of *Marine Forests Society et al. v. California Coastal Commission et al.* that the present statutory scheme of legislative appointment and removal of voting members of the California Coastal Commission violates the separation of powers provisions of the California Constitution; and

WHEREAS, unless the Court's decision is reversed or modified by further judicial review or unless the matter is addressed by legislation, the California Coastal Commission may be unable to grant permits or issue cease and desist orders that are legally binding; and

WHEREAS, inability of the Coastal Commission to grant legally binding permits or take effective enforcement actions could cause irreparable harm to California's economy and environment, affecting thousands of individuals who own homes businesses or other property within the coastal zone; and

WHEREAS, the Coastal Commission processes almost 2,000 permits per year, including applications for waivers and emergency permits; and

WHEREAS, if the Coastal Commission cannot approve legally binding permits, hundreds of property owners may be unable to build or make emergency repairs in compliance with the Coastal Act; and

WHEREAS, if the Coastal Commission cannot issue legally binding cease and desist orders, its ability to protect California's coastal resources will be severely limited; and

WHEREAS, almost 900 cases are pending before the Coastal Commission involving alleged violations of the Coastal Act, requiring resolution of the Commission's authority as soon as possible to avoid needless litigation, delay and costs to property owners and taxpayers; and

WHEREAS, the potential inability of the Coastal Commission to discharge its duties under the Coastal Act has created an extraordinary occasion requiring that the Legislature be convened in special session;

NOW, THEREFORE, I, GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by Article IV, Section 3(b) of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in special session at Sacramento, California, on the 23rd day of January, 2003, at a time appointed by each house of the Legislature of said day for consideration and adoption of legislation to amend the provisions of the Public Resources Code which provide for appointment and removal of members of the Coastal Commission.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 22nd day of January 2003.

GRAY DAVIS
Governor of California

ATTEST:

KEVIN SHELLEY
Secretary of State



ELECTION OF SPEAKER

Assembly Member Firebaugh moved that the unanimous consent vote on December 2, 2002, electing Assembly Member Herb J. Wesson, Jr. to the Office of Speaker of the Assembly for the 2003–04 Regular Session, and the Oath of Office administered (Assembly Journal, Page 7), be substituted in the 2003–04 Second Extraordinary Session.

Assembly Member Chan seconded the motion.

Motion carried.

OATH OF OFFICE

The following oath of office was administered to Speaker-elect Herb J. Wesson, Jr., on Monday, December 2, 2002 by the Honorable Willie L. Brown, Jr., Mayor of San Francisco:

OATH

for the Office of Speaker of the Assembly

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

ADOPTION OF STANDING RULES**Motion by Assembly Member Firebaugh**

Assembly Member Firebaugh moved that the Permanent Standing Rules of the Assembly for the 2003–04 Regular Session, contained in House Resolution No. 1, be hereby adopted as the Permanent Standing Rules for the 2003–04 Second Extraordinary Session.

(NOTE: For text of Assembly Standing Rules, see Assembly Journal for December 2, 2002 for the Regular Session, page 9.)

Motion carried by the following vote:

AYES—73

Aghazarian	Dutra	Leslie	Parra
Bates	Dutton	Levine	Pavley
Benoit	Firebaugh	Lieber	Plescia
Berg	Frommer	Liu	Reyes
Bermudez	Goldberg	Longville	Richman
Bogh	Hancock	Lowenthal	Runner
Calderon	Harman	Maddox	Salinas
Campbell	Haynes	Maldonado	Spitzer
Canciamilla	Horton, Jerome	Matthews	Steinberg
Chan	Horton, Shirley	Maze	Strickland
Chavez	Houston	McCarthy	Vargas
Chu	Jackson	Montanez	Wiggins
Cogdill	Keene	Mullin	Wolk
Cohn	Kehoe	Nakanishi	Wyland
Corbett	Koretz	Nakano	Yee
Correa	La Malfa	Nation	Mr. Speaker
Cox	La Suer	Negrete McLeod	
Daucher	Laird	Nunez	
Diaz	Leno	Oropeza	

NOES—None

**FIREBAUGH MOTION RELATIVE TO
ORGANIZATION OF THE ASSEMBLY**

Assembly Member Firebaugh moved that House Resolution No. 3 in the 2003–04 Regular Session, relative to payment of Members, officers, and attaches of the Assembly; and distribution of Assembly Weekly Histories be substituted in the 2003–04 Second Extraordinary Session.

Motion carried by unanimous consent.

COMMUNICATIONS

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

January 23, 2003

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

Dear Dotson: This is to advise you that I have appointed the following Democratic Leadership for the 2003–04 Second Extraordinary Session, consistent with the Regular Session:

Speaker pro Tempore	Hon. Christine Kehoe
Assistant Speaker pro Tempore	Hon. Leland Yee
Majority Floor Leader	Hon. Marco Firebaugh
Majority Leader	Hon. Wilma Chan
Majority Whip	Hon. Fabian Nunez
Democratic Caucus Chair	Hon. George Nakano
Rules Committee Chair	Hon. Joe Nation

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

Election of Officers of the Assembly

Assembly Member Firebaugh moved that the following officers of the Assembly for the 2003–04 Regular Session be deemed elected in the 2003–04 Second Extraordinary Session and that the roll call vote and oaths of office taken on December 2, 2002 be substituted: E. Dotson Wilson, Chief Clerk; Ronald E. Pane, Chief Sergeant at Arms, Father Constantine C. Pappademos, Chaplain; Rev. Ivan L. Williams, Sr., Alternate Chaplain.

Assembly Member Chan seconded the motion.

Motion carried and the following vote substituted:

AYES—79

Aghazarian	Dutton	Levine	Parra
Bates	Dymally	Lieber	Pavley
Benoit	Firebaugh	Liu	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Ridley-Thomas
Calderon	Harman	Maldonado	Runner
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chan	Horton, Shirley	McCarthy	Simitian
Chavez	Houston	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	

NOES—None

(NOTE: Assembly Member Garcia was present when the above vote was taken on December 2, 2002, but is excused on this day.)

OATH OF OFFICE

The following oath of office was administered to Chief Clerk-elect E. Dotson Wilson, Chief Sergeant-at-Arms-elect Ronald E. Pane, Chaplain-elect Rev. Constantine C. Pappademos, and Alternate Chaplain-elect Rev. Ivan L. Williams, Sr. on Monday, December 2, 2002, by the Honorable Joyce L. Kennard, Associate Justice of the Supreme Court of California:

OATH

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 1—**Jackson, Wesson, and Payley** (Coauthors: **Berg, Chan, Chu, Cohn, Corbett, Diaz, Dymally, Firebaugh, Frommer, Goldberg, Hancock, Kehoe, Koretz, Laird, Leno, Levine, Lieber, Liu, Longville, Lowenthal, Matthews, Montanez, Mullin, Nakano, Nation, Negrete McLeod, Nunez, Oropeza, Salinas, Simitian, Steinberg, Vargas, Wiggins, Wolk, and Yee**). An act to amend Section 30312 of the Public Resources Code, relating to the California Coastal Commission.

COMMUNICATIONS

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

January 23, 2003

E. Dotson Wilson

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

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Natural Resources Committee for the 2003–04 Second Extraordinary Session:

Assemblymember Hannah-Beth Jackson, Chair
Assemblymember Doug La Malfa, Vice Chair
Assemblymember Loni Hancock
Assemblymember Tom Harman
Assemblymember Ray Haynes
Assemblymember Rick Keene
Assemblymember Paul Koretz
Assemblymember John Laird
Assemblymember Sally Lieber
Assemblymember Alan Lowenthal
Assemblymember Cindy Montanez
Assemblymember Lois Wolk

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

January 23, 2003

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

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Rules Committee for the 2003–04 Second Extraordinary Session:

Assemblymember Joe Nation, Chair
 Assemblymember Dave Cogdill, Vice Chair
 Assemblymember John Benoit
 Assemblymember Ron Calderon
 Assemblymember Judy Chu
 Assemblymember Merv Dymally
 Assemblymember Tim Leslie
 Assemblymember Cindy Montanez
 Assemblymember Loni Hancock, Democratic Alternate
 Assemblymember Lynn Daucher, Republican Alternate

Sincerely,

HERB J. WESSON, JR.
 Speaker of the California Assembly

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

November 8, 2002

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

Dear Mr. Wilson: The Members of the Assembly Republican Caucus, in a meeting yesterday, have selected Assembly Member Dave Cox to serve as the Assembly Republican Leader for the upcoming 2003–2004 legislative session.

Additionally, I have been selected by my colleagues as the Assembly Republican Caucus Chairman and the Second Ranking Republican Leader. Both of these selections are effective immediately.

Thank you in advance for your assistance. If you have any questions, please contact the Republican Leader's office at 319-2005.

Sincerely,

TONY STRICKLAND
 Assembly Republican Caucus Chairman

January 7, 2003

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

Dear Mr. Wilson: This letter is to confirm the appointment of the following Members to the following Caucus positions whom have served and will serve as such in the Second Extraordinary Session.

Tony Strickland, Caucus Chair

John Campbell, Assistant Republican Leader

Patricia Bates, Assistant Republican Leader

Dave Cogdill, Assistant Republican Leader

Bill Maze, Assistant Republican Leader

Guy Houston, Assistant Republican Leader

Bonnie Garcia, Assistant Republican Leader

Russ Bogh, Assistant Republican Leader

Tom Harman, Assistant Republican Leader

Keith Richman, Assistant Republican Leader

Lynn Daucher, Assistant Republican Leader

Robert Pacheco, Assistant Republican Leader

Ray Haynes, Assistant Republican Leader

Ken Maddox, Assistant Republican Leader

Sharon Runner, Assistant Republican Leader

Shirley Horton, Assistant Republican Leader

George Plescia, Whip

Mark Wyland, Whip

Kevin McCarthy, Whip

Rick Keene, Whip

Thank you for your consideration in this matter. Please contact Kevin Bassett in my office at 319-2005 if you have any questions.

Sincerely,

DAVE COX

Assembly Republican Leader

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Firebaugh announced that the Committee on Natural Resources would meet on Monday, January 27, 2003 at 1:30 p.m. in Room 447, for purpose of hearing Assembly Bill No. 1, pending referral by the Rules Committee.

VOTE ADDS

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

Firebaugh Motion for Adoption of Assembly Standing Rules: Haynes and Shirley Horton—Aye.

Firebaugh Motion for Election of Officers of the Assembly: Bates—Aye.

RECESS

By unanimous consent, at 9:36 a.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bill was referred to committee:

<i>Assembly</i>	<i>Committee</i>
<i>Bill No.</i>	<i>Nat. Res.</i>
1	-----

MESSAGES FROM THE SENATE

Senate Chamber, January 23, 2003

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

Senate Concurrent Resolution No. 1

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

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 1—Relative to the Joint Rules for the 2003–04 Second Extraordinary Session.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 SECOND EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, January 27, 2003
SECOND SESSION DAY
FIFTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, January 27, 2003

The Assembly met at 11:12 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—76:

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maldonado	Ridley-Thomas
Campbell	Harman	Matthews	Runner
Canciamilla	Haynes	Maze	Salinas
Chan	Horton, Shirley	McCarthy	Samuelian
Chu	Houston	Montanez	Simitian
Cogdill	Jackson	Mountjoy	Spitzer
Cohn	Keene	Mullin	Steinberg
Corbett	Kehoe	Nakanishi	Strickland
Correa	Koretz	Nakano	Vargas
Cox	La Malfa	Nation	Wiggins
Daucher	La Suer	Negrete McLeod	Wolk
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Chavez and Maddox.

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

Because of illness: Assembly Member Jerome E. Horton.

(NOTE: For explanations of absences of Assembly Members Chavez and Maddox on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

REPORTS OF STANDING COMMITTEES
Committee on Natural Resources

Date of Hearing: January 27, 2003

Mr. Speaker: Your Committee on Natural Resources reports:
Assembly Bill No. 1

With the recommendation: Do pass.

JACKSON, Chairwoman

Above bill ordered to second reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 SECOND EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 28, 2003

THIRD SESSION DAY

SIXTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, January 28, 2003

The Assembly met at 1:52 p.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dymally	Levine	Parra
Bates	Firebaugh	Lieber	Pavley
Benoit	Frommer	Liu	Plescia
Berg	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Ridley-Thomas
Calderon	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker
Dutton	Leslie	Pacheco	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

Because of a death in his family: Assembly Member Campbell.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

ASSEMBLY BILL NO. 1—An act to amend Section 30312 of the Public Resources Code, relating to the California Coastal Commission.

Bill read second time, and ordered to third reading.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 28, 2003

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

Assembly Bill No. 1

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third file.

ADJOURNMENT

At 5:58 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 SECOND EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 30, 2003
FOURTH SESSION DAY
EIGHTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 30, 2003

The Assembly met at 9:02 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Francesca Vega reading.

ROLL CALL

The roll was called, and the following answered to their names—77:

Aghazarian	Dymally	Lieber	Pavley
Bates	Firebaugh	Liu	Plescia
Benoit	Frommer	Longville	Reyes
Berg	Garcia	Lowenthal	Richman
Bermudez	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Maldonado	Runner
Campbell	Harman	Matthews	Samuelian
Canciamilla	Haynes	Maze	Simitian
Chan	Horton, Shirley	McCarthy	Spitzer
Chavez	Houston	Montanez	Steinberg
Chu	Jackson	Mountjoy	Strickland
Cogdill	Keene	Mullin	Vargas
Cohn	Kehoe	Nakanishi	Wiggins
Corbett	Koretz	Nakano	Wolk
Correa	La Malfa	Nation	Wyland
Cox	La Suer	Negrete McLeod	Yee
Daucher	Laird	Nunez	Mr. Speaker
Diaz	Leno	Oropeza	
Dutra	Leslie	Pacheco	
Dutton	Levine	Parra	

Quorum present.

PRAYER

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

Lord, Give us patience and steadfastness in adversity; strengthen our weakness; comfort us in trouble and distress. When we do face the difficult moments in our lives, give us a willing and cheerful mind, that we may gladly suffer and bear all things for Your sake.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Assistant Speaker pro Tempore Yee, Assembly Member Nakano then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Firebaugh, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Calderon and Salinas.

Because of illness: Assembly Member Jerome E. Horton.

(NOTE: For explanations of absences of Assembly Members Calderon and Salinas on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

CONSIDERATION OF DAILY FILE**THIRD READING OF ASSEMBLY BILLS**

ASSEMBLY BILL NO. 1 (Jackson)—An act to amend Section 30312 of the Public Resources Code, relating to the California Coastal Commission.

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

AYES—49

Berg	Frommer	Lowenthal	Richman
Bermudez	Goldberg	Maldonado	Ridley-Thomas
Canciamilla	Hancock	Matthews	Simitian
Chan	Harman	Montanez	Steinberg
Chavez	Jackson	Mullin	Vargas
Chu	Kehoe	Nakano	Wiggins
Cohn	Koretz	Nation	Wolk
Corbett	Laird	Negrete McLeod	Wyland
Correa	Leno	Nunez	Yee
Diaz	Levine	Oropeza	Mr. Speaker
Dutra	Lieber	Parra	
Dymally	Liu	Pavley	
Firebaugh	Longville	Reyes	

NOES—24

Aghazarian	Dutton	La Malfa	Nakanishi
Benoit	Garcia	La Suer	Pacheco
Bogh	Haynes	Leslie	Plescia
Campbell	Horton, Shirley	Maze	Runner
Cogdill	Houston	McCarthy	Samuelian
Cox	Keene	Mountjoy	Strickland

Bill ordered transmitted to the Senate immediately.

VOTE ADDS

The following Assembly Member was granted unanimous consent to record his vote on the following item:

Assembly Bill No. 1: Maldonado—Aye.

RECESS

By unanimous consent, at 9:25 a.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 SECOND EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Friday, February 7, 2003
FIFTH SESSION DAY
SIXTEENTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, February 7, 2003

The Assembly met at 8:44 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—60:

Aghazarian	Diaz	Leslie	Nation
Bates	Dutra	Levine	Parra
Benoit	Dutton	Lieber	Plescia
Berg	Dymally	Longville	Reyes
Bogh	Garcia	Lowenthal	Ridley-Thomas
Canciamilla	Hancock	Maddox	Runner
Chan	Harman	Maldonado	Salinas
Chavez	Haynes	Matthews	Simitian
Chu	Jackson	Maze	Spitzer
Cogdill	Keene	McCarthy	Steinberg
Cohn	Kehoe	Montanez	Strickland
Corbett	Koretz	Mountjoy	Vargas
Correa	La Malfa	Mullin	Wiggins
Cox	Laird	Nakanishi	Wolk
Daucher	Leno	Nakano	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Bermudez, Calderon, Campbell, Firebaugh, Frommer, Goldberg, Jerome E. Horton, Houston, La Suer, Liu, Negrete McLeod, Nunez, Oropeza, Pacheco, Pavley, Richman, Samuelian, and Yee.

On personal business, and waiving per diem: Assembly Members Shirley Horton and Wyland.

(NOTE: For explanations of absences of Assembly Members Bermudez, Calderon, Campbell, Firebaugh, Frommer, Goldberg, Jerome E. Horton, Houston, Liu, Negrete McLeod, Nunez, Oropeza, Pacheco, Pavley, Richman, Samuelian, and Yee on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for explanation of absence of Assembly Member La Suer on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for February 6, 2003.)

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 SECOND EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 11, 2003
SIXTH SESSION DAY
TWENTIETH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, February 11, 2003

The Assembly met at 11:13 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Brian Ebbert reading.

ROLL CALL

The following were placed upon the morning roll call—75:

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Harman	Maldonado	Ridley-Thomas
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chan	Horton, Shirley	McCarthy	Simitian
Chavez	Houston	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wolk
Cox	La Malfa	Nation	Wyland
Daucher	La Suer	Negrete McLeod	Yee
Diaz	Laird	Nunez	Mr. Speaker
Dutra	Leno	Oropeza	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Corbett, Hancock, Maddox, and Wiggins.

Because of travel delays: Assembly Member Runner.

(NOTE: For explanations of absences of Assembly Members Corbett, Hancock, Maddox, Runner, and Wiggins on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

MESSAGES FROM THE SENATE

Senate Chamber, February 11, 2003

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

Assembly Bill No. 1

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon the Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 SECOND EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 18, 2003

SEVENTH SESSION DAY

TWENTY-SEVENTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, February 18, 2003

The Assembly met at 12:41 p.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Brian Ebbert reading.

ROLL CALL

The roll was called, and the following answered to their names—77:

Aghazarian	Dymally	Levine	Plescia
Benoit	Firebaugh	Lieber	Reyes
Berg	Frommer	Longville	Richman
Bermudez	Garcia	Lowenthal	Ridley-Thomas
Bogh	Goldberg	Maddox	Runner
Calderon	Hancock	Maldonado	Salinas
Campbell	Harman	Matthews	Samuelian
Canciamilla	Haynes	Maze	Simitian
Chan	Horton, Jerome	McCarthy	Spitzer
Chavez	Horton, Shirley	Montanez	Steinberg
Chu	Houston	Mountjoy	Strickland
Cogdill	Jackson	Mullin	Vargas
Cohn	Keene	Nakanishi	Wiggins
Corbett	Kehoe	Nakano	Wolk
Correa	Koretz	Nation	Wyland
Cox	La Malfa	Negrete McLeod	Yee
Daucher	La Suer	Nunez	Mr. Speaker
Diaz	Laird	Pacheco	
Dutra	Leno	Parra	
Dutton	Leslie	Pavley	

PRAYER

In observance of the Day of Remembrance for Japanese Americans interned during World War II, Speaker pro Tempore Kehoe invited Rev. Bob Oshita of the Buddhist Church of Sacramento, to offer today's prayer:

Honored members of the California State Assembly . . .

It is a pleasure to join with you this morning, in observing this very special Day of Remembrance; for in remembering the mistakes of our past, we quietly reaffirm our convictions to "do the right thing" in living today.

In this time of growing global tension, it is especially difficult to truly have a sense of calm within.

In opening our gathering today, please join me in a moment of calm, meditative hope and reflection.

Too often, in the busy-ness of our well scheduled days, we move so quickly through our agendas . . . trying to complete our lists of things to do; thinking of where we were, where we will be . . . where we want to be. And in our haste to do so much, we are unable to appreciate how fortunate we are to enjoy this Moment of Life . . . just as it is.

Our tradition is sometimes described as a "Journey to the Present." The Teaching that helps us to find our Way to the Present . . . and to live well, the Moment that is NOW; for if we live each moment well . . . we cannot help . . . but in time . . . look back on a life well lived.

We close our meditation, with a Buddhist expression of gratitude beyond words, we call, O-Nembutsu.

NamoAmidaButsu.

PRESENTATION OF COLORS AND PLEDGE OF ALLEGIANCE TO THE FLAG

The Presentation of Colors by the Nisei Post 8985 VFW Auxiliary, Sacramento, was followed by the Pledge of Allegiance to the Flag, led by Assembly Member Nakano.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Firebaugh, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On personal business, and waiving per diem: Assembly Member Liu.
Because of illness: Assembly Members Bates and Oropeza.*

MESSAGES FROM THE SENATE

Senate Chamber, February 14, 2003

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

Senate Concurrent Resolution No. 2

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

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 2—Relative to final adjournment of the 2003–04 Second Extraordinary Session of the Legislature.

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS**

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 1 (Jackson)—An act to amend Section 30312 of the Public Resources Code, relating to the California Coastal Commission.

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

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

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

AYES—50

Berg	Firebaugh	Longville	Richman
Bermudez	Frommer	Lowenthal	Ridley-Thomas
Calderon	Goldberg	Maldonado	Salinas
Canciamilla	Hancock	Matthews	Simitian
Chan	Harman	Montanez	Steinberg
Chavez	Horton, Jerome	Mullin	Vargas
Chu	Jackson	Nakano	Wiggins
Cohn	Kehoe	Nation	Wolk
Corbett	Koretz	Negrete McLeod	Wyland
Correa	Laird	Nunez	Yee
Diaz	Leno	Parra	Mr. Speaker
Dutra	Levine	Pavley	
Dymally	Lieber	Reyes	

NOES—23

Aghazarian	Garcia	La Suer	Pacheco
Benoit	Haynes	Leslie	Plescia
Bogh	Horton, Shirley	Maze	Runner
Campbell	Houston	McCarthy	Samuelian
Cogdill	Keene	Mountjoy	Strickland
Dutton	La Malfa	Nakanishi	

Above bill ordered enrolled.

**SENATE CONCURRENT RESOLUTION NO. 2 TAKEN UP
BY UNANIMOUS CONSENT**

Assembly Member Firebaugh was granted unanimous consent to take up Senate Concurrent Resolution No. 2, without reference to committee or file.

SENATE CONCURRENT RESOLUTION NO. 2—Relative to final adjournment of the 2003–04 Second Extraordinary Session of the Legislature.

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

AYES—48

Benoit	Dutra	Leno	Nunez
Berg	Dymally	Levine	Parra
Bermudez	Firebaugh	Lieber	Pavley
Calderon	Frommer	Longville	Reyes
Canciamilla	Goldberg	Lowenthal	Ridley-Thomas
Chan	Hancock	Maldonado	Salinas
Chavez	Harman	Matthews	Simitian
Chu	Horton, Jerome	Montanez	Steinberg
Cohn	Jackson	Mullin	Vargas
Corbett	Kehoe	Nakano	Wolk
Correa	Koretz	Nation	Yee
Diaz	Laird	Negrete McLeod	Mr. Speaker

NOES—26

Aghazarian	Horton, Shirley	Maze	Runner
Bogh	Houston	McCarthy	Samuelian
Campbell	Keene	Mountjoy	Spitzer
Cogdill	La Malfa	Nakanishi	Strickland
Daucher	La Suer	Pacheco	Wyland
Dutton	Leslie	Plescia	
Haynes	Maddox	Richman	

Resolution ordered transmitted to the Senate.

VOTE ADDS

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

Assembly Bill No. 1, Concurrence: Pavley and Yee—Aye; La Suer—No.

Senate Concurrent Resolution No. 2: Maldonado, Pavley, and Ridley-Thomas—Aye; La Suer—No.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 18, 2003

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

Assembly Bill No. 1

And reports the same correctly enrolled, and presented to the Governor on the 18th day of February, 2003, at 4:45 p.m.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 4:46 p.m., pursuant to the Provisions of Senate Concurrent Resolution No. 2 the Second Extraordinary Session of the Legislature adjourned *sine die*.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

Volume 6

Journal of the Assembly

Legislature of the State of California
2003–04 Third Extraordinary Session
November 18, 2003 to January 15, 2004



HON. HERB J. WESSON, JR.
Speaker

HON. CHRISTINE KEHOE
Speaker pro Tempore

HON. MARCO FIREBAUGH
Majority Floor Leader

HON. WILMA CHAN
Majority Leader

HON. LELAND Y. YEE
Assistant Speaker pro Tempore

HON. DAVE COX
Republican Leader

E. DOTSON WILSON
Chief Clerk of the Assembly

PAM CAVILEER
Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 THIRD EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, November 18, 2003

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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, November 18, 2003

At 4:20 p.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Arnold Schwarzenegger, Governor of the State of California, dated November 17, 2003, convening the Legislature of the State of California on this day in extraordinary session.

In conformity with Government Code Section 9150, the following officers for the 2003–04 Regular Session were present and performing their respective duties: E. Dotson Wilson, Chief Clerk, Pam Cavileer, Minute Clerk, and Ronald E. Pane, Chief Sergeant-at-Arms.

Christine Kehoe, Speaker pro Tempore of the Assembly for the 2003–04 Regular Session, presiding.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called and the following answered to their names—79:

Aghazarian	Dymally	Levine	Parra
Bates	Firebaugh	Lieber	Pavley
Benoit	Frommer	Liu	Plescia
Berg	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Ridley-Thomas
Calderon	Harman	Maldonado	Runner
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker
Dutton	Leslie	Pacheco	

PRAYER

Upon invitation of Speaker pro Tempore Kehoe, the following prayer was offered by Rev. Constantine C. Pappademos, Chaplain of the Assembly for the 2003–04 Regular Session:

Lord God, Send down upon us Your good grace, and sanctify our souls, bodies and spirits. Direct our thoughts toward piety and perfect our spiritual vision with Your boundless light. Cleanse us from all defilement of flesh and spirit and make us worthy of Your presence in our midst. For You are a most compassionate and merciful God, and we glorify You forever.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Pavley then led the Assembly in the pledge of allegiance to the Flag.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

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

PROCLAMATION OF THE GOVERNOR

Speaker pro Tempore Kehoe directed the Clerk to read the following Proclamation of the Governor convening the Legislature in extraordinary session:

A PROCLAMATION**BY THE GOVERNOR OF THE STATE OF CALIFORNIA**

WHEREAS, an extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; now therefore,

I, **ARNOLD SCHWARZENEGGER**, Governor of the State of California, by virtue of the power and authority vested in me by Section 3(b) Article IV of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California on the 18th day of November, 2003, at a time to be determined, for the following purpose and to legislate upon the following subject:

To repeal Senate Bill 60 (Cedillo), an act to amend Sections 1653.5, 12800, 12801, 12814.5, and 13000 of, and to add Sections 12801.2 and 12801.9 to, the Vehicle Code, relating to vehicles, that was signed into law by the Governor on September 5, 2003, and filed with the Secretary of State on September 8, 2003.

IN WITNESS WHEREOF, I have hereunto set my hand
and caused the Great Seal of the State of California
to be affixed this 17th day
of November, 2003.

ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:

KEVIN SHELLEY
Secretary of State



ELECTION OF SPEAKER

Assembly Member Firebaugh moved that the unanimous consent vote on December 2, 2002, electing Assembly Member Herb J. Wesson, Jr. to the Office of Speaker of the Assembly for the 2003–04 Regular Session, and the Oath of Office administered (Assembly Journal, Page 7), be substituted in the 2003–04 Third Extraordinary Session.

Assembly Member Nunez seconded the motion.

Motion carried.

OATH OF OFFICE

The following oath of office was administered to Speaker-elect Herb J. Wesson, Jr., on Monday, December 2, 2002 by the Honorable Willie L. Brown, Jr, Mayor of San Francisco, and without objection, is substituted in the Third Extraordinary Session:

OATH

for the Office of Speaker of the Assembly

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

RESOLUTIONS

The following resolution was offered:

House Resolution No. 1

By Assembly Member Nation.

*Relative to the Standing Rules of the Assembly
for the 2003–04 Third Extraordinary Session.*

Resolved by the Assembly of the State of California, That the Standing Rules of the Assembly for the 2003–04 Regular Session are hereby adopted as the Standing Rules of the Assembly for the 2003–04 Third Extraordinary Session.

(NOTE: For text of Assembly Standing Rules, see Assembly Journal for December 2, 2002 for the Regular Session, page 9.)

CONSIDERATION OF HOUSE RESOLUTION NO. 1

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

HOUSE RESOLUTION NO. 1 (Nation)—Relative to the Standing Rules of the Assembly for the 2003–04 Third Extraordinary Session.

Resolution read, and adopted by the following vote:

AYES—74

Aghazarian	Dymally	Liu	Plescia
Bates	Firebaugh	Longville	Reyes
Benoit	Frommer	Lowenthal	Richman
Berg	Garcia	Maddox	Ridley-Thomas
Bermudez	Goldberg	Maldonado	Runner
Bogh	Hancock	Maze	Salinas
Campbell	Harman	McCarthy	Samuelian
Canciamilla	Haynes	Montanez	Simitian
Chavez	Horton, Shirley	Mountjoy	Spitzer
Chu	Keene	Mullin	Steinberg
Cogdill	Kehoe	Nakanishi	Strickland
Cohn	Koretz	Nakano	Vargas
Corbett	La Malfa	Nation	Wiggins
Correa	La Suer	Negrete McLeod	Wolk
Cox	Laird	Nunez	Wyland
Daucher	Leno	Oropeza	Yee
Diaz	Leslie	Pacheco	Mr. Speaker
Dutra	Levine	Parra	
Dutton	Lieber	Pavley	

NOES—None**RESOLUTIONS**

The following resolution was offered:

House Resolution No. 2

By Assembly Member Firebaugh.

Relative to the organization of the Assembly for the 2003–04 Third Extraordinary Session.

Resolved by the Assembly of the State of California, That

(a) The Chief Clerk or the Sergeant at Arms is authorized to receive from the Controller all warrants for the payment of Members, officers, and attaches of the Assembly; and

(b) 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. 2

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

HOUSE RESOLUTION NO. 2 (Firebaugh)—Relative to the organization of the Assembly for the 2003–04 Third Extraordinary Session.

Resolution read, and adopted by the following vote:

AYES—78

Aghazarian	Dymally	Lieber	Pavley
Bates	Firebaugh	Liu	Plescia
Benoit	Frommer	Longville	Reyes
Berg	Garcia	Lowenthal	Richman
Bermudez	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Maldonado	Runner
Calderon	Harman	Matthews	Salinas
Campbell	Haynes	Maze	Samuelian
Canciamilla	Horton, Shirley	McCarthy	Simitian
Chavez	Houston	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	
Dutton	Levine	Parra	

NOES—None**LEADERSHIP ANNOUNCEMENT**

Speaker pro Tempore Kehoe announced that the following leadership would serve in the 2003–04 Third Extraordinary Session, consistent with the 2003–04 Regular Session:

Democratic Leadership

Speaker pro Tempore	Hon. Christine Kehoe
Assistant Speaker pro Tempore	Hon. Leland Yee
Majority Floor Leader	Hon. Marco Firebaugh
Majority Leader	Hon. Wilma Chan
Majority Whip	Hon. Fabian Nunez
Democratic Caucus Chair	Hon. George Nakano
Rules Committee Chair	Hon. Joe Nation
Assistant Whips	Hon. Ron Calderon
	Hon. Jackie Goldberg
	Hon. Lloyd Levine
	Hon. Cindy Montanez
	Hon. Gloria Negrete McLeod
	Hon. Fran Pavley
	Hon. Simon Salinas

Republican Leadership

Republican Leader	Hon. Dave Cox
Caucus Chair	Hon. Tony Strickland
Assistant Republican Leaders	Hon. John Campbell
	Hon. Patricia Bates
	Hon. Dave Cogdill
	Hon. Bill Maze
	Hon. Guy Houston
	Hon. Bonnie Garcia
	Hon. Russ Bogh
	Hon. Tom Harman
	Hon. Keith Richman
	Hon. Lynn Daucher
	Hon. Robert Pacheco
	Hon. Ray Haynes
	Hon. Ken Maddox
	Hon. Sharon Runner
	Hon. Shirley Horton
Whips	Hon. George Plescia
	Hon. Mark Wyland
	Hon. Kevin McCarthy
	Hon. Rick Keene

OATH OF OFFICE

The following oath of office was administered to Speaker pro Tempore-elect Christine Kehoe on December 2, 2002 by the Honorable Joyce L. Kennard, Associate Justice of the Supreme Court of California, and without objection, is substituted in the Third Extraordinary Session.

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.

ELECTION OF OFFICERS OF THE ASSEMBLY

Assembly Member Firebaugh moved that the following officers of the Assembly for the 2003–04 Regular Session be deemed elected in the 2003–04 Third Extraordinary Session and that the roll call vote and oaths of office taken on December 2, 2002 be substituted: E. Dotson Wilson, Chief Clerk; Ronald E. Pane, Chief Sergeant-at-Arms, Father Constantine C. Pappademos, Chaplain; Rev. Ivan L. Williams, Sr., Alternate Chaplain.

Assembly Member Steinberg seconded the motion.

Motion carried and the following vote substituted:

AYES—79

Aghazarian	Dymally	Levine	Parra
Bates	Firebaugh	Lieber	Pavley
Benoit	Frommer	Liu	Plescia
Berg	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Ridley-Thomas
Calderon	Harman	Maldonado	Runner
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker
Dutton	Leslie	Pacheco	

NOES—None

(NOTE: Assembly Member Chan was present when the above vote was taken on December 2, 2002, but is excused on this day.)

OATH OF OFFICE

The following oath of office was administered to Chief Clerk-elect E. Dotson Wilson, Chief Sergeant-at-Arms-elect Ronald E. Pane, Chaplain-elect Rev. Constantine C. Pappademos, and Alternate Chaplain-elect Rev. Ivan L. Williams, Sr. on Monday, December 2, 2002, by the Honorable Joyce L. Kennard, Associate Justice of the Supreme Court of California, and without objection is substituted in the Third Extraordinary Session.

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.

COMMUNICATIONS

The following communication was presented by the Speaker and ordered printed in the Journal:

November 18, 2003

E. Dotson Wilson

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

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Rules Committee for the 2003–04 Third Extraordinary Session, consistent with the Regular Session:

Assemblymember Joe Nation, Chair
Assemblymember Dave Cogdill, Vice Chair
Assemblymember John Benoit
Assemblymember Ron Calderon
Assemblymember Judy Chu
Assemblymember Merv Dymally
Assemblymember Tim Leslie
Assemblymember Cindy Montanez
Assemblymember Loni Hancock, Democratic Alternate
Assemblymember Lynn Daucher, Republican Alternate

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 1—Benoit (Coauthors: Aghazarian, Bates, Bogh, Campbell, Cogdill, Cox, Daucher, Dutton, Garcia, Harman, Haynes, Shirley Horton, Houston, Keene, La Malfa, La Suer, Leslie, Maddox, Maldonado, Maze, McCarthy, Mountjoy, Nakanishi, Pacheco, Plescia, Richman, Runner, Samuelian, Spitzer, Strickland, and Wyland). An act to amend Sections 1653.5, 12800, 12801, and 12801.5 of, and to repeal Sections 12801.2 and 12801.9 of, the Vehicle Code, and to repeal Section 9 of Chapter 326 of the Statutes of 2003, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

BENOIT MOTION TO SUSPEND RULES

Assembly Member Benoit moved to suspend the Rules to permit consideration of Assembly Bill No. 1 without reference to committee or file.

Assembly Member Strickland seconded the motion.

Parliamentary Inquiry

Assembly Member Firebaugh arose to the following parliamentary inquiry:

What is the regular course of a measure introduced in this House, prior to consideration and vote on the Floor?

Reply by Speaker pro Tempore Kehoe

The Speaker pro Tempore replied that subsequent to introduction of a bill at the Assembly Desk, the bill is then referred by the Rules Committee to the appropriate policy committee. Upon passage by the policy committee and fiscal committee, the bill is then sent to the Floor for consideration.

Parliamentary Inquiry

Assembly Member Firebaugh arose to the following parliamentary inquiry:

Is it the intention of the Speaker to follow the regular course of action as relates to bills introduced in the extraordinary session?

Reply by Speaker pro Tempore Kehoe

The Speaker pro Tempore replied that it is the intention of the Speaker to constitute committees consistent with the 2003–04 Regular Session and that subsequent to introduction of bills at the Assembly Desk, the Rules Committee will refer measures to the appropriate committee.

Parliamentary Inquiry

Assembly Member Strickland arose to the following parliamentary inquiry:

Has this House ever suspended those rules necessary to permit consideration of bills without reference to file?

Reply by Speaker pro Tempore Kehoe

The Speaker pro Tempore replied that such rules have been suspended in prior sessions, but not in this session.

Parliamentary Inquiry

Assembly Member Mountjoy arose to the following parliamentary inquiry:

Will all bills be taken up consistent with the Rules in the extraordinary session?

Reply by Speaker pro Tempore Kehoe

The Speaker pro Tempore replied that it is the intention of the Speaker today to follow the House rules; however, suspension of rules to permit consideration of urgent matters in the future is not precluded.

Parliamentary Inquiry

Assembly Member Mountjoy arose to the following parliamentary inquiry:

Are the Rules upheld at the discretion of the Speaker?

Reply by Speaker pro Tempore Kehoe

The Speaker pro Tempore replied that the House rules were adopted earlier this day, and that a suspension of this rule requires a majority vote.

Parliamentary Inquiry

Assembly Member Spitzer arose to the following parliamentary inquiry:

Since Senate Bill No. 60 was debated, passed by both Houses and signed by the Governor, and Assembly Bill No. 1 simply repeals Senate Bill No. 60, is it not appropriate to allow consideration?

Reply by Speaker pro Tempore Kehoe

The Speaker pro Tempore replied that Assembly Bill No. 1 is a new bill in this session and Assembly Member Benoit's motion relative to the bill is before the Body.

Parliamentary Inquiry

Assembly Member Wyland arose to the following parliamentary inquiry:

Is it the intention of the Speaker to not permit consideration of Assembly Bill No. 1 although the issue as contained in Senate Bill No. 60 is understood and has been debated by the Body?

Reply by Speaker pro Tempore Kehoe

The Speaker pro Tempore replied that it is the intention of the Speaker to adhere to the rules of the House and have Assembly Bill No. 1 heard by the appropriate committee subsequent to referral by the Rules Committee.

Parliamentary Inquiry

Assembly Member Haynes arose to the following parliamentary inquiry:

What is the intention of the Speaker in constituting the appropriate committees and when are the committees scheduled to convene?

Reply by Speaker pro Tempore Kehoe

The Speaker pro Tempore replied that it is the Speaker's intention to convene the Insurance Committee tomorrow, and that Transportation Committee may meet later in the week.

Parliamentary Inquiry

Assembly Member Reyes arose to the following parliamentary inquiry:

Is it not customary that committees must be constituted in the extraordinary session, and is it not customary that a printed bill be before the Body prior to consideration?

Reply by Speaker pro Tempore Kehoe

The Speaker pro Tempore replied in the affirmative.

Parliamentary Inquiry

Assembly Member Cox arose to the following parliamentary inquiry:

Is it not the intention of the Chair to recognize all Members who wish to be recognized on this issue?

Reply by Speaker pro Tempore Kehoe

The Speaker pro Tempore replied that it is not the intention of the Chair to recognize further parliamentary inquiries; that the purpose of a parliamentary inquiry is to clarify parliamentary procedure before the Body; and further, it is the Speaker's intention that the bill be debated when it is properly before the Body.

Further Consideration of Benoit Motion to Suspend Rules

The question being on the Benoit motion to suspend rules to permit consideration of Assembly Bill No. 1, without reference to committee, print, or file.

The roll was opened and the Benoit motion to suspend rules lost by the following vote:

AYES—32

Aghazarian	Dutton	La Suer	Pacheco
Bates	Garcia	Leslie	Plescia
Benoit	Harman	Maddox	Richman
Bogh	Haynes	Maldonado	Runner
Campbell	Horton, Shirley	Maze	Samuelian
Cogdill	Houston	McCarthy	Spitzer
Cox	Keene	Mountjoy	Strickland
Daucher	La Malfa	Nakanishi	Wyland

NOES—47

Berg	Firebaugh	Liu	Pavley
Bermudez	Frommer	Longville	Reyes
Calderon	Goldberg	Lowenthal	Ridley-Thomas
Canciamilla	Hancock	Matthews	Salinas
Chavez	Horton, Jerome	Montanez	Simitian
Chu	Jackson	Mullin	Steinberg
Cohn	Kehoe	Nakano	Vargas
Corbett	Koretz	Nation	Wiggins
Correa	Laird	Negrete McLeod	Wolk
Diaz	Leno	Nunez	Yee
Dutra	Levine	Oropeza	Mr. Speaker
Dymally	Lieber	Parra	

HAYNES MOTION TO SET SPECIAL ORDER OF BUSINESS

Assembly Member Haynes moved to convene the Transportation Committee on Wednesday, November 19, 2003, at 1 p.m., pursuant to Assembly Rule 88.

Assembly Member Bogh seconded the motion.

Motion lost by the following vote:

AYES—32

Aghazarian	Dutton	La Suer	Pacheco
Bates	Garcia	Leslie	Plescia
Benoit	Harman	Maddox	Richman
Bogh	Haynes	Maldonado	Runner
Campbell	Horton, Shirley	Maze	Samuelian
Cogdill	Houston	McCarthy	Spitzer
Cox	Keene	Mountjoy	Strickland
Daucher	La Malfa	Nakanishi	Wyland

NOES—47

Berg	Goldberg	Montanez	Vargas
Bermudez	Hancock	Mullin	Wiggins
Calderon	Horton, Jerome	Nakano	Wolk
Canciamilla	Jackson	Nation	Yee
Chavez	Kehoe	Negrete McLeod	Mr. Speaker
Chu	Koretz	Nunez	
Cohn	Laird	Oropeza	
Corbett	Leno	Parra	
Correa	Levine	Pavley	
Diaz	Lieber	Reyes	
Dutra	Liu	Ridley-Thomas	
Dymally	Longville	Salinas	
Firebaugh	Lowenthal	Simitian	
Frommer	Matthews	Steinberg	

DESK HELD OPEN

Speaker pro Tempore Kehoe was granted unanimous consent that the Desk be held open to permit the introduction and reference of bills.

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: Dymally—Aye.

Firebaugh Motion for Election of Officers of the Assembly: Bates—Aye.

MOTION TO ADJOURN

At 5 p.m., Assembly Member Firebaugh moved that the Assembly do now adjourn.

Assembly Member Steinberg seconded the motion.

Motion carried.

COMMUNICATIONS

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

November 18, 2003

E. Dotson Wilson

Chief Clerk of the Assembly

State Capitol, Room 3196

Sacramento, California

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Appropriations Committee for the 2003–04 Third Extraordinary Session, consistent with the Regular Session:

Assemblymember Darrell Steinberg, Chair
 Assemblymember Sharon Runner, Vice Chair
 Assemblymember Patricia Bates
 Assemblymember Patty Berg
 Assemblymember Ron Calderon
 Assemblymember Ellen Corbett
 Assemblymember Lou Correa
 Assemblymember Lynn Daucher
 Assemblymember Manny Diaz
 Assemblymember Marco Firebaugh
 Assemblymember Jackie Goldberg
 Assemblymember Ray Haynes
 Assemblymember Mark Leno
 Assemblymember Abel Maldonado
 Assemblymember Gloria Negrete McLeod
 Assemblymember Joe Nation
 Assemblymember Fabian Nunez
 Assemblymember Robert Pacheco
 Assemblymember Fran Pavley
 Assemblymember Mark Ridley-Thomas
 Assemblymember Steven Samuelian

Assemblymember Joe Simitian
Assemblymember Patricia Wiggins
Assemblymember Leland Yee

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

November 18, 2003

E. Dotson Wilson

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

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Transportation Committee for the 2003–04 Third Extraordinary Session, consistent with the Regular Session:

Assemblymember John Dutra, Chair
Assemblymember Guy Houston, Vice Chair
Assemblymember Patricia Bates
Assemblymember John Benoit
Assemblymember Patty Berg
Assemblymember Wilma Chan
Assemblymember Judy Chu
Assemblymember Christine Kehoe
Assemblymember Jay La Suer
Assemblymember Tim Leslie
Assemblymember Carol Liu
Assemblymember John Longville
Assemblymember Dennis Mountjoy
Assemblymember George Nakano
Assemblymember Jenny Oropeza
Assemblymember Nicole Parra
Assemblymember Fran Pavley
Assemblymember Simon Salinas
Assemblymember Joe Simitian
Assemblymember Todd Spitzer

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

ADJOURNMENT

At 5 p.m., the Assembly adjourned to reconvene upon Call of the Speaker, and consents that the Senate do the same.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 THIRD EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 1

Assembly Chamber, Sacramento
Wednesday, November 19, 2003

This Journal is printed pursuant to unanimous consent granted on November 18, 2003 (Assembly Journal, page 14), for introduction and reference of bills:

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bill was referred to committee:

<i>Assembly</i>	
<i>Bill No.</i>	<i>Committee</i>
1 -----	Trans.

MESSAGES FROM THE SENATE

Senate Chamber, November 18, 2003

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

Senate Concurrent Resolution No. 1

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

MESSAGES FROM THE GOVERNOR

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

Governor’s Office, Sacramento
November 18, 2003

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

Dear Mr. Speaker: I hereby designate Richard Costigan, Cynthia Bryant, Pamela Oto, and Jamey Tak on my staff who may sign for enrolled bills pursuant to Section 9509 of the Government Code.

Thank you for your attention to this matter.

Sincerely,

ARNOLD SCHWARZENEGGER

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE

2003-04 THIRD EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 2

Assembly Chamber, Sacramento
Tuesday, November 25, 2003

This Journal is printed pursuant to unanimous consent granted on November 18, 2003 (Assembly Journal, page 14), for introduction and reference of bills.

MESSAGES FROM THE SENATE

Senate Chamber, November 24, 2003

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

Senate Bill No. 1

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

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bill was referred to committee:

<i>Senate</i>	<i>Committee</i>
<i>Bill No.</i>	<i>Trans.</i>
1	-----

COMMUNICATIONS

The following communication was presented by the Speaker and ordered printed in the Journal:

November 25, 2003

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Lois Wolk to replace Assemblymember Joe Simitian on the Assembly Transportation Committee for today's hearing only.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 THIRD EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, December 1, 2003
SECOND SESSION DAY
FOURTEENTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, December 1, 2003

The Assembly met at 2:50 p.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Cogdill moved a quorum call of the Assembly.
Motion carried. Time, 2:51 p.m.
The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

Quorum Present

At 2:53 p.m., Speaker pro Tempore Kehoe declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

Aghazarian	Dutton	Levine	Parra
Bates	Dymally	Lieber	Pavley
Benoit	Firebaugh	Liu	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Garcia	Lowenthal	Richman
Bogh	Goldberg	Maddox	Ridley-Thomas
Calderon	Hancock	Maldonado	Runner
Campbell	Harman	Matthews	Salinas
Canciamilla	Haynes	Maze	Samuelian
Chan	Horton, Jerome	McCarthy	Simitian
Chavez	Horton, Shirley	Montanez	Spitzer
Chu	Houston	Mountjoy	Steinberg
Cogdill	Jackson	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	

PRAYER

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

O Merciful God, Send Your good grace upon all of us who pray to You. You have told us, Lord, that nothing touches You more than a repentant soul, and so we ask that You free us from the destruction of a spiritual death. Help us to turn away from temptation and toward You, as a testimony to Your presence in our life. For Your name, O Lord, is worthy of praise and is exalted forever.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Salinas then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Chan, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

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

FIRST READING OF SENATE BILLS

The following resolution was read:

(NOTE: The following resolution was received in the Assembly November 18, 2003, Assembly Journal, page 17.)

SENATE CONCURRENT RESOLUTION NO. 1—Relative to the Joint Rules for the 2003–04 Third Extraordinary Session.

The following bill was read the first time:

(NOTE: The following bill was received in the Assembly on November 24, 2003, Assembly Journal, page 19.)

SENATE BILL NO. 1—An act to amend Sections 1653.5, 12800, 12801, and 12801.5 of, and to repeal Sections 12801.2 and 12801.9 of, the Vehicle Code, and to repeal Section 9 of Chapter 326 of the Statutes of 2003, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

REPORTS OF STANDING COMMITTEES**Committee on Transportation**

Date of Hearing: November 25, 2003

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 1

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

DUTRA, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: November 25, 2003

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 1

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

DUTRA, Chair

Above bill re-referred to the Committee on Appropriations.

MESSAGES FROM THE SENATE

November 24, 2003

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

Dear Dotson: This is to inform you that the Senate on this day consented to allow the Assembly to be in recess for more than 10 days as required by Article IV, Section 7(d) of the Constitution.

Sincerely,

GREGORY P. SCHMIDT
 Secretary of the Senate

ADJOURN IN MEMORY

Assembly Members Cox and Steinberg were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hon. Bill Hughes, Mayor of Citrus Heights.

(Assembly Rule 45.5 suspended.)

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 Spc. Rel A. Ravago, IV, of Glendale.

(Assembly Rule 45.5 suspended.)

Assembly Member Reyes was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Alice Diener, of Fresno.

(Assembly Rule 45.5 suspended.)

Assembly Member Wyland was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John Andrew Markey, of Oceanside.

(Assembly Rule 45.5 suspended.)

Assembly Member Jackson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rebecca Singer-Beilin, of Ventura.

(Assembly Rule 45.5 suspended.)

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 2:58 p.m., by unanimous consent, the members of the Committee on Appropriations were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 2:58 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 3:17 p.m., the Assembly reconvened.
 Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES
Committee on Appropriations

Date of Hearing: December 1, 2003

Mr. Speaker: Your Committee on Appropriations reports:
 Senate Bill No. 1

With the recommendation: Do pass.

STEINBERG, Chair

Above bill ordered to second reading.

RESOLUTIONS

The following resolution was offered:

Resolution to Dispense With Constitutional Provision

By Assembly Member Benoit.

Resolved, That Senate Bill No. 1 presents a case of urgency, as that term is used in Article IV, Section 8 (b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—79

Aghazarian	Dutton	Levine	Parra
Bates	Dymally	Lieber	Pavley
Benoit	Firebaugh	Liu	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Garcia	Lowenthal	Richman
Bogh	Goldberg	Maddox	Ridley-Thomas
Calderon	Hancock	Maldonado	Runner
Campbell	Harman	Matthews	Salinas
Canciamilla	Haynes	Maze	Samuelian
Chan	Horton, Jerome	McCarthy	Simitian
Chavez	Horton, Shirley	Montanez	Spitzer
Chu	Houston	Mountjoy	Steinberg
Cogdill	Jackson	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	

NOES—None

Article IV, Section 8(b) of the Constitution was declared dispensed with.

Second Reading of Senate Bill No. 1

SENATE BILL NO. 1—An act to amend Sections 1653.5, 12800, 12801, and 12801.5 of, and to repeal Sections 12801.2 and 12801.9 of, the Vehicle Code, and to repeal Section 9 of Chapter 326 of the Statutes of 2003, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

CONSIDERATION OF SENATE BILL NO. 1 BY UNANIMOUS CONSENT

Assembly Member Benoit was granted unanimous consent to take up Senate Bill No. 1 without reference to file, for purpose of consideration.

SENATE BILL NO. 1 (Oller)—An act to amend Sections 1653.5, 12800, 12801, and 12801.5 of, and to repeal Sections 12801.2 and 12801.9 of, the Vehicle Code, and to repeal Section 9 of Chapter 326 of the Statutes of 2003, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—64

Aghazarian	Dutton	Leslie	Parra
Bates	Firebaugh	Levine	Pavley
Benoit	Frommer	Liu	Plescia
Berg	Garcia	Lowenthal	Reyes
Bermudez	Harman	Maddox	Richman
Bogh	Haynes	Maldonado	Ridley-Thomas
Calderon	Horton, Jerome	Matthews	Runner
Campbell	Horton, Shirley	Maze	Samuelian
Canciamilla	Houston	McCarthy	Simitian
Chavez	Jackson	Mountjoy	Spitzer
Cogdill	Kehoe	Nakanishi	Steinberg
Cohn	Koretz	Nakano	Strickland
Corbett	La Malfa	Nation	Wiggins
Cox	La Suer	Nunez	Wolk
Daucher	Laird	Oropeza	Wyland
Dutra	Leno	Pacheco	Mr. Speaker

NOES—9

Chan	Goldberg	Montanez
Correa	Hancock	Vargas
Dymally	Longville	Yee

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—64

Aghazarian	Dutton	Leslie	Parra
Bates	Firebaugh	Levine	Pavley
Benoit	Frommer	Liu	Plescia
Berg	Garcia	Lowenthal	Reyes
Bermudez	Harman	Maddox	Richman
Bogh	Haynes	Maldonado	Ridley-Thomas
Calderon	Horton, Jerome	Matthews	Runner
Campbell	Horton, Shirley	Maze	Samuelian
Canciamilla	Houston	McCarthy	Simitian
Chavez	Jackson	Mountjoy	Spitzer
Cogdill	Kehoe	Nakanishi	Steinberg
Cohn	Koretz	Nakano	Strickland
Corbett	La Malfa	Nation	Wiggins
Cox	La Suer	Nunez	Wolk
Daucher	Laird	Oropeza	Wyland
Dutra	Leno	Pacheco	Mr. Speaker

NOES—9

Chan	Goldberg	Montanez
Correa	Hancock	Vargas
Dymally	Longville	Yee

Bill ordered transmitted to the Senate immediately.

CAUCUS ANNOUNCEMENTS

Speaker pro Tempore Kehoe announced that the Democratic Caucus would meet on Tuesday, December 2, 2003, at 8:30 a.m., in the Assembly Lounge.

ANNOUNCEMENTS

Speaker pro Tempore Kehoe announced that for the remainder of this week the House is upon Call of the Speaker.

ADJOURN IN MEMORY

Assembly Member Berg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John H. "Chub" Morris III, of Klamath; Robert J. Coulter, of Weaverville; and William Zerlang, of Eureka.

Assembly Member Campbell was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bob Crevier, of Corona del Mar.

Assembly Member Jackson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Genevieve Nowlin, of Santa Barbara.

Assembly Member Mullin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sister Rosemarie Julie Gavin, of Belmont (Sisters of Notre Dame de Namur).

Assembly Member Nakano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mitzi Uller, of San Pedro and Torrance; and Mary Lou Elsner, of Redondo Beach.

Assembly Member Nation was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Private Joel Cox, of Petaluma.

Assembly Member Parra was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Andrea Lynn Perez, of Lemoore.

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 Ruth Newhall, of San Francisco.

Assembly Member Yee was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dymphna "Wai-Yung" Brown, of San Francisco.

MOTION TO ADJOURN

At 3:45 p.m., Assembly Member Firebaugh moved that the Assembly do now adjourn.

Assembly Member Cox seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 3:45 p.m., Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

ADJOURNMENT

At 3:45 p.m., pursuant to the motion by Assembly Member Firebaugh, the Assembly adjourned and consented for the Senate to do the same, to reconvene upon Call of the Speaker, out of respect to the memory of John H. "Chub" Morris III, Robert J. Coulter, and William Zerlang, on motion of Assembly Member Berg; out of respect to the memory of Bob Crevier, on motion of Assembly Member Campbell; out of respect to the memory of Sister Rosemarie Julie Gavin, on motion of Assembly Member Mullin; out of respect to the memory of Mitzi Uller and Mary Lou Elsner, on motion of Assembly Member Nakano; out of respect to the memory of Private Joel Cox, on motion of Assembly Member Nation; out of respect to the memory of Andrea Lynn Perez, on motion of Assembly Member Parra; out of respect to the memory of Ruth Newhall, on motion of Assembly Member Runner; out of respect to the memory of Dympna "Wai-Yung" Brown, on motion of Assembly Member Yee; out of respect to the memory of Spc. Rel A. Ravago, IV, on motion of Assembly Member Frommer; out of respect to the memory of John Andrew Markey, on motion of Assembly Member Wyland; out of respect to the memory of Rebecca Singer-Beilin and Genevieve Nowlin, on motion of Assembly Member Jackson; out of respect to the memory of Mary Alice Diener, on motion of Assembly Member Reyes; and out of respect to the memory of Hon. Bill Hughes, on motion of Assembly Members Cox and Steinberg.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2005–06 THIRD EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 6, 2004

THIRD SESSION DAY

FIFTIETH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, January 6, 2004

The Assembly met at 4:40 p.m.
Hon. Herb J. Wesson, Jr., Speaker of the Assembly, presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—77:

Aghazarian	Dymally	Lieber	Pavley
Bates	Firebaugh	Liu	Plescia
Benoit	Frommer	Longville	Reyes
Berg	Garcia	Lowenthal	Richman
Bermudez	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Maldonado	Runner
Calderon	Harman	Matthews	Salinas
Campbell	Haynes	Maze	Samuelian
Canciamilla	Horton, Shirley	McCarthy	Spitzer
Chan	Houston	Montanez	Steinberg
Chavez	Jackson	Mountjoy	Strickland
Chu	Keene	Mullin	Vargas
Cogdill	Kehoe	Nakanishi	Wiggins
Cohn	Koretz	Nakano	Wolk
Corbett	La Malfa	Nation	Wyland
Cox	La Suer	Negrete McLeod	Yee
Daucher	Laird	Nunez	Mr. Speaker
Diaz	Leno	Oropeza	
Dutra	Leslie	Pacheco	
Dutton	Levine	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Member Simitian.

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

To attend a funeral in the District: Assembly Member Jerome E. Horton.

(NOTE: For explanation of absence of Assembly Member Simitian on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ADJOURNMENT

At 5:31 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2005–06 THIRD EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, January 12, 2004
FOURTH SESSION DAY
FIFTY-SIXTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, January 12, 2004

The Assembly met at 12:07 p.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—80:

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Campbell	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

MESSAGES FROM THE SENATE

Senate Chamber, January 12, 2004

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

Senate Concurrent Resolution No. 2

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

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 2—Relative to final adjournment of the 2003–04 Third Extraordinary Session of the Legislature.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 THIRD EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 15, 2004

FIFTH SESSION DAY

FIFTY-NINTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 15, 2004

The Assembly met at 9:18 a.m.
Hon. Leland Y. Yee, Assistant Speaker pro Tempore of the
Assembly, presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called, and the following answered to their names—70:

Aghazarian	Dutra	Leno	Parra
Bates	Dutton	Leslie	Pavley
Benoit	Dymally	Levine	Plescia
Berg	Firebaugh	Lieber	Reyes
Bermudez	Frommer	Liu	Runner
Bogh	Garcia	Longville	Salinas
Calderon	Goldberg	Lowenthal	Samuelian
Campbell	Hancock	Maldonado	Spitzer
Canciamilla	Harman	Matthews	Steinberg
Chan	Haynes	McCarthy	Strickland
Chu	Horton, Jerome	Mountjoy	Vargas
Cogdill	Horton, Shirley	Mullin	Wiggins
Cohn	Houston	Nakanishi	Wolk
Corbett	Jackson	Nakano	Wyland
Correa	Keene	Negrete McLeod	Yee
Cox	La Malfa	Nunez	Mr. Speaker
Daucher	La Suer	Oropeza	
Diaz	Laird	Pacheco	

Quorum present.

PRAYER

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

Lord, Everything starts from prayer. Without asking You for love, we cannot possess love, and still less are we able to give it to others. We may be exhausted with work, but unless our work is interwoven with love, it is useless. Help us to love more completely, Lord, this day and always.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Assistant Speaker pro Tempore Yee, Assembly Member Laird then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Chan, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Chavez, Kehoe, Koretz, Maddox, Maze, and Ridley-Thomas.

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

Because of illness: Assembly Member Montanez.

Because of illness in their families: Assembly Members Nation and Richman.

(NOTE: For explanations of absences of Assembly Members Chavez, Kehoe, Koretz, Maddox, and Ridley-Thomas on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for explanation of absence of Assembly Member Maze on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Journal for January 13, 2004.)

COMMUNICATIONS

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

January 5, 2004

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

Dear Mr. Wilson,

This letter is to officially announce that as of Monday, January 5, 2004, the new Assembly Republican Leadership team is as follows:

Kevin McCarthy—Assembly Republican Leader
Russ Bogh—2nd Ranking Republican Leader/Caucus Chair
Assistant Leader—Rick Keene
Assistant Leader—Sharon Runner
Assistant Leader—Ray Haynes
Rules Vice Chair—Dave Cogdill
Whips: Greg Aghazarian
John Benoit
Doug La Malfa
George Plescia
Todd Spitzer
Mark Wyland

If you have any questions regarding this letter, please contact Julie Sauls at 319-2032.

It is an honor working with you in the California State Assembly.

Sincerely,

KEVIN MCCARTHY
Assembly Republican Leader

**SENATE CONCURRENT RESOLUTION NO. 2 TAKEN UP
BY UNANIMOUS CONSENT**

Assembly Member Firebaugh was granted unanimous consent to take up Senate Concurrent Resolution No. 2, without reference to committee or file.

SENATE CONCURRENT RESOLUTION NO. 2—Relative to final adjournment of the 2003–04 Third Extraordinary Session of the Legislature.

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

AYES—63

Aghazarian	Diaz	Laird	Parra
Bates	Dutra	Leno	Pavley
Benoit	Dutton	Leslie	Plescia
Bermudez	Dymally	Lieber	Reyes
Bogh	Firebaugh	Liu	Runner
Calderon	Frommer	Longville	Salinas
Campbell	Garcia	Lowenthal	Samuelian
Canciamilla	Goldberg	Maldonado	Spitzer
Chan	Hancock	Mathews	Steinberg
Chu	Harman	McCarthy	Strickland
Cogdill	Haynes	Mountjoy	Vargas
Cohn	Horton, Jerome	Mullin	Wolk
Corbett	Houston	Nakanishi	Wyland
Correa	Jackson	Nakano	Yee
Cox	Keene	Negrete McLeod	Mr. Speaker
Daucher	La Malfa	Nunez	

NOES—None

Resolution ordered transmitted to the Senate.

VOTE ADDS

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

Senate Concurrent Resolution No. 2: Bermudez, Bogh, Campbell, Canciamilla, Corbett, Correa, Daucher, Diaz, Garcia, Houston, Keene, La Malfa, Leslie, Maldonado, Mountjoy, Nunez, Parra, Pavley, Reyes, Samuelian, Spitzer, and Vargas—Aye.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

January 15, 2004

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1

Without action.

STEINBERG, Chair

MEASURES WHICH DIED AT DESK

Senate Concurrent Resolution No. 1.

ADJOURNMENT

At 9:19 a.m., pursuant to the provisions of Senate Concurrent Resolution No. 2, the 2003–04 Third Extraordinary Session of the Legislature adjourned *sine die*.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

Volume 6

Journal of the Assembly

Legislature of the State of California
2003–04 Fourth Extraordinary Session
November 18, 2003 to November 30, 2004



HON. FABIAN NUÑEZ
Speaker

HON. LELAND Y. YEE
Speaker pro Tempore

HON. SALLY J. LIEBER
Assistant Speaker pro Tempore

HON. DARIO FROMMER
Majority Floor Leader

HON. KEVIN MCCARTHY
Republican Leader

E. DOTSON WILSON
Chief Clerk of the Assembly

PAM CAVILEER
Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, November 18, 2003

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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, November 18, 2003

At 5:01 p.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Arnold Schwarzenegger, Governor of the State of California, dated November 17, 2003, convening the Legislature of the State of California on this day in extraordinary session.

In conformity with Government Code Section 9150, the following officers for the 2003–04 Regular Session were present and performing their respective duties: E. Dotson Wilson, Chief Clerk, Pam Cavileer, Minute Clerk, and Ronald E. Pane, Chief Sergeant-at-Arms.

Christine Kehoe, Speaker pro Tempore of the Assembly for the 2003–04 Regular Session, presiding.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called and the following answered to their names—79:

Aghazarian	Dymally	Levine	Parra
Bates	Firebaugh	Lieber	Pavley
Benoit	Frommer	Liu	Plescia
Berg	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Ridley-Thomas
Calderon	Harman	Maldonado	Runner
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker
Dutton	Leslie	Pacheco	

PRAYER

Upon invitation of Speaker pro Tempore Kehoe, the following prayer was offered by Rev. Constantine C. Pappademos, Chaplain of the Assembly for the 2003–04 Regular Session:

Lord God, Send down upon us Your good grace, and sanctify our souls, bodies and spirits. Direct our thoughts toward piety and perfect our spiritual vision with Your boundless light. Cleanse us from all defilement of flesh and spirit and make us worthy of Your presence in our midst. For You are a most compassionate and merciful God, and we glorify You forever.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Pavley then led the Assembly in the pledge of allegiance to the Flag.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

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

PROCLAMATION OF THE GOVERNOR

Speaker pro Tempore Kehoe directed the Clerk to read the following Proclamation of the Governor convening the Legislature in extraordinary session:

A PROCLAMATION**BY THE GOVERNOR OF THE STATE OF CALIFORNIA**

WHEREAS, an extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; now therefore,

I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power and authority vested in me by Section 3(b) Article IV of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California on the 18th day of November, 2003, at a time to be determined, for the following purpose and to legislate upon the following subject:

To consider and act upon legislation relating to reform of California's workers' compensation system.

IN WITNESS WHEREOF, I have hereunto set my hand
and caused the Great Seal of the State of California
to be affixed this 17th day
of November, 2003.

ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:

KEVIN SHELLEY
Secretary of State



ELECTION OF SPEAKER

Assembly Member Firebaugh moved that the unanimous consent vote on December 2, 2002, electing Assembly Member Herb J. Wesson, Jr. to the Office of Speaker of the Assembly for the 2003–04 Regular Session, and the Oath of Office administered (Assembly Journal, Page 7), be substituted in the 2003–04 Fourth Extraordinary Session.

Assembly Member Mullin seconded the motion.

Motion carried.

OATH OF OFFICE

The following oath of office was administered to Speaker-elect Herb J. Wesson, Jr., on Monday, December 2, 2002 by the Honorable Willie L. Brown, Jr., Mayor of San Francisco, and without objection, substituted in the Fourth Extraordinary Session:

OATH

for the Office of Speaker of the Assembly

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

RESOLUTIONS

The following resolution was offered:

House Resolution No. 1

By Assembly Member Nation.

*Relative to the Standing Rules of the Assembly
for the 2003–04 Fourth Extraordinary Session.*

Resolved by the Assembly of the State of California, That the Standing Rules of the Assembly for the 2003–04 Regular Session are hereby adopted as the Standing Rules of the Assembly for the 2003–04 Fourth Extraordinary Session.

(NOTE: For text of Assembly Standing Rules, see Assembly Journal for December 2, 2002 for the Regular Session, page 9.)

CONSIDERATION OF HOUSE RESOLUTION NO. 1

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

HOUSE RESOLUTION NO. 1 (Nation)—Relative to the Standing Rules of the Assembly for the 2003–04 Fourth Extraordinary Session.

Resolution read, and adopted by the following vote:

AYES—78

Aghazarian	Dymally	Lieber	Pavley
Bates	Firebaugh	Liu	Plescia
Benoit	Frommer	Longville	Reyes
Berg	Garcia	Lowenthal	Richman
Bermudez	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Maldonado	Runner
Calderon	Harman	Matthews	Salinas
Campbell	Haynes	Maze	Samuelian
Canciamilla	Horton, Shirley	McCarthy	Simitian
Chavez	Houston	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	
Dutton	Levine	Parra	

NOES—None**RESOLUTIONS**

The following resolution was offered:

House Resolution No. 2

By Assembly Member Firebaugh.

*Relative to the organization of the Assembly
for the 2003–04 Fourth Extraordinary Session.*

Resolved by the Assembly of the State of California, That

(a) The Chief Clerk or the Sergeant at Arms is authorized to received from the Controller all warrants for the payment of Members, officers, and attaches of the Assembly; and

(b) 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. 2

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

HOUSE RESOLUTION NO. 2 (Firebaugh)—Relative to the organization of the Assembly for the 2003–04 Fourth Extraordinary Session.

Resolution read, and adopted by the following vote:

AYES—78

Aghazarian	Dymally	Lieber	Pavley
Bates	Firebaugh	Liu	Plescia
Benoit	Frommer	Longville	Reyes
Berg	Garcia	Lowenthal	Richman
Bermudez	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Maldonado	Runner
Calderon	Harman	Matthews	Salinas
Campbell	Haynes	Maze	Samuelian
Canciamilla	Horton, Shirley	McCarthy	Simitian
Chavez	Houston	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	
Dutton	Levine	Parra	

NOES—None**ELECTION OF OFFICERS OF THE ASSEMBLY**

Assembly Member Firebaugh moved that the following officers of the Assembly for the 2003–04 Regular Session be deemed elected in the 2003–04 Fourth Extraordinary Session and that the roll call vote and oaths of office taken on December 2, 2002 be substituted: E. Dotson Wilson, Chief Clerk; Ronald E. Pane, Chief Sergeant-at-Arms, Father Constantine C. Pappademos, Chaplain; Rev. Ivan L. Williams, Sr., Alternate Chaplain.

Assembly Member Steinberg seconded the motion.

Motion carried and the following vote substituted:

AYES—79

Aghazarian	Dymally	Levine	Parra
Bates	Firebaugh	Lieber	Pavley
Benoit	Frommer	Liu	Plescia
Berg	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Ridley-Thomas
Calderon	Harman	Maldonado	Runner
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker
Dutton	Leslie	Pacheco	

NOES—None

(NOTE: Assembly Member Chan was present when the above vote was taken on December 2, 2002, but is excused on this day.)

OATH OF OFFICE

The following oath of office was administered to Chief Clerk-elect E. Dotson Wilson, Chief Sergeant-at-Arms-elect Ronald E. Pane, Chaplain-elect Rev. Constantine C. Pappademos, and Alternate Chaplain-elect Rev. Ivan L. Williams, Sr. on Monday, December 2, 2002, by the Honorable Joyce L. Kennard, Associate Justice of the Supreme Court of California, and without objection, substituted in the Fourth Extraordinary Session:

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.

OATH OF OFFICE

The following oath of office was administered to Speaker pro Tempore-elect Christine Kehoe on December 2, 2002 by the Honorable Joyce L. Kennard, Associate Justice of the Supreme Court of California, and without objection, substituted in the Fourth Extraordinary Session:

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.

LEADERSHIP ANNOUNCEMENT

Speaker pro Tempore Kehoe announced that the following leadership would serve in the 2003–04 Fourth Extraordinary Session, consistent with the 2003–04 Regular Session:

Democratic Leadership

Speaker pro Tempore	Hon. Christine Kehoe
Assistant Speaker pro Tempore	Hon. Leland Yee
Majority Floor Leadership	Hon. Marco Firebaugh
Majority Leader	Hon. Wilma Chan
Majority Whip	Hon. Fabian Nunez
Democratic Caucus Chair	Hon. George Nakano
Rules Committee Chair	Hon. Joe Nation
Assistant Whips	Hon. Ron Calderon
	Hon. Jackie Goldberg
	Hon. Lloyd Levine
	Hon. Cindy Montanez
	Hon. Gloria Negrete McLeod
	Hon. Fran Pavley
	Hon. Simon Salinas

Republican Leadership

Republican Leader	Hon. Dave Cox
Caucus Chair	Hon. Tony Strickland
Assistant Republican Leaders	Hon. John Campbell
	Hon. Patricia Bates
	Hon. Dave Cogdill
	Hon. Bill Maze
	Hon. Guy Houston
	Hon. Bonnie Garcia
	Hon. Russ Bogh
	Hon. Tom Harman
	Hon. Keith Richman
	Hon. Lynn Daucher
	Hon. Robert Pacheco
	Hon. Ray Haynes
	Hon. Ken Maddox
	Hon. Sharon Runner
	Hon. Shirley Horton
Whips	Hon. George Plescia
	Hon. Mark Wyland
	Hon. Kevin McCarthy
	Hon. Rick Keene

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1—Maldonado (Coauthors: Aghazarian, Bates, Benoit, Bogh, Campbell, Cogdill, Daucher, Garcia, Harman, Haynes, Shirley Horton, Houston, Keene, La Malfa, Leslie, Maddox, Maze, McCarthy, Nakanishi, Pacheco, Plescia, Richman, Runner, Samuelian, Spitzer, and Wyland). An act to amend Section 1877.5 of the Insurance Code, and to amend Sections 3201.5, 3208, 3208.1, 3209.3, 3600, 4060, 4061, 4062, 4062.5, 4064, 4068, 4600, 4600.2, 4600.7, 4603.2, 4604, 4658, 4660, and 6401.7 of, to amend and renumber the heading of Part 1 (commencing with Section 3200) of Division 4 of, to add Sections 4600.31, 4604.5, 4611, 4611.1, 4611.2, 4658.1, 4658.6, and 5705.1 to, to add Article 2.3 (commencing with Section 3737) to Chapter 4 of Part 1.5 of Division 4 of, to add Part 1 (commencing with Section 3110) to Division 4 of, to repeal Sections 3139.48, 3139.49, 4062.9, 4600.35, 4600.6, 4601, 4602, 4603, 4609, 4614, 4614.1, and 5814.5 of, to repeal Chapter 5 (commencing with Section 110) of Division 1 of, and to repeal and add Sections 4600.3, 4600.5, and 5814 of, the Labor Code, relating to workers' compensation, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 2—Nation. An act to amend Section 1871.8 of the Insurance Code, to amend Section 5307.1 of the Labor Code, and to amend Sections 549 and 550 of the Penal Code, relating to insurance.

COMMUNICATIONS

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

November 18, 2003

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 Insurance Committee for the 2003–04 Fourth Extraordinary Session, consistent with the Regular Session:

Assemblymember Juan Vargas, Chair
Assemblymember John Benoit, Vice Chair
Assemblymember Russ Bogh
Assemblymember Ron Calderon
Assemblymember John Campbell
Assemblymember Ed Chavez
Assemblymember Lou Correa
Assemblymember Manny Diaz
Assemblymember John Dutra
Assemblymember Robert Dutton
Assemblymember Dario Frommer
Assemblymember Jerome Horton
Assemblymember Paul Koretz
Assemblymember Sally Lieber
Assemblymember Ken Maddox
Assemblymember Dennis Mountjoy
Assemblymember George Nakano
Assemblymember Keith Richman
Assemblymember Mark Ridley-Thomas

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

November 18, 2003

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

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Rules Committee for the 2003–04 Fourth Extraordinary Session, consistent with the Regular Session:

Assemblymember Joe Nation, Chair
Assemblymember Dave Cogdill, Vice Chair
Assemblymember John Benoit
Assemblymember Ron Calderon
Assemblymember Judy Chu
Assemblymember Merv Dymally
Assemblymember Tim Leslie
Assemblymember Cindy Montanez
Assemblymember Loni Hancock, Democratic Alternate
Assemblymember Lynn Daucher, Republican Alternate

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Vargas announced that the Insurance Committee would meet on Wednesday, November 20, 2003, at 9 a.m.

DESK HELD OPEN

Speaker pro Tempore Kehoe was granted unanimous consent that the Desk be held open to permit the introduction and reference of bills.

MESSAGES FROM THE GOVERNOR

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

Governor's Office, Sacramento
November 18, 2003

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

Dear Mr. Speaker: I hereby designate Richard Costigan, Cynthia Bryant, Pamela Oto and Jamey Tak on my staff who may sign for enrolled bills pursuant to Section 9509 of the Government Code.

Thank you for your attention to this matter.

Sincerely,

ARNOLD SCHWARZENEGGER

ADJOURNMENT

At 5:10 p.m., the Assembly adjourned to reconvene upon Call of the Speaker, and consents that the Senate do the same.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 1

Assembly Chamber, Sacramento
Wednesday, November 19, 2003

This Journal is printed pursuant to unanimous consent granted on November 18, 2003 (Assembly Journal, page 11), for introduction and reference of bills.

COMMUNICATIONS

The following communication was presented by the Speaker and ordered printed in the Journal:

November 19, 2003

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

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Appropriations Committee for the 2003–04 Fourth Extraordinary Session, consistent with the Regular Session:

Assemblymember Darrell Steinberg, Chair
Assemblymember Sharon Runner, Vice Chair
Assemblymember Patricia Bates
Assemblymember Patty Berg
Assemblymember Ron Calderon
Assemblymember Ellen Corbett
Assemblymember Lou Correa
Assemblymember Lynn Daucher
Assemblymember Manny Diaz
Assemblymember Marco Firebaugh
Assemblymember Jackie Goldberg
Assemblymember Ray Haynes
Assemblymember Mark Leno
Assemblymember Abel Maldonado
Assemblymember Gloria Negrete McLeod
Assemblymember Joe Nation

Assemblymember Fabian Nunez
 Assemblymember Robert Pacheco
 Assemblymember Fran Pavley
 Assemblymember Mark Ridley-Thomas
 Assemblymember Steven Samuelian
 Assemblymember Joe Simitian
 Assemblymember Patricia Wiggins
 Assemblymember Leland Yee

Sincerely,

HERB J. WESSON, JR.
 Speaker of the California Assembly

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

<i>Assembly</i>	<i>Committee</i>
<i>Bill No.</i>	
1 -----	Ins.
2 -----	Ins.

MESSAGES FROM THE SENATE

Senate Chamber, November, 18, 2003

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

Senate Concurrent Resolution No. 1

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

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 2

Assembly Chamber, Sacramento
Thursday, December 4, 2003

This Journal is printed pursuant to unanimous consent granted on November 18, 2003 (Assembly Journal, page 11), for introduction and reference of bills.

INTRODUCTION OF ASSEMBLY BILLS

The following bill was introduced:

ASSEMBLY BILL NO. 3—Vargas. An act to amend Sections 1871.8 and 11742 of the Insurance Code, to amend Sections 139.2, 4062, 4603.2, 4603.4, 4604.5, 4610, 4903.05, 5307.1, and 5703 of the Labor Code, and to amend Sections 549 and 550 of the Penal Code, relating to workers' compensation and insurance, and declaring the urgency thereof, to take effect immediately.

HERB J. WESSON, JR., Speaker

LAWRENCE A. MURMAN, Acting Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 3

Assembly Chamber, Sacramento
Friday, December 5, 2003

This Journal is printed pursuant to unanimous consent granted on November 18, 2003 (Assembly Journal, page 11), for introduction and reference of bills.

INTRODUCTION OF ASSEMBLY BILLS

The following bills were introduced:

ASSEMBLY BILL NO. 4—Richman. An act to amend Section 5307.27 of, and to add Sections 139.7, 139.71, and 139.72 to, the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 5—Richman. An act to add Section 4062.7 to the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 6—Richman. An act to add Section 4600.37 to the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 7—Richman. An act to repeal Section 5814.5 of, and to repeal and add Section 5814 of, the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 8—Richman. An act to amend Section 5307.1 of the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 9—Richman. An act to amend Section 3201.5 of, and to repeal Section 3201.7 of, the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 10—Richman. An act to add Section 5705.1 to the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 11—Richman. An act to add Section 3821 to the Labor Code, relating to workers' compensation.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 4

Assembly Chamber, Sacramento
Tuesday, December 9, 2003

This Journal is printed pursuant to unanimous consent granted on November 18, 2003 (Assembly Journal, page 11), for introduction and reference of bills.

INTRODUCTION OF ASSEMBLY BILLS

The following bill was introduced:

ASSEMBLY BILL NO. 12—Keene. An act relating to workers' compensation.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 5

Assembly Chamber, Sacramento
Wednesday, December 10, 2003

This Journal is printed pursuant to unanimous consent granted on November 18, 2003 (Assembly Journal, page 11), for introduction and reference of bills.

INTRODUCTION OF ASSEMBLY BILLS

The following bill was introduced:

ASSEMBLY BILL NO. 13—Firebaugh. An act to amend Section 1877.1 of the Insurance Code, relating to workers' compensation.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 6, 2004
SECOND SESSION DAY
FIFTIETH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, January 6, 2004

The Assembly met at 4:40 p.m.

Hon. Herb J. Wesson, Jr., Speaker of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—77:

Aghazarian	Dymally	Lieber	Pavley
Bates	Firebaugh	Liu	Plescia
Benoit	Frommer	Longville	Reyes
Berg	Garcia	Lowenthal	Richman
Bermudez	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Maldonado	Runner
Calderon	Harman	Matthews	Salinas
Campbell	Haynes	Maze	Samuelian
Canciamilla	Horton, Shirley	McCarthy	Spitzer
Chan	Houston	Montanez	Steinberg
Chavez	Jackson	Mountjoy	Strickland
Chu	Keene	Mullin	Vargas
Cogdill	Kehoe	Nakanishi	Wiggins
Cohn	Koretz	Nakano	Wolk
Corbett	La Malfa	Nation	Wyland
Cox	La Suer	Negrete McLeod	Yee
Daucher	Laird	Nunez	Mr. Speaker
Diaz	Leno	Oropeza	
Dutra	Leslie	Pacheco	
Dutton	Levine	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Member Simitian.

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

To attend a funeral in the District: Assembly Member Jerome E. Horton.

(NOTE: For explanation of absence of Assembly Member Simitian on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

FIRST READING OF ASSEMBLY BILLS

The following bills were read the first time:

ASSEMBLY BILL NO. 3—Vargas. An act to amend Sections 1871.8 and 11742 of the Insurance Code, to amend Sections 139.2, 4062, 4603.2, 4603.4, 4604.5, 4610, 4903.05, 5307.1, and 5703 of the Labor Code, and to amend Sections 549 and 550 of the Penal Code, relating to workers' compensation and insurance, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 4—Richman. An act to amend Section 5307.27 of, and to add Sections 139.7, 139.71, and 139.72 to, the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 5—Richman. An act to add Section 4062.7 to the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 6—Richman. An act to add Section 4600.37 to the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 7—Richman. An act to repeal Section 5814.5 of, and to repeal and add Section 5814 of, the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 8—Richman. An act to amend Section 5307.1 of the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 9—Richman. An act to amend Section 3201.5 of, and to repeal Section 3201.7 of, the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 10—Richman. An act to add Section 5705.1 to the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 11—Richman. An act to add Section 3821 to the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 12—Keene. An act relating to workers' compensation.

ASSEMBLY BILL NO. 13—Firebaugh. An act to amend Section 1877.1 of the Insurance Code, relating to workers' compensation.

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 1—Relative to the Joint Rules for the 2003–04 Fourth Extraordinary Session.

ADJOURNMENT

At 5:31 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 8, 2004

THIRD SESSION DAY

FIFTY-SECOND CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 8, 2004

The Assembly met at 9:30 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Levine	Pavley
Benoit	Firebaugh	Lieber	Plescia
Berg	Frommer	Liu	Reyes
Bermudez	Garcia	Longville	Richman
Bogh	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Maldonado	Runner
Campbell	Harman	Matthews	Salinas
Canciamilla	Haynes	Maze	Samuelian
Chan	Horton, Jerome	McCarthy	Simitian
Chavez	Horton, Shirley	Montanez	Spitzer
Chu	Houston	Mountjoy	Steinberg
Cogdill	Jackson	Mullin	Strickland
Cohn	Keene	Nakanishi	Vargas
Corbett	Kehoe	Nakano	Wiggins
Correa	Koretz	Nation	Wolk
Cox	La Malfa	Negrete McLeod	Wyland
Daucher	La Suer	Nunez	Yee
Diaz	Laird	Oropeza	Mr. Speaker
Dutra	Leno	Pacheco	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On legislative business: Assembly Member Maddox.

(NOTE: For explanation of absence of Assembly Member Maddox on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

<i>Assembly Bill No.</i>	<i>Committee</i>
3 -----	Ins.
4 -----	Ins.
5 -----	Ins.
6 -----	Ins.
7 -----	Ins.
8 -----	Ins.
9 -----	Ins.
10 -----	Ins.
11 -----	Ins.
13 -----	Ins.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, January 12, 2004
FOURTH SESSION DAY
FIFTY-SIXTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, January 12, 2004

The Assembly met at 12:07 p.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—80:

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Campbell	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

AUTHOR'S AMENDMENTS Committee on Insurance

January 12, 2004

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

Assembly Bill No. 3

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

VARGAS, Chair

ASSEMBLY BILL NO. 3—An act to amend Sections 1871.8 and 11742 of the Insurance Code, to amend Sections 139.2, 4062, 4603.2, 4603.4, 4604.5, 4610, 4903.05, 5307.1, and 5703 of the Labor Code, and to amend Sections 549 and 550 of the Penal Code, relating to workers' compensation and insurance, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

COMMUNICATIONS

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

January 5, 2004

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

Dear Mr. Wilson,

This letter is to officially announce that as of Monday, January 5, 2004, the new Assembly Republican Leadership team is as follows.

Kevin McCarthy—Assembly Republican Leader
Russ Bogh—2nd Ranking Republican Leader/Caucus Chair
Assistant Leader—Rick Keene
Assistant Leader—Sharon Runner
Assistant Leader—Ray Haynes
Rules Vice Chair—Dave Cogdill
Whips: Greg Aghazarian
John Benoit
Doug La Malfa
George Plescia
Todd Spitzer
Mark Wyland

If you have any questions regarding this letter, please contact Julie Sauls at 319-2032.

It is an honor working with you in the California State Assembly.

Sincerely,

KEVIN MCCARTHY
Assembly Republican Leader

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 12, 2004**

The following measure was amended in the Assembly on this day:

AB RN

3 0400179

Daily Total: 1

Cumulative Total: 1

CALIFORNIA LEGISLATURE
2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 15, 2004
FIFTH SESSION DAY
FIFTY-NINTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 15, 2004

The Assembly met at 9:13 a.m.
Hon. Leland Y. Yee, Assistant Speaker pro Tempore of the
Assembly, presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—70:

Aghazarian	Dutra	Leno	Parra
Bates	Dutton	Leslie	Pavley
Benoit	Dymally	Levine	Plescia
Berg	Firebaugh	Lieber	Reyes
Bermudez	Frommer	Liu	Runner
Bogh	Garcia	Longville	Salinas
Calderon	Goldberg	Lowenthal	Samuelian
Campbell	Hancock	Maldonado	Spitzer
Canciamilla	Harman	Matthews	Steinberg
Chan	Haynes	McCarthy	Strickland
Chu	Horton, Jerome	Mountjoy	Vargas
Cogdill	Horton, Shirley	Mullin	Wiggins
Cohn	Houston	Nakanishi	Wolk
Corbett	Jackson	Nakano	Wyland
Correa	Keene	Negrete McLeod	Yee
Cox	La Malfa	Nunez	Mr. Speaker
Daucher	La Suer	Oropeza	
Diaz	Laird	Pacheco	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Chavez, Kehoe, Koretz, Maddox, Maze, and Ridley-Thomas.

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

Because of illness: Assembly Member Montanez.

Because of illness in their families: Assembly Members Nation and Richman.

(NOTE: For explanations of absences of Assembly Members Chavez, Kehoe, Koretz, Maddox, and Ridley-Thomas on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for explanation of absence of Assembly Member Maze on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Journal for January 13, 2004.)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 13, 2004

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

Assembly Bill No. 3

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 22, 2004
SIXTH SESSION DAY
SIXTY-SIXTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 22, 2004

The Assembly met at 9:15 a.m.

Hon. Leland Y. Yee, Assistant Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian Ebbert reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dymally	Levine	Parra
Bates	Firebaugh	Lieber	Pavley
Benoit	Frommer	Liu	Plescia
Berg	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Ridley-Thomas
Calderon	Harman	Maldonado	Runner
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker
Dutton	Leslie	Pacheco	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On legislative business: Assembly Member Chan.

(NOTE: For explanation of absence of Assembly Member Chan on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 29, 2004
SEVENTH SESSION DAY
SEVENTY-THIRD CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 29, 2004

The Assembly met at 9:06 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Campbell	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

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

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

CHRISTINE KEHOE, Speaker pro Tempore

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 5, 2004
EIGHTH SESSION DAY
EIGHTIETH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, February 5, 2004

The Assembly met at 9:16 a.m.

Hon. Leland Y. Yee, Assistant Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called, and the following answered to their names—70:

Aghazarian	Dutra	Lieber	Pavley
Bates	Dymally	Longville	Reyes
Benoit	Firebaugh	Lowenthal	Richman
Berg	Frommer	Maldonado	Ridley-Thomas
Bermudez	Garcia	Matthews	Runner
Bogh	Goldberg	Maze	Samuelian
Calderon	Harman	McCarthy	Simitian
Canciamilla	Haynes	Montanez	Spitzer
Chan	Horton, Jerome	Mountjoy	Steinberg
Chavez	Horton, Shirley	Mullin	Strickland
Chu	Houston	Nakanishi	Vargas
Cogdill	Jackson	Nakano	Wiggins
Cohn	Keene	Nation	Wolk
Corbett	Koretz	Negrete McLeod	Wyland
Correa	La Malfa	Nunez	Yee
Cox	Laird	Oropeza	Mr. Speaker
Daucher	Leno	Pacheco	
Diaz	Levine	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Dutton, Hancock, Kehoe, La Suer, Leslie, Maddox, and Salinas.

On personal business, and waiving per diem: Assembly Members Campbell, Liu, and Plescia.

(NOTE: For explanations of absences of Assembly Members Dutton, Hancock, Kehoe, La Suer, Maddox, and Salinas on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for explanation of absence of Assembly Member Leslie on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Journal for February 2, 2004.)

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 12, 2004

NINTH SESSION DAY

EIGHTY-SEVENTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, February 12, 2004

The Assembly met at 9:16 a.m.

Hon. Fabian Nunez, Speaker of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called, and the following answered to their names—73:

Aghazarian	Dymally	Levine	Plescia
Bates	Firebaugh	Lieber	Reyes
Benoit	Frommer	Liu	Ridley-Thomas
Berg	Garcia	Lowenthal	Runner
Bermudez	Goldberg	Maldonado	Salinas
Bogh	Hancock	Matthews	Samuelian
Calderon	Harman	Maze	Simitian
Canciamilla	Haynes	McCarthy	Spitzer
Chan	Horton, Jerome	Montanez	Steinberg
Chavez	Horton, Shirley	Mountjoy	Strickland
Chu	Houston	Mullin	Vargas
Cogdill	Jackson	Nakanishi	Wesson
Cohn	Keene	Nakano	Wiggins
Corbett	Koretz	Nation	Wolk
Correa	La Malfa	Negrete McLeod	Yee
Cox	La Suer	Oropeza	Mr. Speaker
Diaz	Laird	Pacheco	
Dutra	Leno	Parra	
Dutton	Leslie	Pavley	

Quorum present.

PRAYER

Upon invitation of Speaker Nunez, the following prayer was offered by Assembly Chaplain Rev. Constantine C. Pappademos:

Lord God, We cannot place ourselves directly in Your presence unless we impose upon ourselves, interior and exterior silence. Help us to accustom ourselves to stillness of the soul, stillness of the eyes and stillness of the tongue. For there is no life of prayer without silence. Everything good that happens in our life begins with prayer to You, and that prayer is born in the silence of our hearts.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Nunez, Assembly Member Chan then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Frommer, seconded by Assembly Member McCarthy.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Daucher, Kehoe, Longville, Maddox, and Richman.

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

Because of illness: Assembly Member Wyland.

(NOTE: For explanations of absences of Assembly Members Daucher, Kehoe, Longville, Maddox, and Richman on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 14—Vargas (Principal coauthor: Plescia). An act to amend Sections 139.3, 139.31, and 5307.1 of, and to add Sections 3220 and 4610.5 to, the Labor Code, relating to workers' compensation.

ELECTION OF SPEAKER

Assembly Member Frommer was granted unanimous consent that the unanimous consent vote on January 8, 2004 (Assembly Journal, page 4172), electing Assembly Member Fabian Nunez to the Office of Speaker of the Assembly for the 2003–04 Regular Session, and the Oath of Office administered on February 9, 2004 (Assembly Journal, page 4502) by Hon. Ronald M. George, Chief Justice of California, be substituted in the 2003–04 Fourth Extraordinary Session.

OATH

for the Office of Speaker of the Assembly

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

RECESS

By unanimous consent, at 9:17 a.m., Speaker Nunez declared the Assembly recessed.

COMMUNICATIONS

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

February 9, 2004

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

Dear Dotson: I have removed myself from the membership of the Committee on Appropriations creating a Democratic vacancy.

Sincerely,

FABIAN NUÑEZ
 Speaker of the Assembly

February 12, 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 changes to the Democratic Leadership for the 2003–04 Fourth Extraordinary Session, consistent with the Regular Session:

Speaker pro Tempore	Hon. Leland Yee
Assistant Speaker pro Tempore	Hon. Sally Lieber
Majority Floor Leader/Majority Leader	Hon. Dario Frommer
Assistant Majority Leader	Hon. Ron Calderon
Majority Whip	Hon. Lloyd Levine
Democratic Caucus Chair	Hon. George Nakano
Rules Committee Chair	Hon. Cindy Montanez

Sincerely,

FABIAN NUÑEZ
 Speaker of the Assembly

February 12, 2004

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

Dear Dotson: This is to advise you that I am reappointing the Democratic membership of the Assembly Rules Committee for the 2003–04 Fourth Extraordinary Session as follows:

Assemblymember Cindy Montanez, Chair
Assemblymember Marco Firebaugh
Assemblymember Loni Hancock
Assemblymember Christine Kehoe
Assemblymember Gene Mullin
Assemblymember Ron Calderon, Democratic Alternate

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

February 12, 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 Insurance Committee for the 2003–04 Fourth Extraordinary Session, consistent with the Regular Session:

Assemblymember Juan Vargas, Chair
Assemblymember John Benoit, Vice Chair
Assemblymember Russ Bogh
Assemblymember Ron Calderon
Assemblymember John Campbell
Assemblymember Ed Chavez
Assemblymember Lou Correa
Assemblymember Manny Diaz
Assemblymember John Dutra
Assemblymember Robert Dutton
Assemblymember Dario Frommer
Assemblymember Jerome Horton
Assemblymember Paul Koretz
Assemblymember Sally Lieber
Assemblymember Ken Maddox
Assemblymember Dennis Mountjoy
Assemblymember George Nakano
Assemblymember Keith Richman
Assemblymember Mark Ridley-Thomas

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

February 12, 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 Assembly Appropriations Committee for the 2003–04 Fourth Extraordinary Session, consistent with the Regular Session:

Assemblymember Judy Chu, Chair
 Assemblymember Sharon Runner, Vice Chair
 Assemblymember Patricia Bates
 Assemblymember Patty Berg
 Assemblymember Ron Calderon
 Assemblymember Ellen Corbett
 Assemblymember Lou Correa
 Assemblymember Lynn Daucher
 Assemblymember Manny Diaz
 Assemblymember Marco Firebaugh
 Assemblymember Jackie Goldberg
 Assemblymember Ray Haynes
 Assemblymember Mark Leno
 Assemblymember Abel Maldonado
 Assemblymember Gloria Negrete McLeod
 Assemblymember Joe Nation
 Assemblymember Robert Pacheco
 Assemblymember Fran Pavley
 Assemblymember Mark Ridley-Thomas
 Assemblymember Steven Samuelian
 Assemblymember Joe Simitian
 Assemblymember Patricia Wiggins
 Assemblymember Leland Yee
 Two Democratic vacancies

Sincerely,

FABIAN NUÑEZ
 Speaker of the Assembly

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 19, 2004
TENTH SESSION DAY
NINETY-FOURTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, February 19, 2004

The Assembly met at 11:14 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—71:

Aghazarian	Diaz	Leslie	Plescica
Bates	Dutra	Levine	Reyes
Benoit	Dymally	Lieber	Richman
Berg	Firebaugh	Liu	Ridley-Thomas
Bermudez	Frommer	Lowenthal	Runner
Bogh	Garcia	Maldonado	Salinas
Calderon	Hancock	Matthews	Samuelian
Campbell	Harman	Maze	Spitzer
Canciamilla	Haynes	McCarthy	Steinberg
Chan	Horton, Jerome	Montanez	Strickland
Chavez	Horton, Shirley	Mountjoy	Vargas
Chu	Houston	Mullin	Wesson
Cogdill	Jackson	Nakanishi	Wiggins
Cohn	Keene	Nakano	Wolk
Corbett	Koretz	Negrete McLeod	Wyland
Correa	La Malfa	Oropeza	Yee
Cox	Laird	Parra	Mr. Speaker
Daucher	Leno	Pavley	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Dutton, Goldberg, Kehoe, La Suer, Longville, Maddox, Pacheco, and Simitian.

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

(NOTE: For explanations of absences of Assembly Members Dutton, Goldberg, Kehoe, La Suer, Longville, Maddox, Pacheco, and Simitian on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 15—Vargas. An act to amend Sections 1063.5, 1871.4, 11735, 11770, and 11778 of, to add Section 11731.5 to, and to repeal Section 11735.1 of, the Insurance Code, to amend Sections 139.2, 3700.5, 3711, 3823, 4060, 4061, 4062, 4062.5, 4062.9, 4600, 4600.2, 4603.2, 4610, 4650, 4660, 4663, 4750, 4750.5, 5307.1, 5307.27, 5402, 5502, and 5703 of, to add Sections 138.71, 3201.2, 4062.3, 4615, 4616, 4617, 4650.1, and 4664 to, to add and repeal Section 3201.1 of, to repeal Sections 4062.01 and 5814.5 of, and to repeal and add Sections 139.48, 139.49, 4604, and 5814 of, the Labor Code, to amend Section 1524 of the Penal Code, and to repeal Section 48 of Chapter 639 of the Statutes of 2003, relating to workers' compensation, and declaring the urgency thereof, to take effect immediately.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 26, 2004

ELEVENTH SESSION DAY

ONE HUNDRED 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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, February 26, 2004

The Assembly met at 9:18 a.m.
Hon. Sally Lieber, Assistant Speaker pro Tempore of the Assembly, presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—71:

Aghazarian	Dutton	Laird	Pacheco
Bates	Dymally	Leno	Parra
Benoit	Firebaugh	Leslie	Pavley
Berg	Frommer	Lieber	Plescia
Bermudez	Garcia	Liu	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maldonado	Ridley-Thomas
Canciamilla	Harman	Matthews	Runner
Chan	Haynes	Maze	Salinas
Chavez	Horton, Jerome	McCarthy	Samuelian
Chu	Horton, Shirley	Montanez	Spitzer
Cogdill	Houston	Mountjoy	Steinberg
Cohn	Jackson	Mullin	Vargas
Corbett	Keene	Nakanishi	Wiggins
Correa	Kehoe	Nakano	Wolk
Cox	Koretz	Nation	Wyland
Daucher	La Malfa	Negrete McLeod	Mr. Speaker
Dutra	La Suer	Oropeza	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Levine, Longville, Maddox, Simitian, Wesson, and Yee.

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

On personal business, and waiving per diem: Assembly Members Campbell and Diaz.

(NOTE: For explanations of absences of Assembly Members Levine, Longville, Simitian, Wesson, and Yee on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for explanation of absence of Assembly Member Maddox on this day, on legislative business, and Assembly Member Strickland on legislative business and waiving per diem pursuant to the Assembly Rules, see the Assembly Journal for February 25, 2004.)

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, March 1, 2004

TWELFTH SESSION DAY

ONE HUNDRED FIFTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, March 1, 2004

The Assembly met at 11:11 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—69:

Aghazarian	Dymally	Levine	Plescia
Bates	Firebaugh	Lieber	Reyes
Benoit	Frommer	Liu	Richman
Berg	Garcia	Lowenthal	Ridley-Thomas
Bermudez	Goldberg	Maddox	Runner
Bogh	Hancock	Maldonado	Samuelian
Calderon	Harman	Matthews	Spitzer
Canciamilla	Haynes	Maze	Steinberg
Chan	Horton, Jerome	McCarthy	Vargas
Chavez	Horton, Shirley	Montanez	Wesson
Chu	Houston	Mountjoy	Wiggins
Cogdill	Keene	Mullin	Wolk
Cohn	Koretz	Nakanishi	Wyland
Corbett	La Malfa	Nakano	Yee
Cox	La Suer	Nation	Mr. Speaker
Daucher	Laird	Negrete McLeod	
Dutra	Leno	Oropeza	
Dutton	Leslie	Pavley	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Member Jackson.

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

On personal business, and waiving per diem: Assembly Members Campbell, Correa, Diaz, Kehoe, Pacheco, Parra, and Simitian.

Because of illness: Assembly Member Salinas.

Due to travel delays: Assembly Member Longville.

(NOTE: For explanation of absence of Assembly Member Jackson on this day, on legislative business, and Assembly Member Strickland on legislative business, waiving per diem, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

<i>Assembly Bill No.</i>	<i>Committee</i>
14 -----	Ins.
15 -----	Ins.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 4, 2004

THIRTEENTH SESSION DAY

ONE HUNDRED EIGHTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, March 4, 2004

The Assembly met at 9:37 a.m.

Hon. Fabian Nunez, Speaker of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—73:

Aghazarian	Firebaugh	Levine	Plescia
Benoit	Frommer	Lieber	Reyes
Berg	Garcia	Liu	Richman
Bermudez	Goldberg	Longville	Ridley-Thomas
Bogh	Hancock	Lowenthal	Runner
Calderon	Harman	Maddox	Salinas
Campbell	Haynes	Maldonado	Samuelian
Canciamilla	Horton, Jerome	Matthews	Spitzer
Chan	Horton, Shirley	McCarthy	Steinberg
Chavez	Houston	Montanez	Strickland
Chu	Jackson	Mountjoy	Vargas
Cogdill	Keene	Mullin	Wiggins
Cohn	Kehoe	Nakanishi	Wolk
Corbett	Koretz	Nakano	Wyland
Correa	La Malfa	Nation	Yee
Cox	La Suer	Negrete McLeod	Mr. Speaker
Dutra	Laird	Pacheco	
Dutton	Leno	Parra	
Dymally	Leslie	Pavley	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Bates, Maze, Oropeza, and Wesson.

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

Because of illness: Assembly Members Daucher and Diaz.

(NOTE: For explanations of absences of Assembly Members Bates, Maze, Oropeza, and Wesson on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 11, 2004

FOURTEENTH SESSION DAY

ONE HUNDRED FIFTEENTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, March 11, 2004

The Assembly met at 10:08 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—76:

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Levine	Pavley
Benoit	Firebaugh	Lieber	Plescia
Berg	Frommer	Liu	Reyes
Bermudez	Garcia	Longville	Richman
Bogh	Goldberg	Lowenthal	Ridley-Thomas
Campbell	Hancock	Maddox	Runner
Canciamilla	Harman	Maldonado	Salinas
Chan	Haynes	Matthews	Samuelian
Chavez	Horton, Jerome	Maze	Simitian
Chu	Horton, Shirley	McCarthy	Spitzer
Cogdill	Houston	Montanez	Steinberg
Cohn	Jackson	Mountjoy	Strickland
Corbett	Keene	Mullin	Vargas
Correa	Koretz	Nakanishi	Wesson
Cox	La Malfa	Nakano	Wolk
Daucher	La Suer	Nation	Wyland
Diaz	Laird	Negrete McLeod	Yee
Dutra	Leno	Pacheco	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Calderon, Kehoe, and Oropeza.

To attend a funeral in the District: Assembly Member Wiggins.

(NOTE: For explanations of absences of Assembly Members Calderon, Kehoe, and Oropeza on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

AUTHOR'S AMENDMENTS
Committee on Insurance

March 11, 2004

Mr. Speaker: The Chair of your Committee on Insurance reports:
Assembly Bill No. 15

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

VARGAS, Chair

ASSEMBLY BILL NO. 15—An act to amend Sections 1063.5, 1871.4, 11735, 11770, and 11778 of, to add Section 11731.5 to, and to repeal Section 11735.1 of, the Insurance Code, to amend Sections 139.2, 3700.5, 3711, 3823, 4060, 4061, 4062, 4062.5, 4062.9, 4600, 4600.2, 4603.2, 4610, 4650, 4660, 4663, 4750, 4750.5, 5307.1, 5307.27, 5402, 5502, and 5703 of, to add Sections 138.71, 3201.2, 4062.3, 4615, 4616, 4617, 4650.1, and 4664 to, to add and repeal Section 3201.1 of, to repeal Sections 4062.01 and 5814.5 of, and to repeal and add Sections 139.48, 139.49, 4604, and 5814 of, the Labor Code, to amend Section 1524 of the Penal Code, and to repeal Section 48 of Chapter 639 of the Statutes of 2003, relating to workers' compensation, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 11, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 15

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 11, 2004**

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

AB	RN	
15	0406339	
Daily Total:		1
Cumulative Total:		1

CALIFORNIA LEGISLATURE
2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, March 15, 2004
FIFTEENTH SESSION DAY
ONE HUNDRED NINETEENTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, March 15, 2004

The Assembly met at 11:08 a.m.
Hon. Sally J. Lieber, Assistant Speaker pro Tempore of the
Assembly, presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dymally	Levine	Pavley
Bates	Firebaugh	Lieber	Plescia
Benoit	Frommer	Liu	Reyes
Berg	Garcia	Longville	Richman
Bogh	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Maddox	Runner
Campbell	Harman	Maldonado	Salinas
Canciamilla	Haynes	Matthews	Samuelian
Chan	Horton, Jerome	Maze	Simitian
Chavez	Horton, Shirley	McCarthy	Spitzer
Chu	Houston	Montanez	Steinberg
Cogdill	Jackson	Mountjoy	Strickland
Cohn	Keene	Mullin	Vargas
Corbett	Kehoe	Nakanishi	Wesson
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker
Dutton	Leslie	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

Due to travel delays: Assembly Member Bermudez.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 16—Vargas. An act to repeal Section 4600.5 of the Labor Code, relating to workers' compensation.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 18, 2004

SIXTEENTH SESSION DAY

ONE HUNDRED TWENTY-SECOND CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, March 18, 2004

The Assembly met at 9:10 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—71:

Aghazarian	Diaz	Leslie	Parra
Bates	Dutra	Levine	Pavley
Benoit	Dymally	Lieber	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Garcia	Lowenthal	Richman
Bogh	Goldberg	Maldonado	Salinas
Calderon	Hancock	Matthews	Samuelian
Campbell	Harman	Maze	Simitian
Canciamilla	Haynes	McCarthy	Spitzer
Chan	Horton, Jerome	Montanez	Steinberg
Chavez	Horton, Shirley	Mountjoy	Vargas
Chu	Houston	Mullin	Wesson
Cogdill	Jackson	Nakanishi	Wiggins
Cohn	Keene	Nakano	Wolk
Corbett	Koretz	Nation	Wyland
Correa	La Malfa	Negrete McLeod	Yee
Cox	Laird	Oropeza	Mr. Speaker
Daucher	Leno	Pacheco	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Dutton, Kehoe, La Suer, Maddox, Ridley-Thomas, Runner, and Strickland.

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

Because of illness: Assembly Member Firebaugh.

(NOTE: For explanations of absences of Assembly Members Dutton, Kehoe, La Suer, Maddox, Ridley-Thomas, Runner, and Strickland on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, March 22, 2004

SEVENTEENTH SESSION DAY

ONE HUNDRED TWENTY-SIXTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, March 22, 2004

The Assembly met at 11:12 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—74:

Aghazarian	Dutra	Leslie	Reyes
Bates	Dutton	Levine	Richman
Benoit	Firebaugh	Lieber	Ridley-Thomas
Berg	Frommer	Longville	Runner
Bermudez	Garcia	Lowenthal	Salinas
Bogh	Goldberg	Maddox	Samuelian
Calderon	Hancock	Maldonado	Simitian
Campbell	Harman	Matthews	Spitzer
Canciamilla	Haynes	Maze	Steinberg
Chan	Horton, Jerome	McCarthy	Strickland
Chavez	Horton, Shirley	Mountjoy	Vargas
Chu	Houston	Mullin	Wesson
Cogdill	Jackson	Nakanishi	Wiggins
Cohn	Keene	Nakano	Wolk
Corbett	Kehoe	Negrete McLeod	Wyland
Correa	Koretz	Oropeza	Yee
Cox	La Malfa	Pacheco	Mr. Speaker
Daucher	La Suer	Parra	
Diaz	Laird	Pavley	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Dymally and Montanez.

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

To attend a funeral: Assembly Member Leno.

Because of illness in his family: Assembly Member Nation.

Due to travel delays: Assembly Member Plescia.

(NOTE: For explanations of absences of Assembly Members Dymally and Montanez on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

March 19, 2004

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

Dear Dotson: Please be advised that I have made the following changes to Assembly standing committees for the 2003–04 Fourth Extraordinary Session:

Appropriations Committee: I have removed Assemblymembers Manny Diaz, Abel Maldonado, Robert Pacheco, Samuelian and Joe Simitian, eliminated the two Democratic vacancies from the committee and have added Assemblymembers Rick Keene, Jenny Oropeza and Herb Wesson, Jr., reducing the size of the committee from 25 to 21 members.

Insurance Committee: I have appointed Assemblymembers Rebecca Cohn, Dave Cox and Mark Wyland to replace Assemblymembers Sally Lieber, John Campbell and Bob Dutton and have removed Assemblymembers Ed Chavez and Ken Maddox from the committee, reducing the size of the committee from 19 to 17 members.

Rules Committee: I have removed Assemblymember Lynn Daucher as the Republican Alternate.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

March 22, 2004

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

Dear Dotson: This is to advise you that I appointed Assemblymember Marco Firebaugh to replace Assemblymember Cindy Montanez on the Assembly Rules Committee for the today’s hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

AUTHOR’S AMENDMENTS
Committee on Insurance

March 22, 2004

Mr. Speaker: The Chair of your Committee on Insurance reports:
Assembly Bill No. 16

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

VARGAS, Chair

ASSEMBLY BILL NO. 16—An act to repeal Section 4600.5 of the Labor Code, relating to workers' compensation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 22, 2004**

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

AB	RN	
16	0406909	
Daily Total:		1
Cumulative Total:		2

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 25, 2004

EIGHTEENTH SESSION DAY

ONE HUNDRED TWENTY-NINTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, March 25, 2004

The Assembly met at 9:15 a.m.
Hon. Sally J. Lieber, Assistant Speaker pro Tempore of the
Assembly, presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—68:

Aghazarian	Dymally	Leno	Parra
Bates	Frommer	Leslie	Pavley
Benoit	Garcia	Levine	Plescia
Berg	Goldberg	Lieber	Reyes
Bermudez	Hancock	Longville	Richman
Calderon	Harman	Maddox	Ridley-Thomas
Canciamilla	Haynes	Maldonado	Runner
Chavez	Horton, Jerome	Matthews	Salinas
Chu	Horton, Shirley	Maze	Samuelian
Cogdill	Houston	McCarthy	Spitzer
Cohn	Jackson	Mountjoy	Strickland
Correa	Keene	Mullin	Vargas
Cox	Kehoe	Nakanishi	Wesson
Daucher	Koretz	Nakano	Wiggins
Diaz	La Malfa	Nation	Wolk
Dutra	La Suer	Negrete McLeod	Wyland
Dutton	Laird	Pacheco	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Bogh, Corbett, Firebaugh, Lowenthal, Montanez, and Yee.

On personal business, and waiving per diem: Assembly Members Campbell, Liu, Simitian, and Steinberg.

Because of illness: Assembly Members Chan and Oropeza.

(NOTE: For explanations of absences of Assembly Members Bogh, Corbett, Firebaugh, Lowenthal, and Yee on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for explanation of absence of Assembly Member Montanez, see the Assembly Journal for March 22, 2004.)

COMMUNICATIONS

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

March 24, 2004

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

Dear Dotson: This is to advise you that I appointed Assemblymember Dario Frommer to replace Assemblymember Marco Firebaugh on the Assembly Rules Committee for the Thursday, March 25th hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 25, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 16

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, April 1, 2004
NINETEENTH SESSION DAY
ONE HUNDRED THIRTY-SIXTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, April 1, 2004

The Assembly met at 9:14 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—73:

Aghazarian	Dymally	Levine	Pavley
Bates	Firebaugh	Lieber	Plescia
Benoit	Frommer	Liu	Reyes
Berg	Garcia	Longville	Richman
Bermudez	Goldberg	Lowenthal	Ridley-Thomas
Bogh	Hancock	Maldonado	Runner
Calderon	Haynes	Matthews	Salinas
Campbell	Horton, Jerome	Maze	Samuelian
Chan	Horton, Shirley	McCarthy	Spitzer
Chavez	Houston	Montanez	Steinberg
Chu	Jackson	Mountjoy	Strickland
Cogdill	Keene	Mullin	Vargas
Cohn	Kehoe	Nakanishi	Wesson
Corbett	Koretz	Nakano	Wyland
Correa	La Malfa	Nation	Yee
Daucher	La Suer	Negrete McLeod	Mr. Speaker
Diaz	Laird	Oropeza	
Dutra	Leno	Pacheco	
Dutton	Leslie	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Harman and Maddox.

On legislative business, per diem waived for the 2003–2004 Session (See Assembly Journal, page 126): Assembly Member Wolk.

On personal business, and waiving per diem: Assembly Members Canciamilla, Cox, and Simitian.

Because of illness: Assembly Member Wiggins.

(NOTE: For explanations of absences of Assembly Members Maddox and Wolk on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for explanation of absence of Assembly Member Harman, see the Assembly Journal for March 30, 2004.)

ADJOURNMENT

At 3:30 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, April 14, 2004

TWENTIETH SESSION DAY

ONE HUNDRED FORTY-NINTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, April 14, 2004

The Assembly met at 7 a.m.

Hon. Tom Harman, Assembly Member, 67th District, presiding.
Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—77:

Aghazarian	Firebaugh	Lieber	Plescia
Bates	Frommer	Liu	Reyes
Benoit	Garcia	Longville	Richman
Berg	Goldberg	Lowenthal	Ridley-Thomas
Bermudez	Hancock	Maddox	Runner
Bogh	Harman	Maldonado	Salinas
Calderon	Haynes	Matthews	Samuelian
Campbell	Horton, Jerome	Maze	Simitian
Canciamilla	Horton, Shirley	McCarthy	Spitzer
Chan	Houston	Montanez	Steinberg
Chu	Jackson	Mountjoy	Strickland
Cogdill	Keene	Mullin	Vargas
Cohn	Kehoe	Nakanishi	Wiggins
Corbett	Koretz	Nakano	Wolk
Correa	La Malfa	Nation	Wyland
Cox	La Suer	Negrete McLeod	Yee
Daucher	Laird	Oropeza	Mr. Speaker
Dutra	Leno	Pacheco	
Dutton	Leslie	Parra	
Dymally	Levine	Pavley	

Quorum present.

At 11:01 a.m., Hon. Russ Bogh, 65th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Chavez and Wesson.

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

(NOTE: For explanations of absences of Assembly Members Chavez and Wesson on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

AUTHOR'S AMENDMENTS
Committee on Insurance

April 14, 2004

Mr. Speaker: The Chair of your Committee on Insurance reports:
Assembly Bill No. 16

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

VARGAS, Chair

ASSEMBLY BILL NO. 16—An act to repeal Section 4600.5 of the Labor Code, relating to workers' compensation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON APRIL 14, 2004**

The following measure was amended in the Assembly on this day:

AB RN

16 0408461

Daily Total: 1

Cumulative Total: 3

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, April 15, 2004

TWENTY-FIRST SESSION DAY

ONE HUNDRED FIFTIETH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, April 15, 2004

The Assembly met at 7 a.m.
Hon. Barbara Matthews, Assembly Member, 17th District,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—71:

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Frommer	Lieber	Plescia
Berg	Garcia	Liu	Reyes
Bermudez	Goldberg	Longville	Richman
Bogh	Hancock	Lowenthal	Ridley-Thomas
Calderon	Harman	Maddox	Runner
Campbell	Haynes	Maldonado	Salinas
Canciamilla	Horton, Jerome	Matthews	Samuelian
Chavez	Horton, Shirley	Maze	Simitian
Chu	Jackson	McCarthy	Spitzer
Cogdill	Keene	Montanez	Steinberg
Cohn	Kehoe	Mountjoy	Strickland
Corbett	Koretz	Mullin	Vargas
Correa	La Malfa	Nakanishi	Wiggins
Cox	La Suer	Nakano	Wyland
Daucher	Laird	Negrete McLeod	Mr. Speaker
Dutra	Leno	Oropeza	

Quorum present.

At 11:14 a.m., Hon. Sarah Reyes, 31st District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Firebaugh, Houston, Nation, Pavley, Wesson, and Yee.

On legislative business, per diem waived for the 2003–2004 Session (See Assembly Journal, page 126): Assembly Member Wolk.

On personal business, and waiving per diem: Assembly Members Chan and Diaz.

(NOTE: For explanations of absences of Assembly Members Firebaugh, Houston, Nation, Pavley, Wesson, Wolk, and Yee on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

April 15, 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 Assemblymember Cindy Montanez to replace Assemblymember Manny Diaz on the Assembly Insurance Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

April 15, 2004

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

Dear Dotson: This is to advise you that I appointed Assemblymember Mervyn Dymally to replace Assemblymember Marco Firebaugh on the Assembly Rules Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, April 15, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 16

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

REPORTS OF STANDING COMMITTEES

Committee on Insurance

Date of Hearing: April 15, 2004

Mr. Speaker: Your Committee on Insurance reports:
Assembly Bill No. 16

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

VARGAS, Chair

Above bill ordered to second reading.

ADJOURNMENT

At 3:45 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Friday, April 16, 2004

**TWENTY-SECOND SESSION DAY
ONE HUNDRED FIFTY-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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, April 16, 2004

The Assembly met at 10:21 a.m.

Hon. Fabian Nunez, Speaker of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian Ebbert reading.

ROLL CALL

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

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Levine	Pavley
Benoit	Firebaugh	Lieber	Plescia
Berg	Frommer	Liu	Reyes
Bermudez	Garcia	Longville	Richman
Bogh	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Maddox	Runner
Campbell	Harman	Maldonado	Salinas
Canciamilla	Haynes	Matthews	Samuelian
Chan	Horton, Jerome	Maze	Simitian
Chavez	Horton, Shirley	McCarthy	Spitzer
Chu	Houston	Montanez	Steinberg
Cogdill	Jackson	Mountjoy	Strickland
Cohn	Keene	Mullin	Vargas
Corbett	Kehoe	Nakanishi	Wesson
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker

Quorum present.

PRAYER

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

Lord, You have given us various talents as gifts from You, talents that we use every day to accomplish the work set before us. Yet, the gift of the talents You bestow upon us is not necessary in order to speak well with You, O God. For that, we only need a sincere desire and nothing more. Strengthen our desire, Lord, to seek You through prayer at this hour and throughout the day.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Nunez, Assembly Member Reyes then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Frommer, seconded by Assembly Member Nakano.

CONSIDERATION OF DAILY FILE**SECOND READING OF ASSEMBLY BILLS**

ASSEMBLY BILL NO. 16—An act to amend Section 11737 of, and to repeal and add Section 11735.1 of, the Insurance Code, relating to workers' compensation.

Bill read second time; amendments proposed by the Committee on Insurance read and adopted; bill ordered reprinted.

**CONSIDERATION OF ASSEMBLY BILL NO. 16
BY UNANIMOUS CONSENT**

Assembly Member Goldberg was granted unanimous consent to take up Assembly Bill No. 16 without reference to file, for purpose of consideration.

ASSEMBLY BILL NO. 16 (Levine)—An act to amend Section 11737 of, and to repeal and add Section 11735.1 of, the Insurance Code, relating to workers' compensation.

At 10:44 a.m., Speaker pro Tempore Leland Y. Yee, 12th District, presiding

Bill presented by Assembly Member Goldberg.

(NOTE: Assembly Rule 69(a) was invoked for the purpose of adding coauthor amendments to Assembly Bill No. 16.)

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

AYES—47

Berg	Dymally	Lieber	Reyes
Bermudez	Firebaugh	Liu	Ridley-Thomas
Calderon	Frommer	Longville	Salinas
Canciamilla	Goldberg	Lowenthal	Simitian
Chan	Hancock	Matthews	Steinberg
Chavez	Horton, Jerome	Montanez	Vargas
Chu	Jackson	Mullin	Wesson
Cohn	Kehoe	Nakano	Wiggins
Corbett	Koretz	Nation	Wolk
Correa	Laird	Negrete McLeod	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Levine	Pavley	

NOES—33

Aghazarian	Garcia	Maddox	Richman
Bates	Harman	Maldonado	Runner
Benoit	Haynes	Maze	Samuelian
Bogh	Horton, Shirley	McCarthy	Spitzer
Campbell	Houston	Mountjoy	Strickland
Cogdill	Keene	Nakanishi	Wyland
Cox	La Malfa	Pacheco	
Daucher	La Suer	Parra	
Dutton	Leslie	Plescia	

Bill ordered transmitted to the Senate immediately.

VOTE ADDS

The following Assembly Member was granted unanimous consent to record his vote on the following item:

Assembly Bill No. 16: Spitzer—No.

RECESS

By unanimous consent, at 11:08 a.m., Speaker pro Tempore Yee declared the Assembly recessed.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON APRIL 16, 2004**

The following measure was amended in the Assembly on this day:

AB
16*

* AB 16—Assembly Rule 69(a) invoked (coauthor amendments).

Daily Total: 1
Cumulative Total: 4

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, April 22, 2004

TWENTY-THIRD SESSION DAY

ONE HUNDRED FIFTY-SEVENTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, April 22, 2004

The Assembly met at 9:11 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dutton	Levine	Pavley
Bates	Dymally	Lieber	Plescia
Benoit	Firebaugh	Liu	Reyes
Berg	Frommer	Longville	Richman
Bermudez	Garcia	Lowenthal	Ridley-Thomas
Bogh	Goldberg	Maddox	Runner
Calderon	Harman	Maldonado	Salinas
Campbell	Haynes	Matthews	Samuelian
Canciamilla	Horton, Jerome	Maze	Simitian
Chan	Horton, Shirley	McCarthy	Spitzer
Chavez	Houston	Montanez	Steinberg
Chu	Jackson	Mountjoy	Strickland
Cogdill	Keene	Mullin	Vargas
Cohn	Kehoe	Nakanishi	Wesson
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Oropeza	Yee
Diaz	Leno	Pacheco	Mr. Speaker
Dutra	Leslie	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On legislative business: Assembly Member Hancock.

(NOTE: For explanation of absence of Assembly Member Hancock on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

April 20, 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 Assemblymember Bill Maze to replace Assemblymember Russ Bogh on the Assembly Insurance Committee for the Wednesday, April 21st hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

**REPORTS OF STANDING COMMITTEES
Committee on Insurance**

Date of Hearing: April 21, 2004

Mr. Speaker: Your Committee on Insurance reports:
Assembly Bill No. 13

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

VARGAS, Chair

Above bill ordered to second reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, April 26, 2004

TWENTY-FOURTH SESSION DAY

ONE HUNDRED SIXTY-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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, April 26, 2004

The Assembly met at 9:42 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—71:

Aghazarian	Dymally	Liu	Plescia
Benoit	Firebaugh	Longville	Richman
Berg	Frommer	Lowenthal	Ridley-Thomas
Bermudez	Garcia	Maddox	Runner
Bogh	Hancock	Maldonado	Salinas
Campbell	Harman	Matthews	Samuelian
Canciamilla	Haynes	Maze	Simitian
Chan	Horton, Jerome	McCarthy	Spitzer
Chavez	Horton, Shirley	Montanez	Steinberg
Chu	Houston	Mountjoy	Strickland
Cogdill	Keene	Mullin	Vargas
Corbett	Koretz	Nakanishi	Wesson
Correa	La Malfa	Nakano	Wiggins
Cox	La Suer	Nation	Wolk
Daucher	Laird	Negrete McLeod	Wyland
Diaz	Leno	Pacheco	Yee
Dutra	Leslie	Parra	Mr. Speaker
Dutton	Levine	Pavley	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Bates, Goldberg, Jackson, Kehoe, Lieber, and Reyes.

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

Due to travel delays: Assembly Members Cohn and Oropeza.

(NOTE: For explanations of absences of Assembly Members Bates, Goldberg, Jackson, Kehoe, Lieber, and Reyes on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

April 26, 2004

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

Dear Dotson: This is to advise you that I appointed Assemblymember Lloyd Levine to replace Assemblymember Christine Kehoe on the Assembly Rules Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

ASSEMBLY BILL NO. 13—An act to amend Section 1877.1 of the Insurance Code, relating to workers' compensation.

Bill read second time, and ordered to Consent Calendar.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, April 26, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 13

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to the Consent Calendar.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, April 29, 2004

TWENTY-FIFTH SESSION DAY

ONE HUNDRED SIXTY-FOURTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, April 29, 2004

The Assembly met at 11:34 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called, and the following answered to their names—72:

Aghazarian	Diaz	La Suer	Negrete McLeod
Bates	Dutra	Laird	Oropeza
Benoit	Dutton	Leno	Parra
Berg	Dymally	Levine	Reyes
Bermudez	Firebaugh	Lieber	Richman
Bogh	Frommer	Liu	Ridley-Thomas
Calderon	Garcia	Longville	Runner
Campbell	Goldberg	Lowenthal	Salinas
Canciamilla	Hancock	Maddox	Samuelian
Chan	Harman	Matthews	Simitian
Chavez	Horton, Jerome	Maze	Spitzer
Chu	Horton, Shirley	McCarthy	Steinberg
Cogdill	Houston	Montanez	Strickland
Cohn	Jackson	Mountjoy	Wesson
Corbett	Keene	Mullin	Wolk
Correa	Kehoe	Nakanishi	Wyland
Cox	Koretz	Nakano	Yee
Daucher	La Malfa	Nation	Mr. Speaker

PRAYER

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

Lord, You have performed countless miracles and have said, "Let it be done to you according to your faith." You have shown us that faith is something that each of us possesses on our own, just as we have our own power of decision. Lord, we thank You for the freedom You have given us, not only in our actions, but also in faith. For You have justified all people, not through their own wisdom, or understanding, or piety, but through faith.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Yee, Assembly Member Cogdill then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Frommer, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Leslie, Pacheco, Pavley, Vargas, and Wiggins.

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

To attend a funeral in the District: Assembly Member Maldonado.

Because of illness: Assembly Member Haynes.

(NOTE: For explanations of absences of Assembly Members Leslie, Pacheco, Pavley, Vargas, and Wiggins on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

April 28, 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 Assemblymember John Laird to replace Assemblymember Marco Firebaugh on the Assembly Appropriations Committee for today's hearing.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

CONSIDERATION OF CONSENT CALENDAR

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

Consent Calendar—Assembly Bill

ASSEMBLY BILL NO. 13 (Firebaugh)—An act to amend Section 1877.1 of the Insurance Code, relating to workers' compensation.

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

AYES—72

Aghazarian	Diaz	La Suer	Negrete McLeod
Bates	Dutra	Laird	Oropeza
Benoit	Dutton	Leno	Parra
Berg	Dymally	Levine	Reyes
Bermudez	Firebaugh	Lieber	Richman
Bogh	Frommer	Liu	Ridley-Thomas
Calderon	Garcia	Longville	Runner
Campbell	Goldberg	Lowenthal	Salinas
Canciamilla	Hancock	Maddox	Samuelian
Chan	Harman	Matthews	Simitian
Chavez	Horton, Jerome	Maze	Spitzer
Chu	Horton, Shirley	McCarthy	Steinberg
Cogdill	Houston	Montanez	Strickland
Cohn	Jackson	Mountjoy	Wesson
Corbett	Keene	Mullin	Wolk
Correa	Kehoe	Nakanishi	Wyland
Cox	Koretz	Nakano	Yee
Daucher	La Malfa	Nation	Mr. Speaker

NOES—None

Bill ordered transmitted to the Senate.

RECESS

By unanimous consent, at 11:40 a.m., Speaker pro Tempore Yee declared the Assembly recessed.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, May 6, 2004

TWENTY-SIXTH SESSION DAY

ONE HUNDRED SEVENTY-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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, May 6, 2004

The Assembly met at 9:44 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—74:

Aghazarian	Dymally	Leslie	Pavley
Bates	Firebaugh	Levine	Plescia
Benoit	Frommer	Lieber	Reyes
Berg	Garcia	Longville	Ridley-Thomas
Bermudez	Goldberg	Lowenthal	Salinas
Bogh	Hancock	Maldonado	Samuelian
Calderon	Harman	Matthews	Simitian
Campbell	Haynes	Maze	Spitzer
Canciamilla	Horton, Jerome	McCarthy	Steinberg
Chavez	Horton, Shirley	Montanez	Strickland
Chu	Houston	Mountjoy	Vargas
Cogdill	Jackson	Mullin	Wesson
Cohn	Keene	Nakanishi	Wiggins
Correa	Kehoe	Nakano	Wolk
Cox	Koretz	Nation	Wyland
Daucher	La Malfa	Negrete McLeod	Yee
Diaz	La Suer	Oropeza	Mr. Speaker
Dutra	Laird	Pacheco	
Dutton	Leno	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Liu, Maddox, Richman, and Runner.

Because of illness: Assembly Members Chan and Corbett.

(NOTE: For explanations of absences of Assembly Members Liu, Maddox, Richman, and Runner on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

April 30, 2004

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

Dear Dotson: At the request of Minority Leader McCarthy, Assemblymember Ray Haynes is appointed to replace Assemblymember Tim Leslie on the Assembly Rules Committee. Assemblymember Leslie is appointed to fill the vacancy as the Republican Alternate on the committee.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, May 13, 2004

TWENTY-SEVENTH SESSION DAY

ONE HUNDRED SEVENTY-EIGHTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, May 13, 2004

The Assembly met at 6 a.m.

Hon. Dave Cox, Assembly Member, 5th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—58:

Aghazarian	Garcia	Lieber	Pavley
Benoit	Goldberg	Liu	Plescia
Berg	Hancock	Longville	Reyes
Bermudez	Harman	Lowenthal	Ridley-Thomas
Calderon	Horton, Shirley	Maddox	Salinas
Campbell	Jackson	Matthews	Samuelian
Canciamilla	Keene	Maze	Spitzer
Chu	Kehoe	Montanez	Steinberg
Cogdill	Koretz	Mountjoy	Vargas
Cohn	La Malfa	Mullin	Wiggins
Cox	La Suer	Nakanishi	Wolk
Daucher	Laird	Nation	Wyland
Diaz	Leno	Negrete McLeod	Mr. Speaker
Dutra	Leslie	Oropeza	
Dutton	Levine	Parra	

Quorum present.

At 11:56 a.m., Hon. Rudy Bermudez, 56th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Bates, Bogh, Chan, Chavez, Corbett, Correa, Dymally, Firebaugh, Frommer, Haynes, Jerome E. Horton, Houston, Nakano, Pacheco, Richman, Strickland, Wesson, and Yee.

To attend funeral services for Senator William J. "Pete" Knight: Assembly Members Maldonado, McCarthy, and Runner.

Because of illness: Assembly Member Simitian.

(NOTE: For explanations of absences of Assembly Members Bates, Bogh, Chan, Chavez, Corbett, Correa, Dymally, Firebaugh, Frommer, Haynes, Jerome E. Horton, Houston, Nakano, Pacheco, Richman, Strickland, Wesson, and Yee on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

May 12, 2004

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

Dear Dotson: This is to advise you that I appointed Assemblymember Lloyd Levine to replace Assemblymember Marco Firebaugh on the Assembly Rules Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, May 20, 2004

**TWENTY-EIGHTH SESSION DAY
ONE HUNDRED EIGHTY-FIFTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, May 20, 2004

The Assembly met at 9:15 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dutton	Leslie	Pavley
Bates	Dymally	Levine	Plescia
Benoit	Firebaugh	Lieber	Reyes
Berg	Frommer	Liu	Richman
Bermudez	Garcia	Longville	Ridley-Thomas
Bogh	Goldberg	Lowenthal	Runner
Calderon	Hancock	Maddox	Salinas
Campbell	Harman	Maldonado	Samuelian
Canciamilla	Haynes	Matthews	Simitian
Chan	Horton, Jerome	McCarthy	Spitzer
Chavez	Horton, Shirley	Montanez	Steinberg
Chu	Houston	Mountjoy	Strickland
Cogdill	Jackson	Mullin	Vargas
Cohn	Keene	Nakanishi	Wesson
Corbett	Kehoe	Nakano	Wiggins
Correa	Koretz	Nation	Wolk
Cox	La Malfa	Negrete McLeod	Wyland
Daucher	La Suer	Oropeza	Yee
Diaz	Laird	Pacheco	Mr. Speaker
Dutra	Leno	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On legislative business: Assembly Member Maze.

(NOTE: For explanation of absence of Assembly Member Maze on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for May 18, 2004.)

COMMUNICATIONS

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

May 19, 2004

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

Dear Dotson: This is to designate the following Assemblymembers as Democratic Assistant Whips for the 2003–04 Fourth Extraordinary Session:

Assemblymember Jackie Goldberg
Assemblymember Gloria Negrete McLeod
Assemblymember Fran Pavley
Assemblymember Simon Salinas

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, May 27, 2004

TWENTY-NINTH SESSION DAY

ONE HUNDRED NINETY-SECOND CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, May 27, 2004

The Assembly met at 9:50 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—80:

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Levine	Pavley
Benoit	Firebaugh	Lieber	Plescia
Berg	Frommer	Liu	Reyes
Bermudez	Garcia	Longville	Richman
Bogh	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Maddox	Runner
Campbell	Harman	Maldonado	Salinas
Canciamilla	Haynes	Matthews	Samuelian
Chan	Horton, Jerome	Maze	Simitian
Chavez	Horton, Shirley	McCarthy	Spitzer
Chu	Houston	Montanez	Steinberg
Cogdill	Jackson	Mountjoy	Strickland
Cohn	Keene	Mullin	Vargas
Corbett	Kehoe	Nakanishi	Wesson
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

COMMUNICATIONS

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

May 25, 2004

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

Dear Dotson: This is to designate Assemblymember Mark Ridley-Thomas as a Democratic Assistant Whip for the 2003–04 Fourth Extraordinary Session.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ADJOURNMENT

At 4:47 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, June 3, 2004

THIRTIETH SESSION DAY

ONE HUNDRED NINETY-NINTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, June 3, 2004

The Assembly met at 9:41 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—69:

Aghazarian	Firebaugh	Liu	Plescia
Bates	Frommer	Longville	Reyes
Benoit	Garcia	Lowenthal	Richman
Berg	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Maldonado	Salinas
Campbell	Harman	Matthews	Samuelian
Canciamilla	Haynes	Maze	Simitian
Chan	Horton, Jerome	McCarthy	Spitzer
Chu	Horton, Shirley	Montanez	Steinberg
Cogdill	Houston	Mountjoy	Vargas
Cohn	Jackson	Mullin	Wesson
Corbett	Keene	Nakanishi	Wiggins
Correa	La Malfa	Nakano	Wyland
Cox	La Suer	Nation	Yee
Daucher	Laird	Negrete McLeod	Mr. Speaker
Dutra	Leno	Oropeza	
Dutton	Levine	Parra	
Dymally	Lieber	Pavley	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Bermudez, Calderon, Chavez, Diaz, Koretz, Pacheco, Runner, and Strickland.

Because of illness: Assembly Members Kehoe, Leslie, and Wolk.

(NOTE: For explanations of absences of Assembly Members Bermudez, Calderon, Chavez, Diaz, Koretz, Pacheco, and Strickland on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for explanation of absence of Assembly Member Runner, on legislative business, see the Assembly Daily Journal for June 2, 2004.)

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, June 10, 2004

THIRTY-FIRST SESSION DAY

TWO HUNDRED SIXTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, June 10, 2004

The Assembly met at 9:12 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dymally	Levine	Pavley
Bates	Firebaugh	Lieber	Plescia
Benoit	Frommer	Liu	Reyes
Berg	Garcia	Longville	Richman
Bermudez	Goldberg	Lowenthal	Ridley-Thomas
Bogh	Hancock	Maddox	Runner
Calderon	Harman	Maldonado	Salinas
Campbell	Haynes	Matthews	Samuelian
Canciamilla	Horton, Jerome	Maze	Simitian
Chan	Horton, Shirley	McCarthy	Spitzer
Chavez	Houston	Montanez	Steinberg
Chu	Jackson	Mountjoy	Strickland
Cogdill	Keene	Mullin	Vargas
Cohn	Kehoe	Nakanishi	Wesson
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker
Dutton	Leslie	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On legislative business: Assembly Member Corbett.

(NOTE: For explanation of absence of Assembly Member Corbett on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, June 17, 2004

**THIRTY-SECOND SESSION DAY
TWO HUNDRED THIRTEENTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, June 17, 2004

The Assembly met at 9:20 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dymally	Levine	Pavley
Bates	Firebaugh	Lieber	Plescia
Benoit	Frommer	Liu	Reyes
Berg	Garcia	Longville	Richman
Bermudez	Goldberg	Lowenthal	Ridley-Thomas
Bogh	Hancock	Maddox	Runner
Calderon	Harman	Maldonado	Salinas
Campbell	Haynes	Matthews	Samuelian
Canciamilla	Horton, Jerome	Maze	Simitian
Chan	Horton, Shirley	McCarthy	Spitzer
Chavez	Houston	Montanez	Steinberg
Chu	Jackson	Mountjoy	Strickland
Cogdill	Keene	Mullin	Vargas
Corbett	Kehoe	Nakanishi	Wesson
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker
Dutton	Leslie	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On legislative business: Assembly Member Cohn.

(NOTE: For explanation of absence of Assembly Member Cohn on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

June 15, 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 Assemblymember Ed Chavez to replace Assemblymember Jerome Horton on the Assembly Insurance Committee for the Wednesday, June 16th hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

MESSAGES FROM THE SENATE

Senate Chamber, June 17, 2004

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

Assembly Bill No. 13

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

Above bill ordered enrolled.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, June 22, 2004

THIRTY-THIRD SESSION DAY

TWO HUNDRED EIGHTEENTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, June 22, 2004

The Assembly met at 7 a.m.
Hon. Barbara Matthews, Assembly Member, 17th District,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—78:

Aghazarian	Firebaugh	Lieber	Plescia
Bates	Frommer	Liu	Reyes
Benoit	Garcia	Longville	Richman
Berg	Goldberg	Lowenthal	Ridley-Thomas
Bermudez	Hancock	Maddox	Runner
Bogh	Harman	Maldonado	Salinas
Calderon	Haynes	Matthews	Samuelian
Campbell	Horton, Jerome	Maze	Simitian
Canciamilla	Horton, Shirley	McCarthy	Spitzer
Chavez	Houston	Montanez	Steinberg
Chu	Jackson	Mountjoy	Strickland
Cohn	Keene	Mullin	Vargas
Corbett	Kehoe	Nakanishi	Wesson
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker
Dutton	Leslie	Parra	
Dymally	Levine	Pavley	

Quorum present.

At 1:41 p.m., Hon. Russ Bogh, 65th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Member Cogdill.

Because of illness: Assembly Member Chan.

(NOTE: For explanation of absence of Assembly Member Cogdill on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

AUTHOR'S AMENDMENTS
Committee on Insurance

June 22, 2004

Mr. Speaker: The Chair of your Committee on Insurance reports:
Assembly Bill No. 14

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

VARGAS, Chair

ASSEMBLY BILL NO. 14—An act to amend Sections 139.3, 139.31, and 5307.1 of, and to add Sections 3220 and 4610.5 to, the Labor Code, relating to workers' compensation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JUNE 22, 2004**

The following measure was amended in the Assembly on this day:

AB

14

Daily Total: 1

Cumulative Total: 5

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, June 24, 2004

**THIRTY-FOURTH SESSION DAY
TWO HUNDRED TWENTIETH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, June 24, 2004

The Assembly met at 9:16 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—80:

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Levine	Pavley
Benoit	Firebaugh	Lieber	Plescia
Berg	Frommer	Liu	Reyes
Bermudez	Garcia	Longville	Richman
Bogh	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Maddox	Runner
Campbell	Harman	Maldonado	Salinas
Canciamilla	Haynes	Matthews	Samuelian
Chan	Horton, Jerome	Maze	Simitian
Chavez	Horton, Shirley	McCarthy	Spitzer
Chu	Houston	Montanez	Steinberg
Cogdill	Jackson	Mountjoy	Strickland
Cohn	Keene	Mullin	Vargas
Corbett	Kehoe	Nakanishi	Wesson
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 24, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 14
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Friday, July 2, 2004

THIRTY-FIFTH SESSION DAY

TWO HUNDRED TWENTY-EIGHTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, July 2, 2004

The Assembly met at 11:15 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—75:

Aghazarian	Dutra	Leslie	Parra
Bates	Dutton	Levine	Pavley
Benoit	Dymally	Lieber	Plescia
Berg	Firebaugh	Liu	Reyes
Bermudez	Frommer	Longville	Richman
Bogh	Garcia	Lowenthal	Runner
Calderon	Goldberg	Maddox	Salinas
Campbell	Hancock	Matthews	Samuelian
Canciamilla	Harman	Maze	Samitian
Chan	Horton, Jerome	McCarthy	Spitzer
Chavez	Horton, Shirley	Montanez	Steinberg
Chu	Houston	Mountjoy	Strickland
Cogdill	Jackson	Mullin	Vargas
Cohn	Keene	Nakanishi	Wiggins
Corbett	Kehoe	Nakano	Wolk
Correa	Koretz	Nation	Wyland
Cox	La Malfa	Negrete McLeod	Yee
Daucher	Laird	Oropeza	Mr. Speaker
Diaz	Leno	Pacheco	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Haynes, La Suer*, Ridley-Thomas, and Wesson.*

Because of illness: Assembly Member Maldonado.

(NOTE: For explanations of absences of Assembly Members Ridley-Thomas and Wesson on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; *this day's Journal record corrected to reflect Assembly Members Haynes and La Suer absent on legislative business pursuant to further explanation of absence received on July 7, 2004. (See Assembly Journal for the Regular Session, page 6730.))

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 21, 2004

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

Assembly Bill No. 13

And reports the same correctly enrolled, and presented to the Governor on the 21st day of June, 2004, at 2:45 p.m.

E. DOTSON WILSON, Chief Clerk

AUTHOR'S AMENDMENTS
Committee on Insurance

July 2, 2004

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

Assembly Bill No. 14

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

VARGAS, Chair

ASSEMBLY BILL NO. 14—An act to amend Sections 139.31, 5307.1, and 5318 of, and to add Section 4610.5 to, the Labor Code, relating to workers' compensation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

ADJOURNMENT

At 3:55 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JULY 2, 2004**

The following measure was amended in the Assembly on this day:

AB

14

Daily Total:	1
Cumulative Total:	6

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, July 8, 2004

THIRTY-SIXTH SESSION DAY

TWO HUNDRED THIRTY-FOURTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, July 8, 2004

The Assembly met at 7 a.m.

Hon. Jay La Suer, Assembly Member, 77th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—47:

Bates	Diaz	Lieber	Plescia
Benoit	Dutton	Lowenthal	Reyes
Berg	Garcia	Maddox	Richman
Bermudez	Goldberg	Matthews	Runner
Bogh	Harman	Maze	Spitzer
Calderon	Haynes	McCarthy	Steinberg
Campbell	Horton, Shirley	Montanez	Strickland
Canciamilla	Houston	Mountjoy	Wiggins
Chu	Keene	Nakanishi	Wolk
Cogdill	La Suer	Nation	Wyland
Cohn	Leslie	Negrete McLeod	Mr. Speaker
Cox	Levine	Pavley	

Quorum present.

**At 1:25 p.m., Assistant Speaker pro Tempore Sally Lieber,
22nd District, presiding**

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Chan, Chavez, Corbett, Correa, Daucher, Dutra, Firebaugh, Hancock, Jerome E. Horton, Jackson, Kehoe, Koretz, La Malfa, Laird, Leno, Liu, Longville, Nakano, Oropeza, Pacheco, Parra, Ridley-Thomas, Salinas, Samuelian, Simitian, Wesson, and Yee.

On legislative business, and waiving per diem: Assembly Members Frommer and Mullin.

On personal business, and waiving per diem: Assembly Members Maldonado and Vargas.

Because of illness: Assembly Members Aghazarian and Dymally.

(NOTE: For letters explaining the absences of Assembly Members Chan, Chavez, Corbett, Correa, Daucher, Dutra, Firebaugh, Frommer, Hancock, Jerome E. Horton, Jackson, Kehoe, Koretz, La Malfa, Laird, Leno, Liu, Longville, Nakano, Oropeza, Pacheco, Ridley-Thomas, Salinas, Samuelian, Simitian, Wesson, and Yee on this day on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for explanations of absences of Assembly Members Mullin and Parra on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for July 7, 2004.)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 8, 2004

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

Assembly Bill No. 14

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, July 15, 2004

THIRTY-SEVENTH SESSION DAY

TWO HUNDRED FORTY-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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, July 15, 2004

The Assembly met at 6 a.m.

Hon. Todd Spitzer, Assembly Member, 71st District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—45:

Aghazarian	Dymally	Levine	Runner
Benoit	Firebaugh	Liu	Salinas
Berg	Garcia	Longville	Spitzer
Bermudez	Harman	Lowenthal	Steinberg
Bogh	Haynes	Maddox	Strickland
Calderon	Horton, Jerome	Matthews	Vargas
Canciamilla	Keene	Maze	Wesson
Chavez	Koretz	McCarthy	Wiggins
Chu	La Malfa	Mountjoy	Mr. Speaker
Cogdill	La Suer	Nakanishi	
Cox	Leno	Nakano	
Diaz	Leslie	Reyes	

Quorum present.

At 1:45 p.m., Hon. Paul Koretz, 42nd District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Bates, Campbell, Chan, Cohn, Corbett, Correa, Dutra, Dutton, Goldberg, Hancock, Shirley Horton, Houston, Jackson, Kehoe, Laird, Lieber, Maldonado, Montanez, Nation, Negrete McLeod, Oropeza, Pacheco, Parra, Pavley, Plescia, Richman, Ridley-Thomas, Simitian, and Yee.

On legislative business, and waiving per diem: Assembly Members Mullin and Wyland.

On legislative business, per diem waived for the 2003–2004 Session (See Assembly Journal, page 126): Assembly Member Wolk.

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

To attend a funeral in the district: Assembly Member Samuelian.

Because of illness, and waiving per diem: Assembly Member Frommer.

(NOTE: For explanations of absences of Assembly Members Bates, Campbell, Chan, Cohn, Corbett, Correa, Dutra, Dutton, Goldberg, Hancock, Shirley Horton, Houston, Jackson, Kehoe, Laird, Lieber, Maldonado, Montanez, Mullin, Nation, Negrete McLeod, Oropeza, Pacheco, Parra, Pavley, Plescia, Richman, Ridley-Thomas, Simitian, Wolk, Wyland, and Yee on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ADJOURNMENT

At 3:50 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Friday, July 23, 2004

THIRTY-EIGHTH SESSION DAY

TWO HUNDRED FORTY-NINTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, July 23, 2004

The Assembly met at 6 a.m.

Hon. Manny Diaz, Assembly Member, 23rd District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—42:

Aghazarian	Diaz	Maddox	Salinas
Bates	Dutton	Maldonado	Samuelian
Benoit	Dymally	Matthews	Simitian
Bermudez	Garcia	Maze	Spitzer
Campbell	Houston	McCarthy	Steinberg
Canciamilla	Keene	Nakanishi	Wesson
Chan	Koretz	Nakano	Wiggins
Chavez	La Malfa	Nation	Wolk
Cohn	Leslie	Pavley	Mr. Speaker
Corbett	Levine	Reyes	
Cox	Lieber	Runner	

Quorum present.

At 3:52 p.m., Hon. Steven N. Samuelian, 29th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Bogh, Calderon, Chu, Cogdill, Correa, Dutra, Goldberg, Harman, Haynes, Jerome E. Horton, Shirley Horton, Jackson, Kehoe, La Suer, Longville, Lowenthal, Montanez, Mountjoy, Negrete McLeod, Oropeza, Pacheco, Parra, Richman, Ridley-Thomas, and Strickland.

On legislative business, and waiving per diem: Assembly Members Frommer and Wyland.

On personal business, and waiving per diem: Assembly Members Berg, Hancock, Leno, Plescia, and Vargas.

Because of illness: Assembly Member Laird.

Because of illness, and waiving per diem: Assembly Member Mullin.

Because of illness in her family, and waiving per diem: Assembly Member Daucher.

The following Assembly Members were excused for the day, and their per diem was waived: Firebaugh, Liu, and Yee.

(NOTE: For explanations of absences of the above referenced Assembly Members on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day. Also, note that per diem is waived by the following Assembly Members until passage of the Budget: Correa, p. 6619; Kehoe, p. 6717; Lowenthal, see communication in this day's Journal; Negrete McLeod, p. 6777; Parra, p. 6777; Wyland, p. 6777 and further communication in this day's Journal. All pages cited refer to the Journal for the Regular Session.)

ADJOURNMENT

At 4:55 p.m., the Assembly adjourned to reconvene upon Call of the Chair.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, August 4, 2004

THIRTY-NINTH SESSION DAY

TWO HUNDRED SIXTY-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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, August 4, 2004

The Assembly met at 4:12 p.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—77:

Aghazarian	Dymally	Lieber	Plescia
Bates	Firebaugh	Liu	Reyes
Benoit	Frommer	Longville	Richman
Bermudez	Garcia	Lowenthal	Runner
Bogh	Goldberg	Maddox	Salinas
Calderon	Hancock	Maldonado	Samuelian
Campbell	Harman	Matthews	Simitian
Canciamilla	Haynes	Maze	Spitzer
Chan	Horton, Jerome	McCarthy	Steinberg
Chavez	Horton, Shirley	Montanez	Strickland
Chu	Houston	Mountjoy	Vargas
Cogdill	Keene	Mullin	Wesson
Cohn	Kehoe	Nakanishi	Wiggins
Corbett	Koretz	Nakano	Wolk
Correa	La Malfa	Nation	Wyland
Cox	La Suer	Negrete McLeod	Yee
Daucher	Laird	Oropeza	Mr. Speaker
Diaz	Leno	Pacheco	
Dutra	Leslie	Parra	
Dutton	Levine	Pavley	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On personal business, and waiving per diem: Assembly Members Jackson and Ridley-Thomas.

Because of illness in her family: Assembly Member Berg.

COMMUNICATIONS

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

August 3, 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 Assemblymembers John Laird, Lloyd Levine and Darrell Steinberg to replace Assemblymembers Patty Berg, Mark Ridley-Thomas and Herb Wesson on the Assembly Appropriations Committee for the Wednesday, August 4th hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

**AUTHOR'S AMENDMENTS
Committee on Insurance**

August 4, 2004

Mr. Speaker: The Chair of your Committee on Insurance reports:
Assembly Bill No. 14

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

VARGAS, Chair

ASSEMBLY BILL NO. 14—An act to amend Sections 139.31, 5307.1, and 5318 of, and to add Section 4610.5 to, the Labor Code, relating to workers' compensation.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

ADJOURNMENT

At 4:54 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 4, 2004**

The following measure was amended in the Assembly on this day:

AB RN

14 0415142

Daily Total: 1

Cumulative Total: 7

CALIFORNIA LEGISLATURE
2003–04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, August 5, 2004

FORTIETH SESSION DAY

TWO HUNDRED SIXTY-SECOND CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, August 5, 2004

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—70:

Aghazarian	Dymally	Lieber	Pavley
Bates	Frommer	Liu	Plescia
Benoit	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Runner
Calderon	Harman	Maldonado	Salinas
Campbell	Haynes	Matthews	Samuelian
Canciamilla	Horton, Jerome	Maze	Simitian
Chavez	Horton, Shirley	McCarthy	Spitzer
Chu	Houston	Montanez	Steinberg
Cogdill	Keene	Mountjoy	Strickland
Cohn	Kehoe	Mullin	Vargas
Correa	Koretz	Nakanishi	Wesson
Cox	La Suer	Nation	Wiggins
Daucher	Laird	Negrete McLeod	Wolk
Diaz	Leno	Oropeza	Wyland
Dutra	Leslie	Pacheco	
Dutton	Levine	Parra	

Quorum present.

At 11:18 a.m., Hon. John Longville, 62nd District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Chan, Corbett, Firebaugh, Nakano, Nunez, and Yee.

On personal business, and waiving per diem: Assembly Members Jackson, La Malfa, and Ridley-Thomas.

Because of illness in her family: Assembly Member Berg.

(NOTE: For explanations of absences of Assembly Members Chan, Corbett, Firebaugh, Nakano, Nunez, and Yee on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 5, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 14

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

MESSAGES FROM THE SENATE

Senate Chamber, August 5, 2004

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

Senate Bill No. 2

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

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 2—An act to amend Sections 1871.4 and 1871.8 of the Insurance Code, to amend Sections 3700.5 and 3711 of the Labor Code, and to amend Sections 549, 550, 803, and 1524 of the Penal Code, relating to workers' compensation.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

SALLY J. LIEBER, Assistant Speaker pro Tempore

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, August 9, 2004

FORTY-FIRST SESSION DAY

TWO HUNDRED SIXTY-SIXTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, August 9, 2004

The Assembly met at 1:43 p.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—76:

Aghazarian	Dutra	Leslie	Pacheco
Bates	Dutton	Levine	Parra
Benoit	Frommer	Lieber	Pavley
Berg	Garcia	Liu	Plescia
Bermudez	Goldberg	Longville	Reyes
Bogh	Hancock	Lowenthal	Richman
Calderon	Harman	Maddox	Runner
Campbell	Haynes	Maldonado	Salinas
Canciamilla	Horton, Jerome	Matthews	Samuelian
Chan	Horton, Shirley	Maze	Simitian
Chavez	Houston	McCarthy	Spitzer
Chu	Jackson	Montanez	Steinberg
Cogdill	Keene	Mountjoy	Strickland
Cohn	Kehoe	Mullin	Vargas
Corbett	Koretz	Nakanishi	Wiggins
Correa	La Malfa	Nakano	Wolk
Cox	La Suer	Nation	Wyland
Daucher	Laird	Negrete McLeod	Yee
Diaz	Leno	Oropeza	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Dymally, Ridley-Thomas, and Wesson.

Because of illness: Assembly Member Firebaugh.

(NOTE: For explanations of absences of Assembly Members Dymally, Ridley-Thomas, and Wesson on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bill was referred to committee:

<i>Senate</i>		<i>Committee</i>
<i>Bill No.</i>		Ins. and Pub. S.
2	-----	

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Insurance, on August 10, 2004.

ADJOURNMENT

At 4:12 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, August 11, 2004

FORTY-SECOND SESSION DAY

TWO HUNDRED SIXTY-EIGHTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, August 11, 2004

The Assembly met at 7 a.m.
Hon. Barbara Matthews, Assembly Member, 17th District,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—77:

Aghazarian	Dymally	Lieber	Reyes
Bates	Firebaugh	Liu	Richman
Benoit	Frommer	Lowenthal	Ridley-Thomas
Berg	Garcia	Maddox	Runner
Bermudez	Goldberg	Maldonado	Salinas
Bogh	Hancock	Matthews	Samuelian
Calderon	Harman	Maze	Simitian
Campbell	Haynes	McCarthy	Spitzer
Canciamilla	Horton, Shirley	Montanez	Steinberg
Chan	Houston	Mountjoy	Strickland
Chavez	Jackson	Mullin	Vargas
Chu	Keene	Nakanishi	Wesson
Cohn	Kehoe	Nakano	Wiggins
Corbett	Koretz	Nation	Wolk
Correa	La Malfa	Negrete McLeod	Wyland
Cox	La Suer	Oropeza	Yee
Daucher	Laird	Pacheco	Mr. Speaker
Diaz	Leno	Parra	
Dutra	Leslie	Pavley	
Dutton	Levine	Plescia	

Quorum present.

At 11:16 a.m., Hon. Patricia Wiggins, 7th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Cogdill and Longville.

Because of illness: Assembly Member Jerome E. Horton.

(NOTE: For explanations of absences of Assembly Members Cogdill and Longville on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

August 9, 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 Assembly Public Safety Committee for the 2003–04 Fourth Extraordinary Session, consistent with the Regular Session:

Assemblymember Mark Leno, Chair
Assemblymember Jay La Suer, Vice Chair
Assemblymember Mervyn Dymally
Assemblymember Jackie Goldberg
Assemblymember Todd Spitzer
One Democratic vacancy

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

August 11, 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 Assemblymember John Laird to replace Assemblymember Lou Correa on the Assembly Appropriations Committee for today’s hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

August 11, 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 Assemblymember John Laird to fill the Democratic vacancy on the Assembly Public Safety Committee for the Thursday, August 12th hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

REPORTS OF STANDING COMMITTEES
Committee on Insurance

Date of Hearing: August 10, 2004

Mr. Speaker: Your Committee on Insurance reports:

Senate Bill No. 2

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

VARGAS, Chair

Above bill re-referred to the Committee on Public Safety.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, August 12, 2004

FORTY-THIRD SESSION DAY

TWO HUNDRED SIXTY-NINTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, August 12, 2004

The Assembly met at 10:10 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—78:

Aghazarian	Dymally	Levine	Plescia
Bates	Firebaugh	Lieber	Reyes
Benoit	Frommer	Liu	Richman
Berg	Garcia	Longville	Ridley-Thomas
Bermudez	Goldberg	Lowenthal	Runner
Bogh	Hancock	Maddox	Salinas
Campbell	Harman	Maldonado	Samuelian
Canciamilla	Haynes	Matthews	Simitian
Chan	Horton, Jerome	Maze	Spitzer
Chavez	Horton, Shirley	McCarthy	Steinberg
Chu	Houston	Montanez	Strickland
Cogdill	Jackson	Mountjoy	Vargas
Cohn	Keene	Mullin	Wesson
Corbett	Kehoe	Nakanishi	Wiggins
Correa	Koretz	Nakano	Wolk
Cox	La Malfa	Nation	Wyland
Daucher	La Suer	Negrete McLeod	Yee
Diaz	Laird	Pacheco	Mr. Speaker
Dutra	Leno	Parra	
Dutton	Leslie	Pavley	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Calderon and Oropeza.

(NOTE: For explanations of absences of Assembly Members Calderon and Oropeza on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

August 12, 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 Assemblymembers John Laird and Lloyd Levine to replace Assemblymembers Ron Calderon and Jenny Oropeza on the Assembly Appropriations Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ADJOURNMENT

At 3:54 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, August 18, 2004

FORTY-FOURTH SESSION DAY

TWO HUNDRED SEVENTY-FIFTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, August 18, 2004

The Assembly met at 9:26 a.m.

Hon. Sally J. Lieber, Assistant Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dymally	Levine	Pavley
Bates	Firebaugh	Lieber	Plescia
Benoit	Frommer	Liu	Reyes
Berg	Garcia	Longville	Richman
Bermudez	Goldberg	Lowenthal	Ridley-Thomas
Bogh	Hancock	Maddox	Runner
Calderon	Harman	Maldonado	Salinas
Canciamilla	Haynes	Matthews	Samuelian
Chan	Horton, Jerome	Maze	Simitian
Chavez	Horton, Shirley	McCarthy	Spitzer
Chu	Houston	Montanez	Steinberg
Cogdill	Jackson	Mountjoy	Strickland
Cohn	Keene	Mullin	Vargas
Corbett	Kehoe	Nakanishi	Wesson
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker
Dutton	Leslie	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

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

COMMUNICATIONS

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

August 17, 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 Assemblymember Paul Koretz to fill the Democratic vacancy on the Assembly Public Safety Committee for the Wednesday, August 18th hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

REPORTS OF STANDING COMMITTEES**Committee on Public Safety**

Date of Hearing: August 18, 2004

Mr. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 2

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

LENO, Chair

Above bill ordered to second reading.

MESSAGES FROM THE SENATE

Senate Chamber, August 18, 2004

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

Senate Bill No. 11

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

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 11—An act to amend Section 3701.5 of, and to add Article 2.3 (commencing with Section 3737) to Chapter 4 of Part 1 of Division 4 of, and to add Section 3748 to, the Labor Code, relating to relating to workers' compensation.

ADJOURNMENT

At 2:18 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, August 19, 2004

FORTY-FIFTH SESSION DAY

TWO HUNDRED SEVENTY-SIXTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, August 19, 2004

The Assembly met at 11:38 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—80:

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Levine	Pavley
Benoit	Firebaugh	Lieber	Plescia
Berg	Frommer	Liu	Reyes
Bermudez	Garcia	Longville	Richman
Bogh	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Maddox	Runner
Campbell	Harman	Maldonado	Salinas
Canciamilla	Haynes	Matthews	Samuelian
Chan	Horton, Jerome	Maze	Simitian
Chavez	Horton, Shirley	McCarthy	Spitzer
Chu	Houston	Montanez	Steinberg
Cogdill	Jackson	Mountjoy	Strickland
Cohn	Keene	Mullin	Vargas
Corbett	Kehoe	Nakanishi	Wesson
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

SENATE BILL NO. 2—An act to amend Sections 1871.4 and 1871.8 of the Insurance Code, to amend Sections 3700.5 and 3711 of the Labor Code, and to amend Sections 549, 550, 803, and 1524 of the Penal Code, relating to workers' compensation.

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

MESSAGES FROM THE SENATE

Senate Chamber, August 19, 2004

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

Senate Bill No. 16

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

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 16—An act relating to workers' compensation.

ADJOURNMENT

At 5:20 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 19, 2004**

The following measure was amended in the Assembly on this day:

SB RN

2 0416919

Daily Total: 1

Cumulative Total: 8

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, August 24, 2004

FORTY-SIXTH SESSION DAY

TWO HUNDRED EIGHTY-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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, August 24, 2004

The Assembly met at 9:46 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called, and the following answered to their names—79:

Aghazarian	Dutton	Levine	Pavley
Bates	Dymally	Lieber	Plescia
Benoit	Firebaugh	Liu	Reyes
Berg	Frommer	Longville	Richman
Bermudez	Garcia	Lowenthal	Ridley-Thomas
Bogh	Goldberg	Maddox	Runner
Calderon	Hancock	Maldonado	Salinas
Campbell	Harman	Matthews	Samuelian
Canciamilla	Haynes	Maze	Simitian
Chan	Horton, Jerome	McCarthy	Spitzer
Chavez	Horton, Shirley	Montanez	Steinberg
Chu	Houston	Mountjoy	Strickland
Cogdill	Jackson	Mullin	Vargas
Cohn	Keene	Nakanishi	Wesson
Corbett	Kehoe	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Oropeza	Yee
Diaz	Leno	Pacheco	Mr. Speaker
Dutra	Leslie	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

Because of illness in his family: Assembly Member Koretz.

COMMUNICATIONS

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

August 24, 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 Assemblymember John Laird to fill the Democratic vacancy on the Assembly Public Safety Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

**REPORTS OF STANDING COMMITTEES
Committee on Appropriations**

Date of Hearing: August 24, 2004

Mr. Speaker: Your Committee on Appropriations reports:
Senate Bill No. 2

With the recommendation: Do pass.

CHU, Chair

Above bill ordered to second reading.

ADJOURNMENT

At 8:38 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, August 25, 2004
FORTY-SEVENTH SESSION DAY
TWO HUNDRED EIGHTY-SECOND CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, August 25, 2004

The Assembly met at 11:03 a.m.
Hon. Sally J. Lieber, Assistant Speaker pro Tempore of the Assembly, presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dutton	Levine	Pavley
Bates	Dymally	Lieber	Plescia
Benoit	Firebaugh	Liu	Reyes
Berg	Frommer	Longville	Richman
Bermudez	Garcia	Lowenthal	Ridley-Thomas
Bogh	Goldberg	Maddox	Runner
Calderon	Hancock	Maldonado	Salinas
Campbell	Harman	Matthews	Samuelian
Canciamilla	Haynes	Maze	Simitian
Chan	Horton, Jerome	McCarthy	Spitzer
Chavez	Horton, Shirley	Montanez	Steinberg
Chu	Houston	Mountjoy	Strickland
Cogdill	Jackson	Mullin	Vargas
Cohn	Keene	Nakanishi	Wesson
Corbett	Kehoe	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Oropeza	Yee
Diaz	Leno	Pacheco	Mr. Speaker
Dutra	Leslie	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

Because of illness in his family: Assembly Member Koretz.

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

SENATE BILL NO. 2—An act to amend Sections 1871.4 and 1871.8 of the Insurance Code, to amend Sections 3700.5 and 3711 of the Labor Code, and to amend Sections 549, 550, 803, and 1524 of the Penal Code, relating to workers' compensation.

Bill read second time, and ordered to third reading.

ADJOURNMENT

At 7:50 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, August 26, 2004

FORTY-EIGHTH SESSION DAY

TWO HUNDRED EIGHTY-THIRD CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, August 26, 2004

The Assembly met at 9:53 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dutton	Levine	Pavley
Bates	Dymally	Lieber	Plescia
Benoit	Firebaugh	Liu	Reyes
Berg	Frommer	Longville	Richman
Bermudez	Garcia	Lowenthal	Ridley-Thomas
Bogh	Goldberg	Maddox	Runner
Calderon	Hancock	Maldonado	Salinas
Campbell	Harman	Matthews	Samuelian
Canciamilla	Haynes	Maze	Simitian
Chan	Horton, Jerome	McCarthy	Spitzer
Chavez	Horton, Shirley	Montanez	Steinberg
Chu	Houston	Mountjoy	Strickland
Cogdill	Jackson	Mullin	Vargas
Cohn	Keene	Nakanishi	Wesson
Corbett	Kehoe	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Oropeza	Yee
Diaz	Leno	Pacheco	Mr. Speaker
Dutra	Leslie	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

Because of illness in his family: Assembly Member Koretz.

COMMUNICATIONS

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

August 26, 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 Assemblymember Sarah Reyes to replace Assemblymember Paul Koretz on the Assembly Insurance Committee for today’s hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bill was referred to committee:

<i>Senate</i>	
<i>Bill No.</i>	<i>Committee</i>
11 -----	Ins.

**TWO HUNDRED EIGHTY-FOURTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**

Assembly Chamber, August 27, 2004

At 12, midnight.
Speaker pro Tempore Leland Y. Yee, presiding.

**REPORTS OF STANDING COMMITTEES
Committee on Insurance**

Date of Hearing: August 27, 2004

Mr. Speaker: Your Committee on Insurance reports:
Senate Bill No. 11

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

VARGAS, Chair

Above bill ordered to second reading.

**SENATE BILL NO. 11 TAKEN UP BY UNANIMOUS CONSENT
FOR SECOND READING**

By unanimous consent, the following bill was taken up, without reference to file, for purpose of second reading and adoption of committee amendments, and that the bill be ordered to the third reading file for the next legislative day.

SENATE BILL NO. 11—An act to amend Section 3701.5 of, and to add Article 2.3 (commencing with Section 3737) to Chapter 4 of Part 1 of Division 4 of, and to add Section 3748 to, the Labor Code, relating to workers’ compensation.

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

ADJOURNMENT

At 12:26 a.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 27, 2004**

The following measure was amended in the Assembly on this day:

SB RN

11 0417724

Daily Total: 1

Cumulative Total: 9

CALIFORNIA LEGISLATURE
2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Friday, August 27, 2004

FORTY-NINTH SESSION DAY

TWO HUNDRED EIGHTY-FOURTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, August 27, 2004

The Assembly met at 11:25 p.m.

Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

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

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Levine	Pavley
Benoit	Firebaugh	Lieber	Plescia
Berg	Frommer	Liu	Reyes
Bermudez	Garcia	Longville	Richman
Bogh	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Maddox	Runner
Campbell	Harman	Maldonado	Salinas
Canciamilla	Haynes	Matthews	Samuelian
Chan	Horton, Jerome	Maze	Simitian
Chavez	Horton, Shirley	McCarthy	Spitzer
Chu	Houston	Montanez	Steinberg
Cogdill	Jackson	Mountjoy	Strickland
Cohn	Keene	Mullin	Vargas
Corbett	Kehoe	Nakanishi	Wesson
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker

PRAYER

The following prayer was offered by Assembly Chaplain Rev. Constantine C. Pappademos:

Lord, Empires rise and fall, nations come and go, governments wax and wane, leaders rise to prominence and then vanish into obscurity. We play our part on the stage of history and then pass from view. But You, O Lord, are the same yesterday, today, and forever. Your righteousness is an everlasting righteousness and Your Word is truth. Help us to know Your will, to become Your children and to abide in Your love, which is eternal.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Assembly Member Strickland then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Frommer, seconded by Assembly Member Cogdill.

**CONSIDERATION OF DAILY FILE
THIRD READING OF SENATE BILLS**

SENATE BILL NO. 2 (Speier)—An act to amend Sections 1871.4 and 1871.8 of the Insurance Code, to amend Sections 3700.5 and 3711 of the Labor Code, and to amend Sections 549, 550, 803, and 1524 of the Penal Code, relating to workers' compensation.

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

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 11:27 p.m.

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

RESOLUTIONS

The following resolution was offered:

Resolution to Dispense With Constitutional Provision

By Assembly Member Vargas.

Resolved, That Senate Bill No. 11 presents a case of urgency, as that term is used in Article IV, Section 8 (b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—75

Aghazarian	Dutra	Leslie	Pavley
Bates	Dutton	Levine	Plescia
Benoit	Dymally	Lieber	Reyes
Berg	Firebaugh	Liu	Richman
Bermudez	Frommer	Longville	Ridley-Thomas
Bogh	Garcia	Lowenthal	Runner
Calderon	Goldberg	Maddox	Salinas
Campbell	Hancock	Maldonado	Samuelian
Canciamilla	Harman	Matthews	Simitian
Chan	Haynes	Maze	Spitzer
Chavez	Horton, Jerome	McCarthy	Steinberg
Chu	Horton, Shirley	Mountjoy	Strickland
Cogdill	Houston	Nakanishi	Vargas
Cohn	Keene	Nakano	Wiggins
Corbett	Kehoe	Nation	Wolk
Correa	La Malfa	Negrete McLeod	Wyland
Cox	La Suer	Oropeza	Yee
Daucher	Laird	Pacheco	Mr. Speaker
Diaz	Leno	Parra	

NOES—2

Jackson Koretz

Article IV, Section 8(b) of the Constitution was declared dispensed with.

Third Reading of Senate Bill No. 11

SENATE BILL NO. 11—An act to amend Section 3701.5 of, and to add Article 2.3 (commencing with Section 3737) to Chapter 4 of Part 1 of Division 4 of, and to add Sections 3741.1 and 3748 to, the Labor Code, relating to workers' compensation.

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

Bill passed by the following vote:

AYES—61

Aghazarian	Dutton	Maddox	Ridley-Thomas
Bates	Firebaugh	Maldonado	Runner
Benoit	Frommer	Matthews	Salinas
Bermudez	Garcia	Maze	Samuelian
Bogh	Harman	McCarthy	Simitian
Calderon	Haynes	Mountjoy	Spitzer
Campbell	Horton, Jerome	Nakanishi	Steinberg
Canciamilla	Horton, Shirley	Nakano	Strickland
Chavez	Houston	Nation	Vargas
Cogdill	Keene	Negrete McLeod	Wolk
Cohn	La Malfa	Oropeza	Wyland
Correa	La Suer	Pacheco	Yee
Cox	Leno	Parra	Mr. Speaker
Daucher	Leslie	Plescia	
Diaz	Liu	Reyes	
Dutra	Lowenthal	Richman	

NOES—None

Bill ordered transmitted to the Senate immediately.

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

At 11:35 p.m., on motion of Assembly Member Oropeza, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 2 passed by the following vote:

AYES—78

Aghazarian	Dutton	Lieber	Plescia
Bates	Dymally	Liu	Reyes
Benoit	Firebaugh	Longville	Richman
Berg	Frommer	Lowenthal	Ridley-Thomas
Bermudez	Garcia	Maddox	Runner
Bogh	Goldberg	Maldonado	Salinas
Calderon	Hancock	Matthews	Samuelian
Campbell	Harman	Maze	Simitian
Canciamilla	Haynes	McCarthy	Spitzer
Chan	Horton, Jerome	Montanez	Steinberg
Chavez	Horton, Shirley	Mountjoy	Strickland
Chu	Houston	Mullin	Vargas
Cogdill	Keene	Nakanishi	Wesson
Cohn	Kehoe	Nakano	Wiggins
Corbett	Koretz	Nation	Wolk
Correa	La Malfa	Negrete McLeod	Wyland
Cox	Laird	Oropeza	Yee
Daucher	Leno	Pacheco	Mr. Speaker
Diaz	Leslie	Parra	
Dutra	Levine	Pavley	

NOES—None

Bill ordered transmitted to the Senate.

VOTE ADDS

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

Senate Bill No. 11, Resolution to Invoke Constitution: Bates, Bermudez, Chavez, Chu, Diaz, Firebaugh, Haynes, Jerome Horton, Laird, Liu, Maddox, Matthews, Mountjoy, Nakanishi, Oropeza, Plescia, Simitian, Spitzer, Wolk, and Wyland—Aye.

Senate Bill No. 11: Diaz, Liu, Nakano, Plescia, Ridley-Thomas, Simitian, Steinberg, and Wyland—Aye.

Senate Bill No. 2: Bermudez, Chavez, Diaz, Firebaugh, Goldberg, Hancock, Haynes, Koretz, La Malfa, Maddox, Mountjoy, Nakanishi, Plescia, Simitian, Wesson, Wolk, and Wyland—Aye.

RECESS

By unanimous consent, at 11:36 p.m., Speaker pro Tempore Yee declared the Assembly recessed.

**TWO HUNDRED EIGHTY-FIFTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**

Assembly Chamber, August 28, 2004

At 12, midnight.

Hon. Leland Y. Yee, Speaker pro Tempore, presiding.

RECONVENED

At 3:35 a.m., the Assembly reconvened.

Hon. Fabian Nunez, Speaker of the Assembly, presiding.

MESSAGES FROM THE SENATE

Senate Chamber, August 28, 2004

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

Senate Bill No. 2

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

MOTION TO ADJOURN

At 3:36 a.m., Assembly Member Frommer moved that the Assembly adjourn the 2003–2004 Fourth Extraordinary Session of the Legislature *sine die* at midnight on the date that this motion has been adopted by both Houses of the Legislature and consents for the Senate to do the same.

Motion carried.

ADJOURNMENT

At 3:36 a.m., pursuant to the motion by Assembly Member Frommer, the Assembly adjourned the 2003–04 Fourth Extraordinary Session of the Legislature.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE

2003-04 FOURTH EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 6

FINAL RECESS

Assembly Chamber, Sacramento
Tuesday, November 30, 2004

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 2003-04 Fourth Extraordinary Session was printed while the Assembly was in Final Recess:

MESSAGES FROM THE SENATE

Senate Chamber, November 30, 2004

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day returned without further action:

Assembly Bill No. 16

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

REPORTS OF STANDING COMMITTEES
Committee on Insurance

November 30, 2004

Mr. Speaker: Your Committee on Insurance reports:

- | | |
|---------------------|----------------------|
| Assembly Bill No. 1 | Assembly Bill No. 8 |
| Assembly Bill No. 2 | Assembly Bill No. 9 |
| Assembly Bill No. 3 | Assembly Bill No. 10 |
| Assembly Bill No. 4 | Assembly Bill No. 11 |
| Assembly Bill No. 5 | Assembly Bill No. 14 |
| Assembly Bill No. 6 | Assembly Bill No. 15 |
| Assembly Bill No. 7 | |

Without action.

VARGAS, Chair

MEASURES WHICH DIED AT DESK

- Assembly Bill No. 12.
- Senate Bill No. 16; Senate Concurrent Resolution No. 1.

ADJOURNMENT

At 12 p.m., November 30, 2004, pursuant to the provisions of Article IV, Section 3(a) of the Constitution and Joint Rule 51, the 2003–04 Fourth Extraordinary Session of the Legislature adjourned *sine die*.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

Volume 6

Journal of the Assembly

Legislature of the State of California
2003–04 Fifth Extraordinary Session
November 18, 2003 to November 30, 2004



HON. FABIAN NUÑEZ
Speaker

HON. LELAND Y. YEE
Speaker pro Tempore

HON. SALLY J. LIEBER
Assistant Speaker pro Tempore

HON. DARIO FROMMER
Majority Floor Leader

HON. KEVIN McCARTHY
Republican Leader

E. DOTSON WILSON
Chief Clerk of the Assembly

PAM CAVILEER
Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, November 18, 2003
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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, November 18, 2003

At 5:11 p.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Arnold Schwarzenegger, Governor of the State of California, dated November 17, 2003, convening the Legislature of the State of California on this day in extraordinary session.

In conformity with Government Code Section 9150, the following officers for the 2003–04 Regular Session were present and performing their respective duties: E. Dotson Wilson, Chief Clerk, Pam Cavileer, Minute Clerk, and Ronald E. Pane, Chief Sergeant-at-Arms.

Christine Kehoe, Speaker pro Tempore of the Assembly for the 2003–04 Regular Session, presiding.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called and the following answered to their names—79:

Aghazarian	Dymally	Levine	Parra
Bates	Firebaugh	Lieber	Pavley
Benoit	Frommer	Liu	Plescia
Berg	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Ridley-Thomas
Calderon	Harman	Maldonado	Runner
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker
Dutton	Leslie	Pacheco	

PRAYER

Upon invitation of Speaker pro Tempore Kehoe, the following prayer was offered by Rev. Constantine C. Pappademos, Chaplain of the Assembly for the 2003–04 Regular Session:

Lord God, Send down upon us Your good grace, and sanctify our souls, bodies and spirits. Direct our thoughts toward piety and perfect our spiritual vision with Your boundless light. Cleanse us from all defilement of flesh and spirit and make us worthy of Your presence in our midst. For You are a most compassionate and merciful God, and we glorify You forever.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Pavley then led the Assembly in the pledge of allegiance to the Flag.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

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

PROCLAMATION OF THE GOVERNOR

Speaker pro Tempore Kehoe directed the Clerk to read the following Proclamation of the Governor convening the Legislature in extraordinary session:

A PROCLAMATION**BY THE GOVERNOR OF THE STATE OF CALIFORNIA**

WHEREAS, an extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; now therefore,

I, **ARNOLD SCHWARZENEGGER**, Governor of the State of California, by virtue of the power and authority vested in me by Section 3(b) Article IV of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California on the 18th day of November, 2003, at a time to be determined, for the following purpose and to legislate upon the following subjects:

1. To consider and act upon legislation relative to placing before the voters in the election to be held March 2, 2004, a general obligation bond to repay, restructure and finance California's budget deficit recovery;
2. To consider and act upon a Constitutional amendment to be placed before the voters in the election to be held March 2, 2004, a limit on government spending to prevent a future budget deficit, establish a reserve fund, and vest extraordinary powers in the Governor and Director of Finance in times of fiscal emergency; and
3. To consider and act upon legislation relative to funding the offset of the motor vehicle license fee from the General Fund.

IN WITNESS WHEREOF, I have hereunto set my hand
and caused the Great Seal of the State of California
to be affixed this 17th day
of November, 2003.

ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:

KEVIN SHELLEY
Secretary of State



ELECTION OF SPEAKER

Assembly Member Firebaugh moved that the unanimous consent vote on December 2, 2002, electing Assembly Member Herb J. Wesson, Jr. to the Office of Speaker of the Assembly for the 2003–04 Regular Session, and the Oath of Office administered (Assembly Journal, page 7), be substituted in the 2003–04 Fifth Extraordinary Session.

Assembly Member Nunez seconded the motion.

Motion carried.

OATH OF OFFICE

The following oath of office was administered to Speaker-elect Herb J. Wesson, Jr., on Monday, December 2, 2002 by the Honorable Willie L. Brown, Jr., Mayor of San Francisco, and without objection, was substituted in the Fifth Extraordinary Session:

OATH

for the Office of Speaker of the Assembly

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

RESOLUTIONS

The following resolution was offered:

House Resolution No. 1

By Assembly Member Nation.

*Relative to the Standing Rules of the Assembly
for the 2003–04 Fifth Extraordinary Session.*

Resolved by the Assembly of the State of California, That the Standing Rules of the Assembly for the 2003–04 Regular Session are hereby adopted as the Standing Rules of the Assembly for the 2003–04 Fifth Extraordinary Session.

(NOTE: For text of Assembly Standing Rules, see Assembly Journal for December 2, 2002 for the Regular Session, page 9.)

CONSIDERATION OF HOUSE RESOLUTION NO. 1

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

HOUSE RESOLUTION NO. 1 (Nation)—Relative to the Standing Rules of the Assembly for the 2003–04 Fifth Extraordinary Session.

Resolution read, and adopted by the following vote:

AYES—78

Aghazarian	Dymally	Lieber	Pavley
Bates	Firebaugh	Liu	Plescia
Benoit	Frommer	Longville	Reyes
Berg	Garcia	Lowenthal	Richman
Bermudez	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Maldonado	Runner
Calderon	Harman	Matthews	Salinas
Campbell	Haynes	Maze	Samuelian
Canciamilla	Horton, Shirley	McCarthy	Simitian
Chavez	Houston	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	
Dutton	Levine	Parra	

NOES—None**RESOLUTIONS**

The following resolution was offered:

House Resolution No. 2

By Assembly Member Firebaugh.

*Relative to the organization of the Assembly
for the 2003–04 Fifth Extraordinary Session.*

Resolved by the Assembly of the State of California, That

(a) The Chief Clerk or the Sergeant at Arms is authorized to receive from the Controller all warrants for the payment of Members, officers, and attaches of the Assembly; and

(b) 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. 2

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

HOUSE RESOLUTION NO. 2 (Firebaugh)—Relative to the organization of the Assembly for the 2003–04 Fifth Extraordinary Session.

Resolution read, and adopted by the following vote:

AYES—78

Aghazarian	Dymally	Lieber	Pavley
Bates	Firebaugh	Liu	Plescia
Benoit	Frommer	Longville	Reyes
Berg	Garcia	Lowenthal	Richman
Bermudez	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Maldonado	Runner
Calderon	Harman	Matthews	Salinas
Campbell	Haynes	Maze	Samuelian
Canciamilla	Horton, Shirley	McCarthy	Simitian
Chavez	Houston	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	
Dutton	Levine	Parra	

NOES—None**OATH OF OFFICE**

The following oath of office was administered to Speaker pro Tempore-elect Christine Kehoe on December 2, 2002 by the Honorable Joyce L. Kennard, Associate Justice of the Supreme Court of California, and without objection, is substituted in the Fifth Extraordinary Session:

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.

LEADERSHIP ANNOUNCEMENT

Speaker pro Tempore Kehoe announced that the following leadership would serve in the 2003–04 Fifth Extraordinary Session, consistent with the 2003–04 Regular Session:

Democratic Leadership

Speaker pro Tempore	Hon. Christine Kehoe
Assistant Speaker pro Tempore	Hon. Leland Yee
Majority Floor Leader	Hon. Marco Firebaugh
Majority Leader	Hon. Wilma Chan
Majority Whip	Hon. Fabian Nunez
Democratic Caucus Chair	Hon. George Nakano
Rules Committee Chair	Hon. Joe Nation
Assistant Whips	Hon. Ron Calderon
	Hon. Jackie Goldberg
	Hon. Lloyd Levine
	Hon. Cindy Montanez
	Hon. Gloria Negrete McLeod
	Hon. Fran Pavley
	Hon. Simon Salinas

Republican Leadership

Republican Leader	Hon. Dave Cox
Caucus Chair	Hon. Tony Strickland
Assistant Republican Leaders	Hon. John Campbell
	Hon. Patricia Bates
	Hon. Dave Cogdill
	Hon. Bill Maze
	Hon. Guy Houston
	Hon. Bonnie Garcia
	Hon. Russ Bogh
	Hon. Tom Harman
	Hon. Keith Richman
	Hon. Lynn Daucher
	Hon. Robert Pacheco
	Hon. Ray Haynes
	Hon. Ken Maddox
	Hon. Sharon Runner
	Hon. Shirley Horton
Whips	Hon. George Plescia
	Hon. Mark Wyland
	Hon. Kevin McCarthy
	Hon. Rick Keene

ELECTION OF OFFICERS OF THE ASSEMBLY

Assembly Member Firebaugh moved that the following officers of the Assembly for the 2003–04 Regular Session be deemed elected in the 2003–04 Fifth Extraordinary Session and that the roll call vote and oaths of office taken on December 2, 2002 be substituted: E. Dotson Wilson, Chief Clerk; Ronald E. Pane, Chief Sergeant-at-Arms, Father Constantine C. Pappademos, Chaplain; Rev. Ivan L. Williams, Sr., Alternate Chaplain.

Assembly Member Steinberg seconded the motion.

Motion carried and the following vote substituted:

AYES—79

Aghazarian	Dymally	Levine	Parra
Bates	Firebaugh	Lieber	Pavley
Benoit	Frommer	Liu	Plescia
Berg	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Ridley-Thomas
Calderon	Harman	Maldonado	Runner
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker
Dutton	Leslie	Pacheco	

NOES—None

(NOTE: Assembly Member Chan was present when the above vote was taken on December 2, 2002, but is excused on this day.)

OATH OF OFFICE

The following oath of office was administered to Chief Clerk-elect E. Dotson Wilson, Chief Sergeant-at-Arms-elect Ronald E. Pane, Chaplain-elect Rev. Constantine C. Pappademos, and Alternate Chaplain-elect Rev. Ivan L. Williams, Sr. on Monday, December 2, 2002, by the Honorable Joyce L. Kennard, Associate Justice of the Supreme Court of California, and without objection, is substituted in the Fifth Extraordinary Session:

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.

COMMUNICATIONS

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

November 18, 2003

E. Dotson Wilson

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

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Rules Committee for the 2003–04 Fifth Extraordinary Session, consistent with the Regular Session:

Assemblymember Joe Nation, Chair
Assemblymember Dave Cogdill, Vice Chair
Assemblymember John Benoit
Assemblymember Ron Calderon
Assemblymember Judy Chu
Assemblymember Merv Dymally
Assemblymember Tim Leslie
Assemblymember Cindy Montanez
Assemblymember Loni Hancock, Democratic Alternate
Assemblymember Lynn Daucher, Republican Alternate

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1—Haynes. An act to add Section 2000 to the Government Code, relating to state agency finances.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 1—Canciamilla, Richman, Bates, Benoit, Berg, Correa, Harman, Shirley Horton, Liu, Maddox, and Wolk. 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, and adding Sections 25 and 26 to, Article IV thereof, by adding Section 15 to Article V thereof, by repealing and adding Article XIII B thereof, and by amending Sections 1, 8, and 8.5 of, and adding Section 20 to, Article XVI thereof, relating to state finance.

ADJOURN IN MEMORY

Assembly Member Cox was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Reynolds Guiney, of Stockton.

(Assembly Rule 45.5 suspended.)

Assembly Member Cohn was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Josephine Piccinini, of Los Banos.

(Assembly Rule 45.5 suspended.)

Assembly Member Goldberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lillian Margolis Baumer, of Los Angeles; and Noreen Bushell Heiberger Genelly, of Chicago, Illinois.

(Assembly Rule 45.5 suspended.)

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 Officer Matthew Pavelka, of Burbank Police Department.

(Assembly Rule 45.5 suspended.)

Assembly Members La Suer and Nation were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Novato Firefighter Steven Rucker.

(Assembly Rule 45.5 suspended.)

Assembly Member Liu was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Roy A. Anderson, of La Canada.

(Assembly Rule 45.5 suspended.)

Assembly Member Wiggins was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Arthur Reilly, of Windsor.

(Assembly Rule 45.5 suspended.)

Assembly Members Steinberg, Longville, and Wolk were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Maggie Schelen, of Sacramento.

(Assembly Rule 45.5 suspended.)

Assembly Member Steinberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Helen Mackis, of Sacramento.

(Assembly Rule 45.5 suspended.)

Assembly Member Harman was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of former Assembly Member Robert H. "Bob" Burke, of Kihei, Maui, Hawaii, who represented the 70th Assembly District from 1967–1976.

(Assembly Rule 45.5 suspended.)

Assembly Member Dutton was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Theodora "Teddy" Finn, of Alta Loma.

(Assembly Rule 45.5 suspended.)

Assembly Member Samuelian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Colonel Lloyd Camp, of Fresno.

(Assembly Rule 45.5 suspended.)

Assembly Member Garcia was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Col. Mitchell Paige, of La Quinta.

(Assembly Rule 45.5 suspended.)

COMMUNICATIONS

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

November 18, 2003

E. Dotson Wilson

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

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Budget Committee for the 2003–04 Fifth Extraordinary Session:

Assemblymember Jenny Oropeza, Chair
 Assemblymember Rick Keene, Vice Chair
 Assemblymember Patricia Bates
 Assemblymember John Benoit
 Assemblymember Rudy Bermudez
 Assemblymember John Campbell
 Assemblymember Joe Canciamilla
 Assemblymember Wilma Chan
 Assemblymember Judy Chu
 Assemblymember Dave Cogdill
 Assemblymember Lynn Daucher
 Assemblymember Manny Diaz
 Assemblymember John Dutra
 Assemblymember Mervyn Dymally
 Assemblymember Jackie Goldberg
 Assemblymember Loni Hancock
 Assemblymember Tom Harman
 Assemblymember Ray Haynes
 Assemblymember Hannah-Beth Jackson
 Assemblymember Lloyd Levine
 Assemblymember Carol Liu
 Assemblymember Bill Maze
 Assemblymember Cindy Montanez
 Assemblymember George Nakano
 Assemblymember Robert Pacheco
 Assemblymember Fran Pavley
 Assemblymember George Plescia
 Assemblymember Sarah Reyes
 Assemblymember Sharon Runner
 Assemblymember Joe Simitian
 Assemblymember Lois Wolk

Sincerely,

HERB J. WESSON, JR.
 Speaker of the California Assembly

BEST WISHES EXTENDED

Assembly Member Correa recognized Alejandro Esparza and Chris Gallardo who are leaving their service with the Assembly, and extended his best wishes.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Oropeza announced that the Budget Committee would meet on Wednesday, November 20, 2003, at 10 a.m.

Assembly Member Nation announced that the Rules Committee would meet immediately upon adjournment of Floor session today, in the Rules Committee meeting room; and upon adjournment of that meeting, the Joint Committee on Rules would meet.

DESK HELD OPEN

Speaker pro Tempore Kehoe was granted unanimous consent that the Desk be held open to permit the introduction and reference of bills.

ADJOURN IN MEMORY

Speaker Wesson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Robert Wood, of San Jose.

Assembly Member Bates was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Walt Christiansen, of Oceanside; and Jim DeNault, of San Clemente.

Assembly Member Berg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Charles William Page, of Willow Creek; Eugenia "Genie" Keathley-Martin, of Grass Valley; Bruce Roberts, of Eureka; and Maxine Hunter Meeks, of Eureka.

Assembly Member Canciamilla was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Frances Anderson, of Redding.

Assembly Member Corbett was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lillian Kessler, of San Leandro.

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 August Carl Helmholtz, of Lafayette.

Assembly Member Shirley Horton was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Robert L. Knoth, of San Carlos.

Assembly Member Liu was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Harold L. James, of Pasadena.

Assembly Member Mountjoy was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Milton Mursette, of Temple City.

Assembly Member Mullin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John Ghiorso of South San Francisco; and Mike Orlich, of Broadmoor.

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 Art Landsgaard, of Rosamond; Marita Krall, of Victorville; and Craig Toth, of Palmdale.

Assembly Member Simitian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Douglas Fang, of San Francisco.

Assembly Member Steinberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William F. Mielenz, of Sacramento.

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 Hugh Patterson, of Davis.

Assembly Member Yee was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Franklin Boides, of San Francisco; and Ralph Bernhard Bunje, Sr., of Hillsborough.

MOTION TO ADJOURN

At 5:45 p.m., Assembly Member Firebaugh moved that the Assembly do now adjourn.

Assembly Member Correa seconded the motion.

REMARKS ON CONDITION OF THE FILE

Assembly Members Strickland, Dutra, Bogh, Steinberg, La Suer, Reyes, Haynes, Vargas, Mountjoy, and Leno arose to speak on the condition of the file.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member Firebaugh that the Assembly adjourn.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 6:03 p.m., Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

COMMUNICATIONS

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

Governor's Office, Sacramento
November 18, 2003

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

Dear Mr. Speaker: I hereby designate Richard Costigan, Cynthia Bryant, Pamela Oto and Jamey Tak on my staff who may sign for enrolled bills pursuant to Section 9509 of the Government Code.

Thank you for your attention to this matter.

Sincerely,

ARNOLD SCHWARZENEGGER

INTRODUCTION OF GUESTS

Assembly Member Cox, of the 5th Assembly District, introduced former Assembly Member Charlene Zettel.

Assembly Member Leslie, of the 4th Assembly District, introduced Geneviève M. Clavreul, Ph.D., and Christina Edwards, of Pasadena.

ADJOURNMENT

At 6:03 p.m., the Assembly adjourned to reconvene upon Call of the Speaker, and consent for the Senate to do the same, out of respect to the memory of Robert Wood, on motion of Speaker Wesson; out of respect to the memory of Jim DeNault and Walt Christiansen, on motion of Assembly Member Bates; out of respect to the memory of Officer Matthew Pavelka, on motion of Assembly Member Frommer; out of respect to the memory of August Carl Helmholtz, on motion of Assembly Member Hancock; out of respect to the memory of Robert L. Knoth, on motion of Assembly Member Shirley Horton; out of respect to the memory of Roy A. Anderson and Harold L. James, on motion of Assembly Member Liu; out of respect to the memory of Milton Mursette, on motion of Assembly Member Mountjoy; out of respect to the memory of Steven Rucker, on motion of Assembly Members La Suer and Nation; out of respect to the memory of Art Landsgaard, Marita Krall, and Craig Toth, on motion of Assembly Member Runner; out of respect to the memory of Douglas Fang, on motion of Assembly Member Simitian; out of respect to the memory of Mary Reynolds Guiney, on motion of Assembly Member Cox; out of respect to the memory of Josephine Piccinini, on motion of Assembly Member Cohn; out of respect to the memory of Lillian Margolis Baumer and Noreen Bushell Heiberger Genelly, on motion of Assembly Member Goldberg; out of respect to the memory of Arthur Reilly, on motion of Assembly Member Wiggins; out of respect to the memory of Helen Mackis and William F. Mielenz, on motion of Assembly Member Steinberg; out of respect to the memory of Maggie Schelen, on motion of Assembly Members Steinberg, Longville, and Wolk; out of respect to the memory of former Assembly Member Robert H. "Bob" Burke, on motion of Assembly Member Harman; out of respect to the memory of Theodora "Teddy" Finn, on motion of Assembly Member Dutton; out of respect to the memory of Colonel Lloyd Camp, on motion of Assembly Member Samuelian; out of respect to the memory of Charles William Page, Eugenia "Genie" Keathley-Martin, Bruce Roberts, and Maxine Hunter Meeks, on motion of Assembly Member Berg; out of respect to the memory of Frances Anderson, on motion of Assembly Member Canciamilla; out of respect to the memory of Lillian Kessler, on motion of Assembly Member Corbett; out of respect to the memory of John Ghiorso and Mike Orlich, on motion of Assembly Member Mullin; out of respect to the memory of William F. Mielenz, on motion of Assembly Member Steinberg; out of respect to the memory of Hugh Patterson, on motion of Assembly Member Wolk; out of respect to the memory of Franklin Boides and Ralph Bernhard Bunje, Sr., on motion of Assembly Member Yee; and out of respect to the memory of Col. Mitchell Paige, on motion of Assembly Member Garcia.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 1

Assembly Chamber, Sacramento
Thursday, November 20, 2003

This Journal is printed pursuant to unanimous consent granted on November 18, 2003 (Assembly Journal, page 13), for introduction and reference of bills.

COMMUNICATIONS

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

November 19, 2003

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

Dear Dotson: This is to advise you that I have appointed the following members to the Assembly Elections, Redistricting and Constitutional Amendments Committee for the 2003–04 Fifth Extraordinary Session, consistent with the Regular Session:

Assemblymember John Longville, Chair
Assemblymember Steven Samuelian, Vice Chair
Assemblymember Jerome Horton
Assemblymember Lloyd Levine
Assemblymember Fabian Nunez
Assemblymember Tony Strickland

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

November 19, 2003

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

Dear Dotson: This is to advise you that I have appointed Assemblymember John Laird to replace Assemblymember Joe Simitian on the Assembly Budget Committee in the 2003–04 5th Extraordinary Session.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

MESSAGES FROM THE SENATE

Senate Chamber, November 18, 2003

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

Senate Concurrent Resolution No. 1

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

MESSAGES FROM THE GOVERNOR

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

Governor’s Office, Sacramento
November 18, 2003

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

Dear Mr. Speaker: I hereby designate Richard Costigan, Cynthia Bryant, Pamela Oto, and Jamey Tak on my staff who may sign for enrolled bills pursuant to Section 9509 of the Government Code.

Thank you for your attention to this matter.

Sincerely,

ARNOLD SCHWARZENEGGER

INTRODUCTION OF ASSEMBLY BILLS

The following resolution was introduced:

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 2—Campbell (Coauthors: Benoit, Bogh, Dutton, La Malfa, La Suer, Maze, Plescia, and Spitzer) (Coauthors: Senators Knight and Margett). 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, by repealing and adding Article XIII B thereof, and by amending Section 8.5 of Article XVI thereof, relating to state expenditures.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following resolution was referred to committee:

*Assembly Constitutional
Amendment No.*

Committee

1 ----- Budget and E.,R. & C.A.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 2

Assembly Chamber, Sacramento
Tuesday, November 25, 2003

This Journal is printed pursuant to unanimous consent granted on November 18, 2003 (Assembly Journal, page 13), for introduction and reference of bills.

INTRODUCTION OF ASSEMBLY BILLS

The following bills were introduced:

ASSEMBLY BILL NO. 2—Keene. An act to add Title 18 (commencing with Section 99050) to the Government Code, relating to deficit recovery financing, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 3—Cox. An act to repeal Item 9100-102-0001 of Section 2.00 of Chapter 157 of the Statutes of 2003, relating to vehicle license fees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 4—Haynes. An act to amend Section 11453 of the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 5—McCarthy. An act to amend Sections 10753.2, 10753.8, and 11001.5 of the Revenue and Taxation Code, to amend Section 40 of Chapter 91 of the Statutes of 1991, and to repeal Section 210 of Chapter 89 of the Statutes of 1991 and Section 29 of Chapter 100 of the Statutes of 1993, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 3—Keene. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1.3 to Article XVI thereof, relating to public debt.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 4—Keene. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Article IVA thereto, relating to expenditure limits.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 3

Assembly Chamber, Sacramento
Monday, December 1, 2003

This Journal is printed pursuant to unanimous consent granted on November 18, 2003 (Assembly Journal, page 13), for introduction and reference of bills.

INTRODUCTION OF ASSEMBLY BILLS

The following bill was introduced:

ASSEMBLY BILL NO. 6—Runner. An act to amend Sections 48000 and 48010 of the Education Code, relating to pupil admission.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE

2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 4

Assembly Chamber, Sacramento
Wednesday, December 3, 2003

This Journal is printed pursuant to unanimous consent granted on November 18, 2003 (Assembly Journal, page 13), for introduction and reference of bills.

INTRODUCTION OF ASSEMBLY BILLS

The following bills were introduced:

ASSEMBLY BILL NO. 7—Lowenthal. An act to repeal Item 9100-102-0001 of Section 2.00 of Chapter 157 of the Statutes of 2003, relating to vehicle license fees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 8—Matthews. An act to amend Item 0840-001-0001 of Section 2.00 of the Budget Act of 2003 (Chapter 157 of the Statutes of 2003), relating to the State Controller.

ASSEMBLY BILL NO. 9—Oropeza. An act relating to state government finance, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5—Oropeza. 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. 6—Oropeza. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1.3 to Article XVI thereof, relating to public debt.

HERB J. WESSON, JR., Speaker

LAWRENCE A. MURMAN, Acting Minute Clerk

CALIFORNIA LEGISLATURE

2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 5

Assembly Chamber, Sacramento
Thursday, December 4, 2003

This Journal is printed pursuant to unanimous consent granted on November 18, 2003 (Assembly Journal, page 13), for introduction and reference of bills.

INTRODUCTION OF ASSEMBLY BILLS

The following bills were introduced:

ASSEMBLY BILL NO. 10-Runner. An act to amend Section 65995.7 of the Government Code, and to amend Sections 35 and 36 of Chapter 33 of the Statutes of 2002, relating to public school facilities financing, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 11-Matthews. An act to amend Item 0840-001-0001 of Section 2.00 of the Budget Act of 2003 (Chapter 157 of the Statutes of 2003), relating to the State Controller.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly

Table with 2 columns: Bill No. and Committee. Rows include bills 1, 2, 4, 5, 8, and 9, all referred to the Budget committee.

Assembly Constitutional

Table with 2 columns: Amendment No. and Committee. Rows include amendments 2, 3, 4, 5, and 6, all referred to the Budget and E.,R. & C.A. committee.

HERB J. WESSON, JR., Speaker

LAWRENCE A. MURMAN, Acting Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Friday, December 5, 2003
SECOND SESSION DAY
EIGHTEENTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, December 5, 2003

The Assembly met at 8 p.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member La Malfa moved a quorum call of the Assembly.
Motion carried. Time, 8:13 p.m.

Quorum Present

At 8:13 p.m., Speaker pro Tempore Kehoe declared a quorum of the
Assembly present.

The roll call was completed, and the following answered to their
names—79:

Aghazarian	Dutton	Levine	Parra
Bates	Dymally	Lieber	Pavley
Benoit	Firebaugh	Liu	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Garcia	Lowenthal	Richman
Bogh	Goldberg	Maddox	Ridley-Thomas
Calderon	Hancock	Maldonado	Runner
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chan	Horton, Shirley	McCarthy	Simitian
Chavez	Houston	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	

PRAYER

Upon invitation of Speaker pro Tempore Kehoe, the following prayer was offered by Assembly Member David Cogdill of the 25th Assembly District:

Father, We thank You for this beautiful day and for the opportunity that You have given us to serve this great State. Father, we just pray that You would be with us in our deliberations this evening. Help us to see Your wisdom in the things that we do and we would pray that our actions would be a pleasure to You and of service to this great State.

In Your Name We Pray.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Cox then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Chan, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

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

COMMUNICATIONS

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

December 5, 2003

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Steinberg to fill the Democratic Vacancy on the Elections, Redistricting and Constitutional Amendments Committee for today's hearing only.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

FIRST READING OF ASSEMBLY BILLS

The following bills were read the first time:

ASSEMBLY BILL NO. 2—Keene. An act to add Title 18 (commencing with Section 99050) to the Government Code, relating to deficit recovery financing, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 3—Cox. An act to repeal Item 9100-102-0001 of Section 2.00 of Chapter 157 of the Statutes of 2003, relating to vehicle license fees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 4—Haynes. An act to amend Section 11453 of the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 5—McCarthy. An act to amend Sections 10753.2, 10753.8, and 11001.5 of the Revenue and Taxation Code, to amend Section 40 of Chapter 91 of the Statutes of 1991, and to repeal Section 210 of Chapter 89 of the Statutes of 1991 and Section 29 of Chapter 100 of the Statutes of 1993, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 6—Runner. An act to amend Sections 48000 and 48010 of the Education Code, relating to pupil admission.

ASSEMBLY BILL NO. 7—Lowenthal. An act to repeal Item 9100-102-0001 of Section 2.00 of Chapter 157 of the Statutes of 2003, relating to vehicle license fees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 8—Matthews. An act to amend Item 0840-001-0001 of Section 2.00 of the Budget Act of 2003 (Chapter 157 of the Statutes of 2003), relating to the State Controller.

ASSEMBLY BILL NO. 9—Oropeza. An act relating to state government finance, and declaring the urgency thereof, to take effect immediately

ASSEMBLY BILL NO. 10—Runner. An act to amend Section 65995.7 of the Government Code, and to amend Sections 35 and 36 of Chapter 33 of the Statutes of 2002, relating to public school facilities financing, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 11—Matthews. An act to amend Item 0840-001-0001 of Section 2.00 of the Budget Act of 2003 (Chapter 157 of the Statutes of 2003), relating to the State Controller.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 2—Campbell (Coauthors: Benoit, Bogh, Dutton, La Malfa, La Suer, Maze, Plescia, and Spitzer) (Coauthors: Senators Knight and Margett). 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, by repealing and adding Article XIII B thereof, and by amending Section 8.5 of Article XVI thereof, relating to state expenditures.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 3—Keene. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1.3 to Article XVI thereof, relating to public debt.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 4—Keene. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Article IVA thereto, relating to expenditure limits.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5—Oropeza. 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. 6—Oropeza. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1.3 to Article XVI thereof, relating to public debt.

REPORTS OF STANDING COMMITTEES

Committee on Budget

Date of Hearing: December 5, 2003

Mr. Speaker: Your Committee on Budget reports:

Assembly Bill No. 8

With the recommendation: Do pass, and be re-referred to the Committee on Elections, Redistricting and Constitutional Amendments.

OROPEZA, Chair

Above bill re-referred to the Committee on Elections, Redistricting and Constitutional Amendments.

Date of Hearing: December 5, 2003

Mr. Speaker: Your Committee on Budget reports:

Assembly Constitutional Amendment No. 1

With the recommendation: Be adopted, and be re-referred to the Committee on Elections, Redistricting and Constitutional Amendments.

OROPEZA, Chair

Above resolution re-referred to the Committee on Elections, Redistricting and Constitutional Amendments.

Date of Hearing: December 5, 2003

Mr. Speaker: Your Committee on Budget reports:

Assembly Constitutional Amendment No. 5

With the recommendation: Be adopted, and be re-referred to the Committee on Elections, Redistricting and Constitutional Amendments.

OROPEZA, Chair

Above resolution re-referred to the Committee on Elections, Redistricting and Constitutional Amendments.

Date of Hearing: December 5, 2003

Mr. Speaker: Your Committee on Budget reports:

Assembly Constitutional Amendment No. 6

With the recommendation: Be adopted, and be re-referred to the Committee on Elections, Redistricting and Constitutional Amendments.

OROPEZA, Chair

Above resolution re-referred to the Committee on Elections, Redistricting and Constitutional Amendments.

ADJOURN IN MEMORY

Assembly Members Wiggins and Nation were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sylvia Sebastiani, of Sonoma.

(Assembly Rule 45.5 suspended.)

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 8:16 p.m., by unanimous consent, the members of the Committee on Elections, Redistricting and Constitutional Amendments were excused for the purpose of attending a meeting of the committee at this time, in Room 444.

RECESS

By unanimous consent, at 8:17 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

CAUCUS ANNOUNCEMENTS

At 8:38 p.m., Assembly Member Cox announced that the Republican Caucus would meet in the Tom Bane Rules Committee Room.

At 8:40 p.m., Assembly Member Firebaugh announced that the Democratic Caucus would meet in the Assembly Lounge.

RECONVENED

At 9:40 p.m., the Assembly reconvened.

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

REPORTS OF STANDING COMMITTEES**Committee on Elections, Redistricting and Constitutional Amendments**

Date of Hearing: December 5, 2003

Mr. Speaker: Your Committee on Elections, Redistricting and Constitutional Amendments reports:

Assembly Constitutional Amendment No. 5

With the recommendation: Be adopted.

LONGVILLE, Chair

Above resolution ordered to second reading.

**SECOND READING OF
ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5**

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5—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.

Resolution read second time, and ordered to third reading.

**Consideration of Assembly Constitutional Amendment No. 5
by Unanimous Consent**

Assembly Member Oropeza was granted unanimous consent to take up Assembly Constitutional Amendment No. 5 without reference to file, for purpose of amendment.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5 (Oropeza)—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.

Resolution read third time.

Motion to Amend

Assembly Member Oropeza moved the adoption of amendments.

Amendments read and adopted by the following vote:

AYES—44

Berg	Frommer	Liu	Parra
Bermudez	Goldberg	Longville	Pavley
Calderon	Hancock	Lowenthal	Reyes
Chan	Horton, Jerome	Matthews	Ridley-Thomas
Chavez	Jackson	Montanez	Salinas
Chu	Kehoe	Mullin	Simitian
Cohn	Koretz	Nakano	Steinberg
Corbett	Laird	Nation	Vargas
Diaz	Leno	Negrete McLeod	Wiggins
Dymally	Levine	Nunez	Yee
Firebaugh	Lieber	Oropeza	Mr. Speaker

NOES—34

Aghazarian	Dutra	Leslie	Richman
Bates	Dutton	Maddox	Runner
Benoit	Garcia	Maldonado	Samuelian
Bogh	Haynes	Maze	Spitzer
Campbell	Horton, Shirley	McCarthy	Strickland
Canciamilla	Houston	Mountjoy	Wolk
Cogdill	Keene	Nakanishi	Wyland
Cox	La Malfa	Pacheco	
Daucher	La Suer	Plescia	

Vote Changes

By unanimous consent, the following vote changes were permitted on the Oropeza amendments to Assembly Constitutional Amendment No. 5: Assembly Member Mountjoy, from “Aye” to “No”; Assembly Member Correa, from “Aye” to “Not Voting”.

Resolution ordered reprinted.

POINT OF CLARIFICATION

Assembly Member Cox arose to a point of clarification as to remarks made in debate by Assembly Member Wesson.

Point of Order

Assembly Member Vargas arose to the following point of order:

Assembly Member Cox’s remarks are out of order.

Ruling by Speaker pro Tempore Kehoe

Speaker pro Tempore Kehoe ruled the point of order well-taken.

REPORTS OF STANDING COMMITTEES

Committee on Budget

Date of Hearing: December 5, 2003

Mr. Speaker: Your Committee on Budget reports:

Assembly Bill No. 9

With the recommendation: Do pass.

OROPEZA, Chair

Above bill ordered to second reading.

SECOND READING OF ASSEMBLY BILL NO. 9

ASSEMBLY BILL NO. 9—An act relating to state government finance, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Request for Unanimous Consent to Suspend Rules

Assembly Member Firebaugh requested unanimous consent to suspend the Rules to permit consideration of Assembly Bill No. 9 without reference to file, for purpose of amendment and consideration for final passage.

Assembly Member Cogdill withheld unanimous consent.

Motion to Suspend Rules

Assembly Member Firebaugh moved to suspend the Rules to permit consideration of Assembly Bill No. 9 for purpose of amendment and final passage.

Assembly Member Nakano seconded the motion.

Motion for suspension of the Rules carried by the following vote:

AYES—47

Berg	Dymally	Liu	Pavley
Bermudez	Firebaugh	Longville	Reyes
Calderon	Goldberg	Lowenthal	Ridley-Thomas
Canciamilla	Hancock	Mathews	Salinas
Chan	Horton, Jerome	Montanez	Simitian
Chavez	Jackson	Mullin	Steinberg
Chu	Kehoe	Nakano	Vargas
Cohn	Koretz	Nation	Wiggins
Corbett	Laird	Negrete McLeod	Wolk
Correa	Leno	Nunez	Yee
Diaz	Levine	Oropeza	Mr. Speaker
Dutra	Lieber	Parra	

NOES—31

Aghazarian	Dutton	Leslie	Plescia
Bates	Garcia	Maddox	Richman
Benoit	Haynes	Maldonado	Runner
Bogh	Horton, Shirley	Maze	Samuelian
Campbell	Houston	McCarthy	Spitzer
Cogdill	Keene	Mountjoy	Strickland
Cox	La Malfa	Nakanishi	Wyland
Daucher	La Suer	Pacheco	

**CONSIDERATION OF ASSEMBLY BILL NO. 9
WITHOUT REFERENCE TO FILE**

ASSEMBLY BILL NO. 9 (Oropeza)—An act relating to state government finance, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Assembly Member Oropeza moved the adoption of amendments.

Amendments read and adopted by the following vote:

AYES—41

Berg	Goldberg	Lowenthal	Reyes
Bermudez	Hancock	Matthews	Ridley-Thomas
Calderon	Jackson	Montanez	Salinas
Chan	Kehoe	Mullin	Steinberg
Chavez	Koretz	Nakano	Vargas
Chu	Laird	Nation	Wiggins
Cohn	Leno	Negrete McLeod	Yee
Corbett	Levine	Nunez	Mr. Speaker
Diaz	Lieber	Oropeza	
Dymally	Liu	Parra	
Firebaugh	Longville	Pavley	

NOES—36

Aghazarian	Dutra	La Suer	Plescia
Bates	Dutton	Leslie	Richman
Benoit	Frommer	Maddox	Runner
Bogh	Garcia	Maldonado	Samuelian
Campbell	Haynes	Maze	Simitian
Canciamilla	Horton, Shirley	McCarthy	Spitzer
Cogdill	Houston	Mountjoy	Strickland
Cox	Keene	Nakanishi	Wolk
Daucher	La Malfa	Pacheco	Wyland

Bill ordered reprinted, and to be returned to the third reading file.

CAUCUS ANNOUNCEMENTS

At 11:25 p.m., Assembly Member Strickland was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 11:26 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 11:35 p.m., the Assembly reconvened.

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

COGDILL MOTION TO SUSPEND ASSEMBLY RULE 96

Assembly Member Cogdill moved to suspend Assembly Rule 96 to permit Assembly Constitutional Amendment No. 4 to be withdrawn from the Budget Committee and placed upon the third reading file, without Rules Committee approval.

Assembly Member Benoit seconded the motion.

Motion for temporary suspension of the Rules lost by the following vote:

AYES—31

Aghazarian	Dutton	Leslie	Plescia
Bates	Garcia	Maddox	Richman
Benoit	Haynes	Maldonado	Runner
Bogh	Horton, Shirley	Maze	Samuelian
Campbell	Houston	McCarthy	Spitzer
Cogdill	Keene	Mountjoy	Strickland
Cox	La Malfa	Nakanishi	Wyland
Daucher	La Suer	Pacheco	

NOES—45

Berg	Frommer	Longville	Ridley-Thomas
Bermudez	Goldberg	Lowenthal	Salinas
Calderon	Hancock	Matthews	Simitian
Chan	Horton, Jerome	Montanez	Steinberg
Chavez	Jackson	Mullin	Vargas
Chu	Kehoe	Nakano	Wiggins
Cohn	Koretz	Nation	Wolk
Corbett	Laird	Negrete McLeod	Yee
Diaz	Leno	Nunez	Mr. Speaker
Dutra	Levine	Oropeza	
Dymally	Lieber	Pavley	
Firebaugh	Liu	Reyes	

HORTON MOTION TO SUSPEND ASSEMBLY RULE 96

Assembly Member Shirley Horton moved to suspend Assembly Rule 96 to permit Assembly Bill No. 3 to be withdrawn from the Rules Committee and placed upon the third reading file, without Rules Committee approval.

Motion Ruled Out of Order

Speaker pro Tempore Kehoe ruled the motion out of order as Assembly Bill No. 3 has not been referred by Rules Committee, and is therefore, not in the possession of any committee.

ADJOURN IN MEMORY

Assembly Member Cox was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Marie DeMarco-Marble, of Studio City.

(Assembly Rule 45.5 suspended.)

Assembly Member Bates was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of D. Ann Kogerman, of Laguna Niguel.

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 2nd Lt. Todd J. Bryant, of Riverside.

Assembly Member Bogh was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dorothy Moody, of Yucca Valley.

Assembly Member Leno was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Edward Mullins II, of San Francisco.

Assembly Member Mountjoy was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joseph Leonard, of Monrovia and Dale Vertz, of Arcadia.

Assembly Member Mullin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bridgette Clement, of Millbrae.

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 Belva Tisdalle, of Los Angeles.

Assembly Member Spitzer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sgt. Ryan Young, of Corona.

VOTE ADDS

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

Assembly Constitutional Amendment No. 5, Oropeza Amendments: Simitian—Aye.

Assembly Bill No. 9, Oropeza Amendments: Frommer—No.

MOTION TO ADJOURN

At 11:40 p.m., Assembly Member Firebaugh moved that the Assembly do now adjourn.

Assembly Member Vargas seconded the motion.

REMARKS ON CONDITION OF THE FILE

Assembly Members Bogh, Reyes, Mountjoy, and Koretz arose to speak on the condition of the file.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member Firebaugh that the Assembly adjourn.

Roll Call Demanded

Assembly Members Cogdill, Strickland, and Benoit, demanded a roll call.

The roll was called, and the Firebaugh motion to adjourn carried by the following vote:

AYES—38

Berg	Goldberg	Liu	Reyes
Calderon	Hancock	Longville	Ridley-Thomas
Chan	Horton, Jerome	Montanez	Salinas
Chu	Jackson	Mullin	Simitian
Cohn	Kehoe	Nakano	Steinberg
Diaz	Koretz	Nation	Vargas
Dutra	Laird	Negrete McLeod	Yee
Dymally	Leno	Nunez	Mr. Speaker
Firebaugh	Levine	Oropeza	
Frommer	Lieber	Parra	

NOES—32

Aghazarian	Daucher	La Suer	Pacheco
Bates	Dutton	Leslie	Plescia
Benoit	Garcia	Maddox	Richman
Bogh	Haynes	Maldonado	Runner
Campbell	Horton, Shirley	Maze	Samuelian
Canciamilla	Houston	McCarthy	Spitzer
Cogdill	Keene	Mountjoy	Strickland
Cox	La Malfa	Nakanishi	Wyland

CAUCUS ANNOUNCEMENTS

Assembly Member Strickland announced that the Republican Caucus would meet, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 11:54 p.m., Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

REPORTS OF STANDING COMMITTEES**Committee on Elections, Redistricting and Constitutional Amendments**

Date of Hearing: December 5, 2003

Mr. Speaker: Your Committee on Elections, Redistricting and Constitutional Amendments reports:

Assembly Bill No. 8

With the recommendation: Do pass.

LONGVILLE, Chair

Above bill ordered to second reading.

Date of Hearing: December 5, 2003

Mr. Speaker: Your Committee on Elections, Redistricting and Constitutional Amendments reports:

Assembly Constitutional Amendment No. 6

With the recommendation: Be adopted.

LONGVILLE, Chair

Above resolution ordered to second reading.

FIRST READING OF SENATE BILLS

SENATE CONCURRENT RESOLUTION NO. 1—Relative to the Joint Rules for the 2003–04 Fifth Extraordinary Session.

MESSAGES FROM THE SENATE

November 24, 2003

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

Dear Dotson: This is to inform you that the Senate on this day consented to allow the Assembly to be in recess for more than 10 days as required by Article IV, Section 7(d) of the Constitution.

Sincerely,

GREGORY P. SCHMIDT
Secretary of the Senate

ADJOURNMENT

At 11:56 p.m., pursuant to the motion by Assembly Member Firebaugh, the Assembly adjourned, to reconvene upon Call of the Speaker, out of respect to the memory of Sylvia Sebastiani, on motion of Assembly Members Wiggins and Nation; out of respect to the memory of D. Ann Kogerman, on motion of Assembly Member Bates; out of respect to the memory of Dorothy Moody, on motion of Assembly Member Bogh; out of respect to the memory of Edward Mullins II, on motion of Assembly Member Leno; out of respect to the memory of Joseph Leonard and Dale Vertz, on motion of Assembly Member Mountjoy; out of respect to the memory of Belva Tisdalle, on motion of Assembly Member Runner; out of respect to the memory of Sgt. Ryan Young, on motion of Assembly Member Spitzer; out of respect to the memory of Bridgette Clement, on motion of Assembly Member Mullin; out of respect to the memory of 2nd Lt. Todd J. Bryant, on motion of Assembly Member Benoit; and out of respect to the memory of Marie DeMarco-Marble, on motion of Assembly Member Cox.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON DECEMBER 5, 2003

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

AB RN

9 0321903

ACA RN

5 0321906

Daily Total: 2

Cumulative Total: 2

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, December 11, 2003
THIRD SESSION DAY
TWENTY-FOURTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, December 11, 2003

The Assembly met at 12 noon.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Dutton moved a quorum call of the Assembly.
Motion carried. Time, 12:01 p.m.
The Speaker pro Tempore directed the Sergeant at Arms to close the
doors, and to bring in the absent Members.

Quorum Present

At 12:11 p.m., Speaker pro Tempore Kehoe declared a quorum of the
Assembly present.

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

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Campbell	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker

PRAYER

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

O Loving God, You are praised by the ranks of angels in heaven and by Your faithful servants on earth. You work with compassion and wisdom for our salvation. Make us worthy at this hour, Lord, to be united with one another in the bond of peace and love. Let Your divine knowledge sanctify us and prepare us for the coming day, and open the way which leads to Your heavenly kingdom.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Matthews then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Chan, seconded by Assembly Member Cogdill.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, December 11, 2003

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

Assembly Constitutional Amendment No. 5

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to third reading.

Assembly Chamber, December 11, 2003

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

Assembly Bill No. 9

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

ADJOURN IN MEMORY

Assembly Members Laird and Dymally were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of former Assembly Member Thomas Rees, of Scotts Valley, who served in the Assembly from 1955–1962.

(Assembly Rule 45.5 suspended.)

Assembly Member Matthews was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Staff Sgt. Steven H. Bridges, of Tracy.

(Assembly Rule 45.5 suspended.)

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 Father William J. “Bill” O’Donnell, of Berkeley.

(Assembly Rule 45.5 suspended.)

CAUCUS ANNOUNCEMENTS

At 12:25 p.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 12:26 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 8:12 p.m., the Assembly reconvened.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.

HORTON MOTION TO SUSPEND RULES

Assembly Member Shirley Horton moved to suspend the Rules to permit consideration of Assembly Bill No. 3, without reference to file.

Assembly Member Strickland seconded the motion.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 8:12 p.m.

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

HAYNES MOTION TO SUSPEND RULES

Assembly Member Haynes moved to suspend the Rules to permit consideration of Assembly Bill No. 7, without reference to file.

Assembly Member Strickland seconded the motion.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 8:15 p.m.

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

CONSIDERATION OF DAILY FILE**SECOND READING OF ASSEMBLY BILLS**

ASSEMBLY BILL NO. 8—An act to amend Item 0840-001-0001 of Section 2.00 of the Budget Act of 2003 (Chapter 157 of the Statutes of 2003), relating to the State Controller.

Bill read second time, and ordered to third reading.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1.3 to Article XVI thereof, relating to public debt.

Resolution read second time, and ordered to third reading.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, December 11, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 8

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

Assembly Chamber, December 11, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Constitutional Amendment No. 6

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to third reading.

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

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5 (Oropeza)—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 10 and 12 of Article IV thereof, and by adding Sections 1.3 and 20 to Article XVI thereof, relating to state finance.

Resolution read third time.

Motion to Amend

Assembly Member Oropeza moved the adoption of amendments.

Amendments read and adopted by the following vote:

AYES—79

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Campbell	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Vargas
Corbett	Kehoe	Nakanishi	Wiggins
Correa	Koretz	Nakano	Wolk
Cox	La Malfa	Nation	Wyland
Daucher	La Suer	Negrete McLeod	Yee
Diaz	Laird	Nunez	Mr. Speaker
Dutra	Leno	Oropeza	

NOES—1

Strickland

Resolution ordered reprinted.

**Further Consideration of Assembly Constitutional Amendment No. 5
by Unanimous Consent**

Assembly Member Oropeza was granted unanimous consent to take up Assembly Constitutional Amendment No. 5 without reference to file, for purpose of consideration.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5 (Oropeza)—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 10 and 12 of Article IV thereof, and by adding Sections 1.3 and 20 to Article XVI thereof, relating to state finance.

Resolution read third time, and adopted by the following vote:

AYES—80

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Campbell	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker

NOES—None

Vote Changes

By unanimous consent, the following vote changes were permitted on Assembly Constitutional Amendment No. 5: Assembly Members Campbell, Haynes, Maldonado, and Strickland from “No” to “Aye”.

Resolution ordered transmitted to the Senate.

**CONSIDERATION OF ASSEMBLY BILL NO. 8
BY UNANIMOUS CONSENT**

Assembly Member Oropeza was granted unanimous consent to take up Assembly Bill No. 8 without reference to file, for purpose of amendment.

ASSEMBLY BILL NO. 8 (Matthews)—An act to amend Item 0840-001-0001 of Section 2.00 of the Budget Act of 2003 (Chapter 157 of the Statutes of 2003), relating to the State Controller.

Bill read third time.

Motion to Amend

Assembly Member Oropeza moved the adoption of amendments. Amendments read and adopted; bill ordered reprinted.

Resolutions

The following resolution was offered:

Resolution to Dispense With Constitutional Provision

By Assembly Member Oropeza.

Resolved, That Assembly Bill No. 8 presents a case of urgency, as that term is used in Article IV, Section 8 (b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage, and considered engrossed.

Resolution read, and adopted by the following vote:

AYES—80

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Campbell	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker

NOES—None

Article IV, Section 8 (b) of the Constitution was declared dispensed with.

**Further Consideration of Assembly Bill No. 8
by Unanimous Consent**

Assembly Member Oropeza was granted unanimous consent to take up Assembly Bill No. 8 without reference to file, for purpose of consideration.

ASSEMBLY BILL NO. 8 (Oropeza)—An act relating to ballot measures, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—77

Aghazarian	Dymally	Levine	Plescia
Bates	Firebaugh	Lieber	Reyes
Benoit	Frommer	Liu	Richman
Berg	Garcia	Longville	Ridley-Thomas
Bermudez	Goldberg	Lowenthal	Runner
Bogh	Hancock	Matthews	Salinas
Calderon	Harman	Maze	Samuelian
Canciamilla	Haynes	McCarthy	Simitian
Chan	Horton, Jerome	Montanez	Spitzer
Chavez	Horton, Shirley	Mountjoy	Steinberg
Chu	Houston	Mullin	Strickland
Cogdill	Jackson	Nakanishi	Vargas
Cohn	Keene	Nakano	Wiggins
Corbett	Kehoe	Nation	Wolk
Correa	Koretz	Negrete McLeod	Wyland
Cox	La Malfa	Nunez	Yee
Daucher	La Suer	Oropeza	Mr. Speaker
Diaz	Laird	Pacheco	
Dutra	Leno	Parra	
Dutton	Leslie	Pavley	

NOES—None

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

AYES—77

Aghazarian	Dymally	Levine	Plescia
Bates	Firebaugh	Lieber	Reyes
Benoit	Frommer	Liu	Richman
Berg	Garcia	Longville	Ridley-Thomas
Bermudez	Goldberg	Lowenthal	Runner
Bogh	Hancock	Matthews	Salinas
Calderon	Harman	Maze	Samuelian
Canciamilla	Haynes	McCarthy	Simitian
Chan	Horton, Jerome	Montanez	Spitzer
Chavez	Horton, Shirley	Mountjoy	Steinberg
Chu	Houston	Mullin	Strickland
Cogdill	Jackson	Nakanishi	Vargas
Cohn	Keene	Nakano	Wiggins
Corbett	Kehoe	Nation	Wolk
Correa	Koretz	Negrete McLeod	Wyland
Cox	La Malfa	Nunez	Yee
Daucher	La Suer	Oropeza	Mr. Speaker
Diaz	Laird	Pacheco	
Dutra	Leno	Parra	
Dutton	Leslie	Pavley	

NOES—None

Bill ordered transmitted to the Senate.

ADJOURN IN MEMORY

Assembly Member Pacheco was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Roger Friesen, of Chino Hills.

(Assembly Rule 45.5 suspended.)

PARLIAMENTARY INQUIRY

Assembly Member Cox arose to a point of parliamentary inquiry whereupon he requested unanimous consent to dispense with the Call of the Assembly on the Shirley Horton motion for a suspension of the Rules as relates to Assembly Bill No. 3, and made remarks in debate relative to the bill.

Point of Order

Assembly Member Firebaugh arose to the following point of order:

Assembly Member Cox is making remarks in debate, not in order under the Rules, when arising to a point of parliamentary inquiry.

Ruling by Speaker pro Tempore Kehoe

The Speaker pro Tempore ruled the point of order well-taken.

Motion to Appeal from the Decision of the Chair

Assembly Member Cox moved to appeal from the decision of the Chair.

The question being: Shall the decision of the Chair that Assembly Member Cox's remarks debating Assembly Bill No. 3 are not in order when arising to a point of parliamentary inquiry or in moving to dispense with a Call of the Assembly, be overruled?

The roll was opened and the decision of the Chair sustained by the following vote:

AYES—29

Aghazarian	Dutton	La Suer	Runner
Bates	Garcia	Leslie	Samuelian
Benoit	Harman	Maldonado	Spitzer
Bogh	Haynes	Maze	Strickland
Campbell	Horton, Shirley	McCarthy	Wyland
Cogdill	Houston	Nakanishi	
Cox	Keene	Plescia	
Daucher	La Malfa	Richman	

NOES—48

Berg	Dymally	Lieber	Parra
Bermudez	Firebaugh	Liu	Pavley
Calderon	Frommer	Longville	Reyes
Canciamilla	Goldberg	Lowenthal	Ridley-Thomas
Chan	Hancock	Matthews	Salinas
Chavez	Horton, Jerome	Montanez	Simitian
Chu	Jackson	Mullin	Steinberg
Cohn	Kehoe	Nakano	Vargas
Corbett	Koretz	Nation	Wiggins
Correa	Laird	Negrete McLeod	Wolk
Diaz	Leno	Nunez	Yee
Dutra	Levine	Oropeza	Mr. Speaker

ADJOURN IN MEMORY

Assembly Member Leno was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bob Ross, of San Francisco.

(Assembly Rule 45.5 suspended.)

HAYNES REQUEST TO DISPENSE WITH CALL OF THE ASSEMBLY

Assembly Member Haynes requested unanimous consent that the Call of the Assembly be dispensed with on his motion to suspend the Rules to permit consideration of Assembly Bill No. 7, without reference to file, whereupon he made an inquiry of the Speaker pro Tempore relative to Assembly Bill No. 7.

Point of Order

Assembly Member Firebaugh arose to the following point of order: Assembly Member Haynes' remarks are dilatory and not in order under the Rules while moving to dispense with the Call of the Assembly.

Ruling by Speaker pro Tempore Kehoe

The Speaker pro Tempore ruled that Assembly Member Haynes' motion to dispense with a Call of the Assembly is in order.

Parliamentary Inquiry

Assembly Member Haynes arose to the following parliamentary inquiry:

Should the House not be informed as to the question before the Body for vote?

Reply by Speaker pro Tempore Kehoe

Speaker pro Tempore Kehoe replied that Assembly Member Haynes' motion to dispense with the Call of the Assembly is in order.

Unanimous Consent Withheld

Assembly Member Firebaugh withheld unanimous consent on the request by Assembly Member Haynes to dispense with the Call of the Assembly on his motion to suspend the Rules.

Parliamentary Inquiry

Assembly Member Haynes arose to the following parliamentary inquiry:

Is it not true that the House cannot adjourn while under Call of the Assembly?

Reply by Speaker pro Tempore Kehoe

Speaker pro Tempore Kehoe replied in the affirmative.

Haynes Motion to Dispense with Call of the Assembly

Assembly Member Haynes moved to dispense with the Call of the Assembly on his motion to suspend the Rules to permit consideration of Assembly Bill No. 7, without reference to file.

Assembly Member Cox seconded the motion.

Motion lost by the following vote:

AYES—31

Aghazarian	Dutton	La Suer	Plescia
Bates	Garcia	Leslie	Richman
Benoit	Harman	Maddox	Runner
Bogh	Haynes	Maldonado	Samuelian
Campbell	Horton, Shirley	Maze	Spitzer
Cogdill	Houston	McCarthy	Strickland
Cox	Keene	Nakanishi	Wyland
Daucher	La Malfa	Pacheco	

NOES—46

Berg	Firebaugh	Liu	Pavley
Bermudez	Frommer	Longville	Reyes
Calderon	Goldberg	Lowenthal	Salinas
Chan	Hancock	Matthews	Simitian
Chavez	Horton, Jerome	Montanez	Steinberg
Chu	Jackson	Mullin	Vargas
Cohn	Kehoe	Nakano	Wiggins
Corbett	Koretz	Nation	Wolk
Correa	Laird	Negrete McLeod	Yee
Diaz	Leno	Nunez	Mr. Speaker
Dutra	Levine	Oropeza	
Dymally	Lieber	Parra	

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

ASSEMBLY BILL NO. 9 (Oropeza)—An act to amend Sections 99006 and 99008 of, and to add Title 18 (commencing with Section 99050) to, the Government Code, relating to fiscal recovery financing, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Assembly Member Oropeza moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted.

**Consideration of Assembly Bill No. 9
by Unanimous Consent**

Assembly Member Oropeza was granted unanimous consent to take up Assembly Bill No. 9 without reference to file, for purpose of consideration.

ASSEMBLY BILL NO. 9 (Oropeza)—An act to amend Sections 99006 and 99008 of, to add Title 18 (commencing with Section 99050) to, and to repeal and add Section 29530 of, the Government Code, and to repeal and add Sections 97.68, 6051.5, 6201.5, 7202, 7203, and 7203.1 of the Revenue and Taxation Code, relating to fiscal recovery financing, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—65

Aghazarian	Dymally	Lieber	Plescia
Benoit	Firebaugh	Liu	Reyes
Berg	Goldberg	Longville	Richman
Bermudez	Harman	Lowenthal	Ridley-Thomas
Bogh	Horton, Jerome	Matthews	Runner
Calderon	Horton, Shirley	McCarthy	Salinas
Canciamilla	Houston	Montanez	Samuelian
Chu	Jackson	Mullin	Spitzer
Cogdill	Keene	Nakanishi	Steinberg
Cohn	Kehoe	Nakano	Vargas
Corbett	Koretz	Nation	Wiggins
Correa	La Malfa	Negrete McLeod	Wolk
Cox	La Suer	Nunez	Yee
Daucher	Laird	Oropeza	Mr. Speaker
Diaz	Leno	Pacheco	
Dutra	Leslie	Parra	
Dutton	Levine	Pavley	

NOES—13

Bates	Garcia	Maze	Wyland
Campbell	Haynes	Mountjoy	
Chavez	Maddox	Simitian	
Frommer	Maldonado	Strickland	

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—65

Aghazarian	Dymally	Lieber	Plescia
Benoit	Firebaugh	Liu	Reyes
Berg	Goldberg	Longville	Richman
Bermudez	Harman	Lowenthal	Ridley-Thomas
Bogh	Horton, Jerome	Matthews	Runner
Calderon	Horton, Shirley	McCarthy	Salinas
Canciamilla	Houston	Montanez	Samuelian
Chu	Jackson	Mullin	Spitzer
Cogdill	Keene	Nakanishi	Steinberg
Cohn	Kehoe	Nakano	Vargas
Corbett	Koretz	Nation	Wiggins
Correa	La Malfa	Negrete McLeod	Wolk
Cox	La Suer	Nunez	Yee
Daucher	Laird	Oropeza	Mr. Speaker
Diaz	Leno	Pacheco	
Dutra	Leslie	Parra	
Dutton	Levine	Pavley	

NOES—13

Bates	Garcia	Maze	Wyland
Campbell	Haynes	Mountjoy	
Chavez	Maddox	Simitian	
Frommer	Maldonado	Strickland	

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH
ON HAYNES MOTION TO SUSPEND RULES RELATIVE TO
ASSEMBLY BILL NO. 7**

At 9:37 p.m., on motion of Assembly Member Firebaugh, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Haynes motion to suspend the Rules to permit consideration of Assembly Bill No. 7, without reference to file, lost by the following vote:

AYES—33

Aghazarian	Dutton	Leslie	Richman
Bates	Garcia	Maddox	Runner
Benoit	Harman	Maldonado	Samuelian
Bogh	Haynes	Maze	Spitzer
Campbell	Horton, Shirley	McCarthy	Strickland
Cogdill	Houston	Mountjoy	Wyland
Correa	Keene	Nakanishi	
Cox	La Malfa	Pacheco	
Daucher	La Suer	Plescia	

NOES—42

Berg	Frommer	Liu	Ridley-Thomas
Bermudez	Goldberg	Longville	Salinas
Calderon	Hancock	Montanez	Simitian
Canciamilla	Horton, Jerome	Mullin	Steinberg
Chan	Jackson	Nakano	Vargas
Chavez	Kehoe	Nation	Wiggins
Chu	Koretz	Negrete McLeod	Wolk
Cohn	Laird	Nunez	Yee
Corbett	Leno	Oropeza	Mr. Speaker
Dymally	Levine	Pavley	
Firebaugh	Lieber	Reyes	

**CALL OF THE ASSEMBLY DISPENSED WITH
ON SHIRLEY HORTON MOTION TO SUSPEND RULES RELATIVE TO
ASSEMBLY BILL NO. 3**

At 9:38 p.m., on motion of Assembly Member Firebaugh, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Shirley Horton motion to suspend the Rules to permit consideration of Assembly Bill No. 3, without reference to file, lost by the following vote:

AYES—33

Aghazarian	Dutton	Leslie	Richman
Bates	Garcia	Maddox	Runner
Benoit	Harman	Maldonado	Samuelian
Bogh	Haynes	Maze	Spitzer
Campbell	Horton, Shirley	McCarthy	Strickland
Cogdill	Houston	Mountjoy	Wyland
Correa	Keene	Nakanishi	
Cox	La Malfa	Pacheco	
Daucher	La Suer	Plescia	

NOES—40

Berg	Firebaugh	Lieber	Reyes
Bermudez	Frommer	Liu	Ridley-Thomas
Calderon	Goldberg	Longville	Salinas
Canciamilla	Hancock	Montanez	Simitian
Chan	Jackson	Mullin	Steinberg
Chavez	Kehoe	Nakano	Vargas
Chu	Koretz	Nation	Wiggins
Cohn	Laird	Negrete McLeod	Wolk
Corbett	Leno	Nunez	Yee
Dymally	Levine	Oropeza	Mr. Speaker

BEST WISHES EXTENDED

Assembly Member Jerome Horton recognized Cathy Ryoo of his staff who is leaving her service with the Assembly, and extended his best wishes.

ADJOURN IN MEMORY

Assembly Member Corbett was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Roy Daniel Dean King, of San Leandro.

Assembly Member Mountjoy was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Milton Murset, of Temple City.

Assembly Member Parra was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Terrance Andrew Langston, of Bakersfield.

Assembly Member Spitzer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of D. Ann Kogerman, of Laguna Hills.

Assembly Members Spitzer, Maddox, Pacheco, Bates, Correa, and Daucher were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Peter Muth, of Santa Ana.

VOTE ADDS

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

Assembly Constitutional Amendment No. 5, Oropeza Amendments: Corbett—Aye.

Assembly Constitutional Amendment No. 5: Bates, Corbett, Garcia, and Maddox—Aye.

Resolution to Invoke Constitution: Corbett—Aye.

MOTION TO ADJOURN

At 9:39 p.m., Assembly Member Firebaugh moved that the Assembly do now adjourn.

Assembly Member Cox seconded the motion.

ANNOUNCEMENT RELATIVE TO REMARKS ON CONDITION OF THE FILE

Speaker pro Tempore Kehoe announced that remarks on condition of the file on this day are not permitted by the Speaker.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member Firebaugh that the Assembly adjourn.

Roll Call Demanded

Assembly Members Cox, Mountjoy, and Strickland, demanded a roll call.

The roll was called, and the motion to adjourn carried by the following vote:

AYES—46

Berg	Firebaugh	Longville	Pavley
Bermudez	Goldberg	Lowenthal	Reyes
Calderon	Hancock	Matthews	Ridley-Thomas
Canciamilla	Horton, Jerome	Montanez	Simitian
Chan	Jackson	Mountjoy	Steinberg
Chavez	Kehoe	Mullin	Vargas
Chu	Koretz	Nakano	Wiggins
Cohn	Laird	Nation	Wolk
Corbett	Leno	Negrete McLeod	Yee
Diaz	Levine	Nunez	Mr. Speaker
Dutra	Lieber	Oropeza	
Dymally	Liu	Parra	

NOES—29

Aghazarian	Dutton	La Suer	Runner
Bates	Garcia	Leslie	Samuelian
Benoit	Harman	Maddox	Spitzer
Bogh	Haynes	Maldonado	Strickland
Campbell	Horton, Shirley	Maze	Wyland
Cogdill	Houston	McCarthy	
Cox	Keene	Nakanishi	
Daucher	La Malfa	Plescia	

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 9:40 p.m., Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

ADJOURNMENT

At 9:40 p.m., pursuant to the motion by Assembly Member Firebaugh, the Assembly adjourned, out of respect to the memory of Thomas Rees, on motion of Assembly Members Laird and Dymally; out of respect to the memory of Staff Sgt. Steven H. Bridges, on motion of Assembly Member Matthews; out of respect to the memory of Father William J. "Bill" O'Donnell, on motion of Assembly Member Hancock; out of respect to the memory of Roy Daniel Dean King, on motion of Assembly Member Corbett; out of respect to the memory of Bob Ross, on motion of Assembly Member Leno; out of respect to the memory of Milton Murset, on motion of Assembly Member Mountjoy; out of respect to the memory of Terrance Andrew Langston, on motion of Assembly Member Parra; out of respect to the memory of D. Ann Kogerman, on motion of Assembly Member Spitzer; out of respect to the memory of Roger Friesen, on motion of Assembly Member Pacheco; and out of respect to the memory of Peter Muth, on motion of Assembly Members Spitzer, Maddox, Pacheco, Bates, Correa, and Daucher.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON DECEMBER 11, 2003**

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

AB RN

8 0322101

9 0322077

ACA RN

5 0322095

Daily Total: 3

Cumulative Total: 5

CALIFORNIA LEGISLATURE

2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 6

Assembly Chamber, Sacramento
Monday, December 15, 2003

This Journal is printed pursuant to unanimous consent granted on November 18, 2003 (Assembly Journal, page 13), for introduction and reference of bills.

MESSAGES FROM THE SENATE

Senate Chamber, December 12, 2003

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

- Assembly Bill No. 8
- Assembly Bill No. 9

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

Above bills ordered enrolled.

Senate Chamber, December 12, 2003

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

- Assembly Constitutional Amendment No. 5

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

Above resolution ordered enrolled.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, December 12, 2003

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

- Assembly Bill No. 8
- Assembly Bill No. 9

And reports the same correctly enrolled, and presented to the Governor on the 12th day of December, 2003, at 4:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, December 12, 2003

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

Assembly Constitutional Amendment No. 5

And reports the same correctly enrolled, and presented to the Secretary of State on the 12th day of December, 2003, at 4:30 p.m.

E. DOTSON WILSON, Chief Clerk

HERB J. WESSON, JR., Speaker

LAWRENCE A. MURMAN, Acting Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 7

Assembly Chamber, Sacramento
Monday, December 22, 2003

This Journal is printed pursuant to unanimous consent granted on November 18, 2003 (Assembly Journal, page 13), for introduction and reference of bills.

INTRODUCTION OF ASSEMBLY BILLS

The following bill was introduced:

ASSEMBLY BILL NO. 12—Dutra (Principal coauthor: Nation). An act to amend Section 10754 of the Revenue and Taxation Code, and to repeal Item 9100-102-0001 of Section 2.00 of Chapter 157 of the Statutes of 2003, relating to vehicle license fees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

HERB J. WESSON, JR., Speaker

LAWRENCE A. MURMAN, Acting Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 6, 2004
FOURTH SESSION DAY
FIFTIETH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, January 6, 2004

The Assembly met at 4:40 p.m.

Hon. Herb J. Wesson, Jr., Speaker of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—77:

Aghazarian	Dymally	Lieber	Pavley
Bates	Firebaugh	Liu	Plescia
Benoit	Frommer	Longville	Reyes
Berg	Garcia	Lowenthal	Richman
Bermudez	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Maldonado	Runner
Calderon	Harman	Matthews	Salinas
Campbell	Haynes	Maze	Samuelian
Canciamilla	Horton, Shirley	McCarthy	Spitzer
Chan	Houston	Montanez	Steinberg
Chavez	Jackson	Mountjoy	Strickland
Chu	Keene	Mullin	Vargas
Cogdill	Kehoe	Nakanishi	Wiggins
Cohn	Koretz	Nakano	Wolk
Corbett	La Malfa	Nation	Wyland
Cox	La Suer	Negrete McLeod	Yee
Daucher	Laird	Nunez	Mr. Speaker
Diaz	Leno	Oropeza	
Dutra	Leslie	Pacheco	
Dutton	Levine	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Member Simitian.

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

To attend a funeral in the District: Assembly Member Jerome E. Horton.

(NOTE: For explanation of absence of Assembly Member Simitian on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

FIRST READING OF ASSEMBLY BILLS

The following bill was read the first time:

ASSEMBLY BILL NO. 12—Dutra (Principal coauthor: Nation). An act to amend Section 10754 of the Revenue and Taxation Code, and to repeal Item 9100-102-0001 of Section 2.00 of Chapter 157 of the Statutes of 2003, relating to vehicle license fees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

<i>Assembly Bill No.</i>	<i>Committee</i>
3 -----	Budget
7 -----	Budget
12 -----	Budget

ADJOURNMENT

At 5:31 p.m., the Assembly adjourned, to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 15, 2004
FIFTH SESSION DAY
FIFTY-NINTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 15, 2004

The Assembly met at 9:13 a.m.
Hon. Leland Y. Yee, Assistant Speaker pro Tempore of the
Assembly, presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—70:

Aghazarian	Dutra	Leno	Parra
Bates	Dutton	Leslie	Pavley
Benoit	Dymally	Levine	Plescia
Berg	Firebaugh	Lieber	Reyes
Bermudez	Frommer	Liu	Runner
Bogh	Garcia	Longville	Salinas
Calderon	Goldberg	Lowenthal	Samuelian
Campbell	Hancock	Maldonado	Spitzer
Canciamilla	Harman	Matthews	Steinberg
Chan	Haynes	McCarthy	Strickland
Chu	Horton, Jerome	Mountjoy	Vargas
Cogdill	Horton, Shirley	Mullin	Wiggins
Cohn	Houston	Nakanishi	Wolk
Corbett	Jackson	Nakano	Wyland
Correa	Keene	Negrete McLeod	Yee
Cox	La Malfa	Nunez	Mr. Speaker
Daucher	La Suer	Oropeza	
Diaz	Laird	Pacheco	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Chavez, Kehoe, Koretz, Maddox, Maze, and Ridley-Thomas.

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

Because of illness: Assembly Member Montanez.

Because of illness in their families: Assembly Members Nation and Richman.

(NOTE: For explanations of absences of Assembly Members Chavez, Kehoe, Koretz, Maddox, and Ridley-Thomas on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for explanation of absence of Assembly Member Maze on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Journal for January 13, 2004.)

COMMUNICATIONS

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

January 5, 2004

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

Dear Mr. Wilson,

This letter is to officially announce that as of Monday, January 5, 2004, the new Assembly Republican Leadership team is as follows.

Kevin McCarthy—Assembly Republican Leader
Russ Bogh—2nd Ranking Republican Leader/Caucus Chair
Assistant Leader—Rick Keene
Assistant Leader—Sharon Runner
Assistant Leader—Ray Haynes
Rules Vice Chair—Dave Cogdill
Whips: Greg Aghazarian
John Benoit
Doug La Malfa
George Plescia
Todd Spitzer
Mark Wyland

If you have any questions regarding this letter, please contact Julie Sauls at 319-2032.

It is an honor working with you in the California State Assembly.
Sincerely,

KEVIN MCCARTHY
Assembly Republican Leader

The following communications were presented by the Chief Clerk:

From Tricia Knight, Initiative Coordinator, Department of Justice, dated December 14, 2003, transmitting copies of the ballot labels, March 2, 2004 Primary, in accordance with the provisions of Elections Code sections 9050–9051, 13247, 13281–13282, and Government Code sections 88002–88003.

**Proposition 57
The Economic Recovery Bond Act
(Chapter 2, Statutes of 2003, 5th Extraordinary Session)**

Referred by the Speaker to the Committees on Budget and Elections, Redistricting and Constitutional Amendments.

**Proposition 58
The California Balanced Budget Act
(Resolution Chapter 1, Statutes of 2003, 5th Extraordinary Session)**

Referred by the Speaker to the Committees on Budget and Elections, Redistricting and Constitutional Amendments.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 22, 2004
SIXTH SESSION DAY
SIXTY-SIXTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 22, 2004

The Assembly met at 9:15 a.m.
Hon. Leland Y. Yee, Assistant Speaker pro Tempore of the
Assembly, presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Brian Ebbert reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dymally	Levine	Parra
Bates	Firebaugh	Lieber	Pavley
Benoit	Frommer	Liu	Plescia
Berg	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Ridley-Thomas
Calderon	Harman	Maldonado	Runner
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker
Dutton	Leslie	Pacheco	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On legislative business: Assembly Member Chan.

(NOTE: For explanation of absence of Assembly Member Chan on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 29, 2004

SEVENTH SESSION DAY

SEVENTY-THIRD CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 29, 2004

The Assembly met at 9:06 a.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maddox	Ridley-Thomas
Campbell	Harman	Maldonado	Runner
Canciamilla	Haynes	Matthews	Salinas
Chan	Horton, Jerome	Maze	Samuelian
Chavez	Horton, Shirley	McCarthy	Simitian
Chu	Houston	Montanez	Spitzer
Cogdill	Jackson	Mountjoy	Steinberg
Cohn	Keene	Mullin	Strickland
Corbett	Kehoe	Nakanishi	Vargas
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

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

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

CHRISTINE KEHOE, Speaker pro Tempore

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 5, 2004
EIGHTH SESSION DAY
EIGHTIETH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, February 5, 2004

The Assembly met at 9:16 a.m.
Hon. Leland Y. Yee, Assistant Speaker pro Tempore of the
Assembly, presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called, and the following answered to their names—70:

Aghazarian	Dutra	Lieber	Pavley
Bates	Dymally	Longville	Reyes
Benoit	Firebaugh	Lowenthal	Richman
Berg	Frommer	Maldonado	Ridley-Thomas
Bermudez	Garcia	Matthews	Runner
Bogh	Goldberg	Maze	Samuelian
Calderon	Harman	McCarthy	Simitian
Canciamilla	Haynes	Montanez	Spitzer
Chan	Horton, Jerome	Mountjoy	Steinberg
Chavez	Horton, Shirley	Mullin	Strickland
Chu	Houston	Nakanishi	Vargas
Cogdill	Jackson	Nakano	Wiggins
Cohn	Keene	Nation	Wolk
Corbett	Koretz	Negrete McLeod	Wyland
Correa	La Malfa	Nunez	Yee
Cox	Laird	Oropeza	Mr. Speaker
Daucher	Leno	Pacheco	
Diaz	Levine	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Dutton, Hancock, Kehoe, La Suer, Leslie, Maddox, and Salinas.

On personal business, and waiving per diem: Assembly Members Campbell, Liu, and Plescia.

(NOTE: For explanations of absences of Assembly Members Dutton, Hancock, Kehoe, La Suer, Maddox, and Salinas on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for explanation of absence of Assembly Member Leslie on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Journal for February 2, 2004.)

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 12, 2004
NINTH SESSION DAY
EIGHTY-SEVENTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, February 12, 2004

The Assembly met at 9:17 a.m.

Hon. Fabian Nunez, Speaker of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called, and the following answered to their names—73:

Aghazarian	Dymally	Levine	Plescia
Bates	Firebaugh	Lieber	Reyes
Benoit	Frommer	Liu	Ridley-Thomas
Berg	Garcia	Lowenthal	Runner
Bermudez	Goldberg	Maldonado	Salinas
Bogh	Hancock	Matthews	Samuelian
Calderon	Harman	Maze	Simitian
Canciamilla	Haynes	McCarthy	Spitzer
Chan	Horton, Jerome	Montanez	Steinberg
Chavez	Horton, Shirley	Mountjoy	Strickland
Chu	Houston	Mullin	Vargas
Cogdill	Jackson	Nakanishi	Wesson
Cohn	Keene	Nakano	Wiggins
Corbett	Koretz	Nation	Wolk
Correa	La Malfa	Negrete McLeod	Yee
Cox	La Suer	Oropeza	Mr. Speaker
Diaz	Laird	Pacheco	
Dutra	Leno	Parra	
Dutton	Leslie	Pavley	

Quorum present.

PRAYER

Upon invitation of Speaker Nunez, the following prayer was offered by Assembly Chaplain Rev. Constantine C. Pappademos:

Lord God, We cannot place ourselves directly in Your presence unless we impose upon ourselves, interior and exterior silence. Help us to accustom ourselves to stillness of the soul, stillness of the eyes and stillness of the tongue. For there is no life of prayer without silence. Everything good that happens in our life begins with prayer to You, and that prayer is born in the silence of our hearts.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Nunez, Assembly Member Chan then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Frommer, seconded by Assembly Member McCarthy.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Daucher, Kehoe, Longville, Maddox, and Richman.

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

Because of illness: Assembly Member Wyland.

(NOTE: For explanations of absences of Assembly Members Daucher, Kehoe, Longville, Maddox, and Richman on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ELECTION OF SPEAKER

Assembly Member Frommer was granted unanimous consent that the unanimous consent vote on January 8, 2004 (Assembly Journal, page 4172), electing Assembly Member Fabian Nunez to the Office of Speaker of the Assembly for the 2003–04 Regular Session, and the Oath of Office administered on February 9, 2004 (Assembly Journal, page 4502) by Hon. Ronald M. George, Chief Justice of California, be substituted in the 2003–04 Fifth Extraordinary Session.

OATH

for the Office of Speaker of the Assembly

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

RECESS

By unanimous consent, at 9:18 a.m., Speaker Nunez declared the Assembly recessed.

COMMUNICATIONS

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

February 12, 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 changes to the Democratic Leadership for the 2003–04 Fifth Extraordinary Session, consistent with the Regular Session:

Speaker pro Tempore	Hon. Leland Yee
Assistant Speaker pro Tempore	Hon. Sally Lieber
Majority Floor Leader/Majority Leader	Hon. Dario Frommer
Assistant Majority Leader	Hon. Ron Calderon
Majority Whip	Hon. Lloyd Levine
Democratic Caucus Chair	Hon. George Nakano
Rules Committee Chair	Hon. Cindy Montanez

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

February 12, 2004

E. Dotson Wilson

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

Dear Dotson: This is to advise you that I am reappointing the Democratic membership of the Assembly Rules Committee for the 2003–04 Fifth Extraordinary Session as follows:

Assemblymember Cindy Montanez, Chair
Assemblymember Marco Firebaugh
Assemblymember Loni Hancock
Assemblymember Christine Kehoe
Assemblymember Gene Mullin
Assemblymember Ron Calderon, Democratic Alternate

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

February 12, 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 Assembly Elections, Redistricting and Constitutional Amendments Committee for the 2003–04 Fifth Extraordinary Session, consistent with the Regular Session:

Assemblymember John Longville, Chair
 Assemblymember Steven Samuelian, Vice Chair
 Assemblymember Jerome Horton
 Assemblymember Lloyd Levine
 Assemblymember Tony Strickland
 Two Democratic vacancies

Sincerely,

FABIAN NUÑEZ
 Speaker of the Assembly

February 12, 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 Assembly Budget Committee for the 2003–04 Fifth Extraordinary Session, consistent with the Regular Session:

Assemblymember Darrell Steinberg, Chair
 Assemblymember Rick Keene, Vice Chair
 Assemblymember Patricia Bates
 Assemblymember John Benoit
 Assemblymember Rudy Bermudez
 Assemblymember John Campbell
 Assemblymember Joe Canciamilla
 Assemblymember Wilma Chan
 Assemblymember Dave Cogdill
 Assemblymember Lynn Daucher
 Assemblymember Manny Diaz
 Assemblymember John Dutra
 Assemblymember Mervyn Dymally
 Assemblymember Jackie Goldberg
 Assemblymember Loni Hancock
 Assemblymember Tom Harman
 Assemblymember Ray Haynes
 Assemblymember Hannah-Beth Jackson
 Assemblymember Lloyd Levine
 Assemblymember Carol Liu
 Assemblymember Bill Maze
 Assemblymember Cindy Montanez

Assemblymember George Nakano
Assemblymember Robert Pacheco
Assemblymember Fran Pavley
Assemblymember George Plescia
Assemblymember Sarah Reyes
Assemblymember Sharon Runner
Assemblymember Joe Simitian
Assemblymember Lois Wolk
One Democratic vacancy

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 19, 2004

TENTH SESSION DAY

NINETY-FOURTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, February 19, 2004

The Assembly met at 11:14 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—71:

Aghazarian	Diaz	Leslie	Plescia
Bates	Dutra	Levine	Reyes
Benoit	Dymally	Lieber	Richman
Berg	Firebaugh	Liu	Ridley-Thomas
Bermudez	Frommer	Lowenthal	Runner
Bogh	Garcia	Maldonado	Salinas
Calderon	Hancock	Matthews	Samuelian
Campbell	Harman	Maze	Spitzer
Canciamilla	Haynes	McCarthy	Steinberg
Chan	Horton, Jerome	Montanez	Strickland
Chavez	Horton, Shirley	Mountjoy	Vargas
Chu	Houston	Mullin	Wesson
Cogdill	Jackson	Nakanishi	Wiggins
Cohn	Keene	Nakano	Wolk
Corbett	Koretz	Negrete McLeod	Wyland
Correa	La Malfa	Oropeza	Yee
Cox	Laird	Parra	Mr. Speaker
Daucher	Leno	Pavley	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Dutton, Goldberg, Kehoe, La Suer, Longville, Maddox, Pacheco, and Simitian.

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

(NOTE: For explanations of absences of Assembly Members Dutton, Goldberg, Kehoe, La Suer, Longville, Maddox, Pacheco, and Simitian on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 26, 2004

ELEVENTH SESSION DAY

ONE HUNDRED 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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, February 26, 2004

The Assembly met at 9:18 a.m.
Hon. Sally Lieber, Assistant Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—71:

Aghazarian	Dutton	Laird	Pacheco
Bates	Dymally	Leno	Parra
Benoit	Firebaugh	Leslie	Pavley
Berg	Frommer	Lieber	Plescia
Bermudez	Garcia	Liu	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maldonado	Ridley-Thomas
Canciamilla	Harman	Matthews	Runner
Chan	Haynes	Maze	Salinas
Chavez	Horton, Jerome	McCarthy	Samuelian
Chu	Horton, Shirley	Montanez	Spitzer
Cogdill	Houston	Mountjoy	Steinberg
Cohn	Jackson	Mullin	Vargas
Corbett	Keene	Nakanishi	Wiggins
Correa	Kehoe	Nakano	Wolk
Cox	Koretz	Nation	Wyland
Daucher	La Malfa	Negrete McLeod	Mr. Speaker
Dutra	La Suer	Oropeza	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Levine, Longville, Maddox, Simitian, Wesson, and Yee.

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

On personal business, and waiving per diem: Assembly Members Campbell and Diaz.

(NOTE: For explanations of absences of Assembly Members Levine, Longville, Simitian, Wesson, and Yee on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session on this day; for explanation of absence of Assembly Member Maddox on this day, on legislative business, and Assembly Member Strickland on legislative business and waiving per diem pursuant to the Assembly Rules, see the Assembly Journal for February 25, 2004.)

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 4, 2004

TWELFTH SESSION DAY

ONE HUNDRED EIGHTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, March 4, 2004

The Assembly met at 9:37 a.m.
Hon. Fabian Nunez, Speaker of the Assembly, presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—73:

Aghazarian	Firebaugh	Levine	Plescias
Benoit	Frommer	Lieber	Reyes
Berg	Garcia	Liu	Richman
Bermudez	Goldberg	Longville	Ridley-Thomas
Bogh	Hancock	Lowenthal	Runner
Calderon	Harman	Maddox	Salinas
Campbell	Haynes	Maldonado	Samuelian
Canciamilla	Horton, Jerome	Matthews	Spitzer
Chan	Horton, Shirley	McCarthy	Steinberg
Chavez	Houston	Montanez	Strickland
Chu	Jackson	Mountjoy	Vargas
Cogdill	Keene	Mullin	Wiggins
Cohn	Kehoe	Nakanishi	Wolk
Corbett	Koretz	Nakano	Wyland
Correa	La Malfa	Nation	Yee
Cox	La Suer	Negrete McLeod	Mr. Speaker
Dutra	Laird	Pacheco	
Dutton	Leno	Parra	
Dymally	Leslie	Pavley	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Bates, Maze, Oropeza, and Wesson.

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

Because of illness: Assembly Members Daucher and Diaz.

(NOTE: For explanations of absences of Assembly Members Bates, Maze, Oropeza, and Wesson on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 11, 2004

THIRTEENTH SESSION DAY

ONE HUNDRED FIFTEENTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, March 11, 2004

The Assembly met at 10:08 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Francesca Vega reading.

ROLL CALL

The following were placed upon the morning roll call—76:

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Levine	Pavley
Benoit	Firebaugh	Lieber	Plescia
Berg	Frommer	Liu	Reyes
Bermudez	Garcia	Longville	Richman
Bogh	Goldberg	Lowenthal	Ridley-Thomas
Campbell	Hancock	Maddox	Runner
Canciamilla	Harman	Maldonado	Salinas
Chan	Haynes	Matthews	Samuelian
Chavez	Horton, Jerome	Maze	Simitian
Chu	Horton, Shirley	McCarthy	Spitzer
Cogdill	Houston	Montanez	Steinberg
Cohn	Jackson	Mountjoy	Strickland
Corbett	Keene	Mullin	Vargas
Correa	Koretz	Nakanishi	Wesson
Cox	La Malfa	Nakano	Wolk
Daucher	La Suer	Nation	Wyland
Diaz	Laird	Negrete McLeod	Yee
Dutra	Leno	Pacheco	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Calderon, Kehoe, and Oropeza.

To attend a funeral in the District: Assembly Member Wiggins.

(NOTE: For explanations of absences of Assembly Members Calderon, Kehoe, and Oropeza on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 18, 2004

FOURTEENTH SESSION DAY

ONE HUNDRED TWENTY-SECOND CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, March 18, 2004

The Assembly met at 9:10 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—71:

Aghazarian	Diaz	Leslie	Parra
Bates	Dutra	Levine	Pavley
Benoit	Dymally	Lieber	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Garcia	Lowenthal	Richman
Bogh	Goldberg	Maldonado	Salinas
Calderon	Hancock	Matthews	Samuelian
Campbell	Harman	Maze	Simitian
Canciamilla	Haynes	McCarthy	Spitzer
Chan	Horton, Jerome	Montanez	Steinberg
Chavez	Horton, Shirley	Mountjoy	Vargas
Chu	Houston	Mullin	Wesson
Cogdill	Jackson	Nakanishi	Wiggins
Cohn	Keene	Nakano	Wolk
Corbett	Koretz	Nation	Wyland
Correa	La Malfa	Negrete McLeod	Yee
Cox	Laird	Oropeza	Mr. Speaker
Daucher	Leno	Pacheco	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Dutton, Kehoe, La Suer, Maddox, Ridley-Thomas, Runner, and Strickland.

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

Because of illness: Assembly Member Firebaugh.

(NOTE: For explanations of absences of Assembly Members Dutton, Kehoe, La Suer, Maddox, Ridley-Thomas, Runner, and Strickland on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

March 10, 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 Assemblymember John Laird to replace Assemblymember Christine Kehoe on the Assembly Rules Committee for the Thursday, March 11, 2004 hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

March 18, 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 Assemblymember Lloyd Levine to replace Assemblymember Marco Firebaugh on the Assembly Rules Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

March 18, 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 Assemblymembers John Laird and Mark Leno to fill the two Democratic vacancies on the Assembly Elections, Redistricting and Constitutional Amendments Committee for March 18–19, 2004 only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 25, 2004

FIFTEENTH SESSION DAY

ONE HUNDRED TWENTY-NINTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, March 25, 2004

The Assembly met at 9:15 a.m.
Hon. Sally J. Lieber, Assistant Speaker pro Tempore of the
Assembly, presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—68:

Aghazarian	Dymally	Leno	Parra
Bates	Frommer	Leslie	Pavley
Benoit	Garcia	Levine	Plescia
Berg	Goldberg	Lieber	Reyes
Bermudez	Hancock	Longville	Richman
Calderon	Harman	Maddox	Ridley-Thomas
Canciamilla	Haynes	Maldonado	Runner
Chavez	Horton, Jerome	Matthews	Salinas
Chu	Horton, Shirley	Maze	Samuelian
Cogdill	Houston	McCarthy	Spitzer
Cohn	Jackson	Mountjoy	Strickland
Correa	Keene	Mullin	Vargas
Cox	Kehoe	Nakanishi	Wesson
Daucher	Koretz	Nakano	Wiggins
Diaz	La Malfa	Nation	Wolk
Dutra	La Suer	Negrete McLeod	Wyland
Dutton	Laird	Pacheco	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Bogh, Corbett, Firebaugh, Lowenthal, Montanez, and Yee.

On personal business, and waiving per diem: Assembly Members Campbell, Liu, Simitian, and Steinberg.

Because of illness: Assembly Members Chan and Oropeza.

(NOTE: For explanations of absences of Assembly Members Bogh, Corbett, Firebaugh, Lowenthal, and Yee on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for explanation of absence of Assembly Member Montanez on this day, see the Assembly Journal for March 22, 2004.)

COMMUNICATIONS

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

March 19, 2004

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

Dear Dotson: Please be advised that I have made the following changes to Assembly standing committees for the 2003–04 Fifth Extraordinary Session:

Budget Committee: I have removed Assemblymembers John Campbell and Cindy Montanez, and have appointed Assemblymember John Laird to fill the Democratic vacancy and Assemblymember Sally Lieber to replace Assemblymember Montanez, reducing the size of the committee from 31 to 30 members.

Elections, Redistricting and Constitutional Amendments: No change.

Rules Committee: I have removed Assemblymember Lynn Daucher as the Republican Alternate.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

March 22, 2004

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

Dear Dotson: This is to advise you that I appointed Assemblymember Marco Firebaugh to replace Assemblymember Cindy Montanez on the Assembly Rules Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

March 24, 2004

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

Dear Dotson: This is to advise you that I appointed Assemblymember Dario Frommer to replace Assemblymember Marco Firebaugh on the Assembly Rules Committee for the Thursday, March 25th hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, April 1, 2004

SIXTEENTH SESSION DAY

ONE HUNDRED THIRTY-SIXTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, April 1, 2004

The Assembly met at 9:14 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—73:

Aghazarian	Dymally	Levine	Pavley
Bates	Firebaugh	Lieber	Plescia
Benoit	Frommer	Liu	Reyes
Berg	Garcia	Longville	Richman
Bermudez	Goldberg	Lowenthal	Ridley-Thomas
Bogh	Hancock	Maldonado	Runner
Calderon	Haynes	Matthews	Salinas
Campbell	Horton, Jerome	Maze	Samuelian
Chan	Horton, Shirley	McCarthy	Spitzer
Chavez	Houston	Montanez	Steinberg
Chu	Jackson	Mountjoy	Strickland
Cogdill	Keene	Mullin	Vargas
Cohn	Kehoe	Nakanishi	Wesson
Corbett	Koretz	Nakano	Wyland
Correa	La Malfa	Nation	Yee
Daucher	La Suer	Negrete McLeod	Mr. Speaker
Diaz	Laird	Oropeza	
Dutra	Leno	Pacheco	
Dutton	Leslie	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Harman and Maddox.

On legislative business, per diem waived for the 2003–2004 Session (See Assembly Journal, page 126): Assembly Member Wolk.

On personal business, and waiving per diem: Assembly Members Canciamilla, Cox, and Simitian.

Because of illness: Assembly Member Wiggins.

(NOTE: For explanations of absences of Assembly Members Maddox and Wolk on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for explanation of absence of Assembly Member Harman, see the Assembly Journal for March 30, 2004.)

ADJOURNMENT

At 3:30 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Friday, April 16, 2004

**SEVENTEENTH SESSION DAY
ONE HUNDRED FIFTY-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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, April 16, 2004

The Assembly met at 9:24 a.m.

Hon. Fabian Nunez, Speaker of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian Ebbert reading.

ROLL CALL

The following were placed upon the morning roll call—80:

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Levine	Pavley
Benoit	Firebaugh	Lieber	Plescia
Berg	Frommer	Liu	Reyes
Bermudez	Garcia	Longville	Richman
Bogh	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Maddox	Runner
Campbell	Harman	Maldonado	Salinas
Canciamilla	Haynes	Matthews	Samuelian
Chan	Horton, Jerome	Maze	Simitian
Chavez	Horton, Shirley	McCarthy	Spitzer
Chu	Houston	Montanez	Steinberg
Cogdill	Jackson	Mountjoy	Strickland
Cohn	Keene	Mullin	Vargas
Corbett	Kehoe	Nakanishi	Wesson
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

COMMUNICATIONS

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

April 13, 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 Assemblymember Gene Mullin to fill a Democratic vacancy on the Assembly Elections, Redistricting and Constitutional Amendments Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

April 15, 2004

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

Dear Dotson: This is to advise you that I appointed Assemblymember Mervyn Dymally to replace Assemblymember Marco Firebaugh on the Assembly Rules Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, April 22, 2004

EIGHTEENTH SESSION DAY

ONE HUNDRED FIFTY-SEVENTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, April 22, 2004

The Assembly met at 9:11 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dutton	Levine	Pavley
Bates	Dymally	Lieber	Plescia
Benoit	Firebaugh	Liu	Reyes
Berg	Frommer	Longville	Richman
Bermudez	Garcia	Lowenthal	Ridley-Thomas
Bogh	Goldberg	Maddox	Runner
Calderon	Harman	Maldonado	Salinas
Campbell	Haynes	Matthews	Samuelian
Canciamilla	Horton, Jerome	Maze	Simitian
Chan	Horton, Shirley	McCarthy	Spitzer
Chavez	Houston	Montanez	Steinberg
Chu	Jackson	Mountjoy	Strickland
Cogdill	Keene	Mullin	Vargas
Cohn	Kehoe	Nakanishi	Wesson
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Oropeza	Yee
Diaz	Leno	Pacheco	Mr. Speaker
Dutra	Leslie	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On legislative business: Assembly Member Hancock.

(NOTE: For explanation of absence of Assembly Member Hancock on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

April 20, 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 Assemblymembers Gene Mullin and Juan Vargas to fill the two Democratic vacancies on the Assembly Elections, Redistricting and Constitutional Amendments Committee for the Tuesday, April 20th hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, April 29, 2004

NINETEENTH SESSION DAY

ONE HUNDRED SIXTY-FOURTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, April 29, 2004

The Assembly met at 9:38 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—72:

Aghazarian	Diaz	La Suer	Negrete McLeod
Bates	Dutra	Laird	Oropeza
Benoit	Dutton	Leno	Parra
Berg	Dymally	Levine	Reyes
Bermudez	Firebaugh	Lieber	Richman
Bogh	Frommer	Liu	Ridley-Thomas
Calderon	Garcia	Longville	Runner
Campbell	Goldberg	Lowenthal	Salinas
Canciamilla	Hancock	Maddox	Samuelian
Chan	Harman	Matthews	Simitian
Chavez	Horton, Jerome	Maze	Spitzer
Chu	Horton, Shirley	McCarthy	Steinberg
Cogdill	Houston	Montanez	Strickland
Cohn	Jackson	Mountjoy	Wesson
Corbett	Keene	Mullin	Wolk
Correa	Kehoe	Nakanishi	Wyland
Cox	Koretz	Nakano	Yee
Daucher	La Malfa	Nation	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Leslie, Pacheco, Pavley, Vargas, and Wiggins.

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

To attend a funeral in the District: Assembly Member Maldonado.

Because of illness: Assembly Member Haynes.

(NOTE: For explanations of absences of Assembly Members Leslie, Pacheco, Pavley, Vargas, and Wiggins on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

April 26, 2004

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

Dear Dotson: This is to advise you that I appointed Assemblymember Lloyd Levine to replace Assemblymember Christine Kehoe on the Assembly Rules Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, May 6, 2004

TWENTIETH SESSION DAY

ONE HUNDRED SEVENTY-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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, May 6, 2004

The Assembly met at 9:44 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—74:

Aghazarian	Dymally	Leslie	Pavley
Bates	Firebaugh	Levine	Plescia
Benoit	Frommer	Lieber	Reyes
Berg	Garcia	Longville	Ridley-Thomas
Bermudez	Goldberg	Lowenthal	Salinas
Bogh	Hancock	Maldonado	Samuelian
Calderon	Harman	Matthews	Simitian
Campbell	Haynes	Maze	Spitzer
Canciamilla	Horton, Jerome	McCarthy	Steinberg
Chavez	Horton, Shirley	Montanez	Strickland
Chu	Houston	Mountjoy	Vargas
Cogdill	Jackson	Mullin	Wesson
Cohn	Keene	Nakanishi	Wiggins
Correa	Kehoe	Nakano	Wolk
Cox	Koretz	Nation	Wyland
Daucher	La Malfa	Negrete McLeod	Yee
Diaz	La Suer	Oropeza	Mr. Speaker
Dutra	Laird	Pacheco	
Dutton	Leno	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Liu, Maddox, Richman, and Runner.

Because of illness: Assembly Members Chan and Corbett.

(NOTE: For explanations of absences of Assembly Members Liu, Maddox, Richman, and Runner on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

April 30, 2004

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

Dear Dotson: At the request of Minority Leader McCarthy, Assemblymember Ray Haynes is appointed to replace Assemblymember Tim Leslie on the Assembly Rules Committee. Assemblymember Leslie is appointed to fill the vacancy as the Republican Alternate on the committee.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

May 4, 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 Assemblymember Cindy Montanez to replace Assemblymember Jerome Horton on the Elections, Redistricting and Constitutional Amendments Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, May 13, 2004

TWENTY-FIRST SESSION DAY

ONE HUNDRED SEVENTY-EIGHTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, May 13, 2004

The Assembly met at 6 a.m.

Hon. Dave Cox, Assembly Member, 5th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—58:

Aghazarian	Garcia	Lieber	Pavley
Benoit	Goldberg	Liu	Plescia
Berg	Hancock	Longville	Reyes
Bermudez	Harman	Lowenthal	Ridley-Thomas
Calderon	Horton, Shirley	Maddox	Salinas
Campbell	Jackson	Matthews	Samuelian
Canciamilla	Keene	Maze	Spitzer
Chu	Kehoe	Montanez	Steinberg
Cogdill	Koretz	Mountjoy	Vargas
Cohn	La Malfa	Mullin	Wiggins
Cox	La Suer	Nakanishi	Wolk
Daucher	Laird	Nation	Wyland
Diaz	Leno	Negrete McLeod	Mr. Speaker
Dutra	Leslie	Oropeza	
Dutton	Levine	Parra	

Quorum present.

At 11:56 a.m., Hon. Rudy Bermudez, 56th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Bates, Bogh, Chan, Chavez, Corbett, Correa, Dymally, Firebaugh, Frommer, Haynes, Jerome E. Horton, Houston, Nakano, Pacheco, Richman, Strickland, Wesson, and Yee.

To attend funeral services for Senator William J. "Pete" Knight: Assembly Members Maldonado, McCarthy, and Runner.

Because of illness: Assembly Member Simitian.

(NOTE: For explanations of absences of Assembly Members Bates, Bogh, Chan, Chavez, Corbett, Correa, Dymally, Firebaugh, Frommer, Haynes, Jerome E. Horton, Houston, Nakano, Pacheco, Richman, Strickland, Wesson, and Yee on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

May 12, 2004

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

Dear Dotson: This is to advise you that I appointed Assemblymember Lloyd Levine to replace Assemblymember Marco Firebaugh on the Assembly Rules Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

May 13, 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 Assemblymember Marco Firebaugh to the Budget Committee for the balance of the month of May 2004.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, May 20, 2004

**TWENTY-SECOND SESSION DAY
ONE HUNDRED EIGHTY-FIFTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, May 20, 2004

The Assembly met at 9:15 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dutton	Leslie	Pavley
Bates	Dymally	Levine	Plescia
Benoit	Firebaugh	Lieber	Reyes
Berg	Frommer	Liu	Richman
Bermudez	Garcia	Longville	Ridley-Thomas
Bogh	Goldberg	Lowenthal	Runner
Calderon	Hancock	Maddox	Salinas
Campbell	Harman	Maldonado	Samuelian
Canciamilla	Haynes	Matthews	Simitian
Chan	Horton, Jerome	McCarthy	Spitzer
Chavez	Horton, Shirley	Montanez	Steinberg
Chu	Houston	Mountjoy	Strickland
Cogdill	Jackson	Mullin	Vargas
Cohn	Keene	Nakanishi	Wesson
Corbett	Kehoe	Nakano	Wiggins
Correa	Koretz	Nation	Wolk
Cox	La Malfa	Negrete McLeod	Wyland
Daucher	La Suer	Oropeza	Yee
Diaz	Laird	Pacheco	Mr. Speaker
Dutra	Leno	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On legislative business: Assembly Member Maze.

(NOTE: For explanation of absence of Assembly Member Maze on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for May 18, 2004.)

COMMUNICATIONS

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

May 19, 2004

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

Dear Dotson: This is to designate the following Assemblymembers as Democratic Assistant Whips for the 2003–04 Fifth Extraordinary Session:

Assemblymember Jackie Goldberg
Assemblymember Gloria Negrete McLeod
Assemblymember Fran Pavley
Assemblymember Simon Salinas

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, May 27, 2004

TWENTY-THIRD SESSION DAY

ONE HUNDRED NINETY-SECOND CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, May 27, 2004

The Assembly met at 9:50 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—80:

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Levine	Pavley
Benoit	Firebaugh	Lieber	Plescia
Berg	Frommer	Liu	Reyes
Bermudez	Garcia	Longville	Richman
Bogh	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Maddox	Runner
Campbell	Harman	Maldonado	Salinas
Canciamilla	Haynes	Matthews	Samuelian
Chan	Horton, Jerome	Maze	Simitian
Chavez	Horton, Shirley	McCarthy	Spitzer
Chu	Houston	Montanez	Steinberg
Cogdill	Jackson	Mountjoy	Strickland
Cohn	Keene	Mullin	Vargas
Corbett	Kehoe	Nakanishi	Wesson
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

COMMUNICATIONS

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

May 25, 2004

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

Dear Dotson: This is to designate Assemblymember Mark Ridley-Thomas as a Democratic Assistant Whip for the 2003–04 Fifth Extraordinary Session.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ADJOURNMENT

At 4:47 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, June 3, 2004

**TWENTY-FOURTH SESSION DAY
ONE HUNDRED NINETY-NINTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, June 3, 2004

The Assembly met at 9:41 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—69:

Aghazarian	Firebaugh	Liu	Plescica
Bates	Frommer	Longville	Reyes
Benoit	Garcia	Lowenthal	Richman
Berg	Goldberg	Maddox	Ridley-Thomas
Bogh	Hancock	Maldonado	Salinas
Campbell	Harman	Matthews	Samuelian
Canciamilla	Haynes	Maze	Simitian
Chan	Horton, Jerome	McCarthy	Spitzer
Chu	Horton, Shirley	Montanez	Steinberg
Cogdill	Houston	Mountjoy	Vargas
Cohn	Jackson	Mullin	Wesson
Corbett	Keene	Nakanishi	Wiggins
Correa	La Malfa	Nakano	Wyland
Cox	La Suer	Nation	Yee
Daucher	Laird	Negrete McLeod	Mr. Speaker
Dutra	Leno	Oropeza	
Dutton	Levine	Parra	
Dymally	Lieber	Pavley	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Bermudez, Calderon, Chavez, Diaz, Koretz, Pacheco, Runner, and Strickland.

Because of illness: Assembly Members Kehoe, Leslie, and Wolk.

(NOTE: For explanations of absences of Assembly Members Bermudez, Calderon, Chavez, Diaz, Koretz, Pacheco, and Strickland on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for explanation of absence of Assembly Member Runner, on legislative business, see the Assembly Daily Journal for June 2, 2004.)

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, June 10, 2004

TWENTY-FIFTH SESSION DAY

TWO HUNDRED SIXTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, June 10, 2004

The Assembly met at 9:12 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dymally	Levine	Pavley
Bates	Firebaugh	Lieber	Plescia
Benoit	Frommer	Liu	Reyes
Berg	Garcia	Longville	Richman
Bermudez	Goldberg	Lowenthal	Ridley-Thomas
Bogh	Hancock	Maddox	Runner
Calderon	Harman	Maldonado	Salinas
Campbell	Haynes	Matthews	Samuelian
Canciamilla	Horton, Jerome	Maze	Simitian
Chan	Horton, Shirley	McCarthy	Spitzer
Chavez	Houston	Montanez	Steinberg
Chu	Jackson	Mountjoy	Strickland
Cogdill	Keene	Mullin	Vargas
Cohn	Kehoe	Nakanishi	Wesson
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker
Dutton	Leslie	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On legislative business: Assembly Member Corbett.

(NOTE: For explanation of absence of Assembly Member Corbett on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, June 17, 2004

TWENTY-SIXTH SESSION DAY

TWO HUNDRED THIRTEENTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, June 17, 2004

The Assembly met at 9:20 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Aghazarian	Dymally	Levine	Pavley
Bates	Firebaugh	Lieber	Plescia
Benoit	Frommer	Liu	Reyes
Berg	Garcia	Longville	Richman
Bermudez	Goldberg	Lowenthal	Ridley-Thomas
Bogh	Hancock	Maddox	Runner
Calderon	Harman	Maldonado	Salinas
Campbell	Haynes	Matthews	Samuelian
Canciamilla	Horton, Jerome	Maze	Simitian
Chan	Horton, Shirley	McCarthy	Spitzer
Chavez	Houston	Montanez	Steinberg
Chu	Jackson	Mountjoy	Strickland
Cogdill	Keene	Mullin	Vargas
Corbett	Kehoe	Nakanishi	Wesson
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker
Dutton	Leslie	Parra	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On legislative business: Assembly Member Cohn.

(NOTE: For explanation of absence of Assembly Member Cohn on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

June 15, 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 Assemblymembers Rudy Bermudez and Marco Firebaugh to fill the Democratic vacancies on the Elections, Redistricting and Constitutional Amendments Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, June 24, 2004

**TWENTY-SEVENTH SESSION DAY
TWO HUNDRED TWENTIETH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, June 24, 2004

The Assembly met at 9:16 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—80:

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Levine	Pavley
Benoit	Firebaugh	Lieber	Plescia
Berg	Frommer	Liu	Reyes
Bermudez	Garcia	Longville	Richman
Bogh	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Maddox	Runner
Campbell	Harman	Maldonado	Salinas
Canciamilla	Haynes	Matthews	Samuelian
Chan	Horton, Jerome	Maze	Simitian
Chavez	Horton, Shirley	McCarthy	Spitzer
Chu	Houston	Montanez	Steinberg
Cogdill	Jackson	Mountjoy	Strickland
Cohn	Keene	Mullin	Vargas
Corbett	Kehoe	Nakanishi	Wesson
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

COMMUNICATIONS

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

June 22, 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 Assemblymembers Marco Firebaugh and Herb Wesson to fill the two Democratic vacancies on the Assembly Elections, Redistricting and Constitutional Amendments Committee for today's hearing only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Friday, July 2, 2004

TWENTY-EIGHTH SESSION DAY

TWO HUNDRED TWENTY-EIGHTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, July 2, 2004

The Assembly met at 11:15 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—75:

Aghazarian	Dutra	Leslie	Parra
Bates	Dutton	Levine	Pavley
Benoit	Dymally	Lieber	Plescia
Berg	Firebaugh	Liu	Reyes
Bermudez	Frommer	Longville	Richman
Bogh	Garcia	Lowenthal	Runner
Calderon	Goldberg	Maddox	Salinas
Campbell	Hancock	Matthews	Samuelian
Canciamilla	Harman	Maze	Simitian
Chan	Horton, Jerome	McCarthy	Spitzer
Chavez	Horton, Shirley	Montanez	Steinberg
Chu	Houston	Mountjoy	Strickland
Cogdill	Jackson	Mullin	Vargas
Cohn	Keene	Nakanishi	Wiggins
Corbett	Kehoe	Nakano	Wolk
Correa	Koretz	Nation	Wyland
Cox	La Malfa	Negrete McLeod	Yee
Daucher	Laird	Oropeza	Mr. Speaker
Diaz	Leno	Pacheco	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Haynes, La Suer*, Ridley-Thomas and Wesson.*

Because of illness: Assembly Member Maldonado.

(NOTE: For explanations of absences of Assembly Members Ridley-Thomas and Wesson on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; *this day's Journal record corrected to reflect Assembly Members Haynes and La Suer absent on legislative business, pursuant to further explanation of absence received on July 7, 2004. (See Assembly Journal for the Regular Session, page 6730.))

ADJOURNMENT

At 3:55 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, July 8, 2004

TWENTY-NINTH SESSION DAY

TWO HUNDRED THIRTY-FOURTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, July 8, 2004

The Assembly met at 7 a.m.

Hon. Jay La Suer, Assembly Member, 77th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—47:

Bates	Diaz	Lieber	Plescia
Benoit	Dutton	Lowenthal	Reyes
Berg	Garcia	Maddox	Richman
Bermudez	Goldberg	Matthews	Runner
Bogh	Harman	Maze	Spitzer
Calderon	Haynes	McCarthy	Steinberg
Campbell	Horton, Shirley	Montanez	Strickland
Canciamilla	Houston	Mountjoy	Wiggins
Chu	Keene	Nakanishi	Wolk
Cogdill	La Suer	Nation	Wyland
Cohn	Leslie	Negrete McLeod	Mr. Speaker
Cox	Levine	Pavley	

Quorum present.

**At 1:25 p.m., Assistant Speaker pro Tempore Sally Lieber,
22nd District, presiding**

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Chan, Chavez, Corbett, Correa, Daucher, Dutra, Firebaugh, Hancock, Jerome E. Horton, Jackson, Kehoe, Koretz, La Malfa, Laird, Leno, Liu, Longville, Nakano, Oropeza, Pacheco, Parra, Ridley-Thomas, Salinas, Samuelian, Simitian, Wesson, and Yee.

On legislative business, and waiving per diem: Assembly Members Frommer and Mullin.

On personal business, and waiving per diem: Assembly Members Maldonado and Vargas.

Because of illness: Assembly Members Aghazarian and Dymally.

(NOTE: For letters explaining the absences of Assembly Members Chan, Chavez, Corbett, Correa, Daucher, Dutra, Firebaugh, Frommer, Hancock, Jerome E. Horton, Jackson, Kehoe, Koretz, La Malfa, Laird, Leno, Liu, Longville, Nakano, Oropeza, Pacheco, Ridley-Thomas, Salinas, Samuelian, Simitian, Wesson, and Yee on this day on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day; for explanations of absences of Assembly Members Mullin and Parra on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for July 7, 2004.)

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, July 15, 2004

THIRTIETH SESSION DAY

TWO HUNDRED FORTY-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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, July 15, 2004

The Assembly met at 6 a.m.

Hon. Todd Spitzer, Assembly Member, 71st District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—45:

Aghazarian	Dymally	Levine	Runner
Benoit	Firebaugh	Liu	Salinas
Berg	Garcia	Longville	Spitzer
Bermudez	Harman	Lowenthal	Steinberg
Bogh	Haynes	Maddox	Strickland
Calderon	Horton, Jerome	Matthews	Vargas
Canciamilla	Keene	Maze	Wesson
Chavez	Koretz	McCarthy	Wiggins
Chu	La Malfa	Mountjoy	Mr. Speaker
Cogdill	La Suer	Nakanishi	
Cox	Leno	Nakano	
Diaz	Leslie	Reyes	

Quorum present.

At 1:45 p.m., Hon. Paul Koretz, 42nd District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Bates, Campbell, Chan, Cohn, Corbett, Correa, Dutra, Dutton, Goldberg, Hancock, Shirley Horton, Houston, Jackson, Kehoe, Laird, Lieber, Maldonado, Montanez, Nation, Negrete McLeod, Oropeza, Pacheco, Parra, Pavley, Plescia, Richman, Ridley-Thomas, Simitian, and Yee.

On legislative business, and waiving per diem: Assembly Members Mullin and Wyland.

On legislative business, per diem waived for the 2003–2004 Session (See Assembly Journal, page 126): Assembly Member Wolk.

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

To attend a funeral in the district: Assembly Member Samuelian.

Because of illness, and waiving per diem: Assembly Member Frommer.

(NOTE: For explanations of absences of Assembly Members Bates, Campbell, Chan, Cohn, Corbett, Correa, Dutra, Dutton, Goldberg, Hancock, Shirley Horton, Houston, Jackson, Kehoe, Laird, Lieber, Maldonado, Montanez, Mullin, Nation, Negrete McLeod, Oropeza, Pacheco, Parra, Pavley, Plescia, Richman, Ridley-Thomas, Simitian, Wolk, Wyland, and Yee on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ADJOURNMENT

At 3:50 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Friday, July 23, 2004

THIRTY-FIRST SESSION DAY

TWO HUNDRED FORTY-NINTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, July 23, 2004

The Assembly met at 6 a.m.

Hon. Manny Diaz, Assembly Member, 23rd District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—42:

Aghazarian	Diaz	Maddox	Salinas
Bates	Dutton	Maldonado	Samuelian
Benoit	Dymally	Matthews	Simitian
Bermudez	Garcia	Maze	Spitzer
Campbell	Houston	McCarthy	Steinberg
Canciamilla	Keene	Nakanishi	Wesson
Chan	Koretz	Nakano	Wiggins
Chavez	La Malfa	Nation	Wolk
Cohn	Leslie	Pavley	Mr. Speaker
Corbett	Levine	Reyes	
Cox	Lieber	Runner	

Quorum present.

At 3:52 p.m., Hon. Steven N. Samuelian, 29th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Bogh, Calderon, Chu, Cogdill, Correa, Dutra, Goldberg, Harman, Haynes, Jerome E. Horton, Shirley Horton, Jackson, Kehoe, La Suer, Longville, Lowenthal, Montanez, Mountjoy, Negrete McLeod, Oropeza, Pacheco, Parra, Richman, Ridley-Thomas, and Strickland.

On legislative business, and waiving per diem: Assembly Members Frommer and Wyland.

On personal business, and waiving per diem: Assembly Members Berg, Hancock, Leno, Plescia, and Vargas.

Because of illness: Assembly Member Laird.

Because of illness, and waiving per diem: Assembly Member Mullin.

Because of illness in her family, and waiving per diem: Assembly Member Daucher.

The following Assembly Members were excused for the day, and their per diem was waived: Firebaugh, Liu, and Yee.

(NOTE: For explanations of absences of the above referenced Assembly Members on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day. Also, note that per diem is waived by the following Assembly Members until passage of the Budget: Correa, p. 6619; Kehoe, p. 6717; Lowenthal, see communication in this day's Journal; Negrete McLeod, p. 6777; Parra, p. 6777; Wyland, p. 6777 and further communication in this day's Journal. All pages cited refer to the Journal for the Regular Session.)

ADJOURNMENT

At 4:55 p.m., the Assembly adjourned to reconvene upon Call of the Chair.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, August 5, 2004

THIRTY-SECOND SESSION DAY

TWO HUNDRED SIXTY-SECOND 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.

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PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, August 5, 2004

The Assembly met at 7 a.m.

Hon. Keith Richman, Assembly Member, 38th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—70:

Aghazarian	Dymally	Lieber	Pavley
Bates	Frommer	Liu	Plescia
Benoit	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maddox	Runner
Calderon	Harman	Maldonado	Salinas
Campbell	Haynes	Matthews	Samuelian
Canciamilla	Horton, Jerome	Maze	Simitian
Chavez	Horton, Shirley	McCarthy	Spitzer
Chu	Houston	Montanez	Steinberg
Cogdill	Keene	Mountjoy	Strickland
Cohn	Kehoe	Mullin	Vargas
Correa	Koretz	Nakanishi	Wesson
Cox	La Suer	Nation	Wiggins
Daucher	Laird	Negrete McLeod	Wolk
Diaz	Leno	Oropeza	Wyland
Dutra	Leslie	Pacheco	
Dutton	Levine	Parra	

Quorum present.

At 11:18 a.m., Hon. John Longville, 62nd District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Chan, Corbett, Firebaugh, Nakano, Nunez, and Yee.

On personal business, and waiving per diem: Assembly Members Jackson, La Malfa, and Ridley-Thomas.

Because of illness in her family: Assembly Member Berg.

(NOTE: For explanations of absences of Assembly Members Chan, Corbett, Firebaugh, Nakano, Nunez, and Yee on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

SALLY J. LIEBER, Assistant Speaker pro Tempore

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, August 12, 2004

THIRTY-THIRD SESSION DAY

TWO HUNDRED SIXTY-NINTH 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.

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PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, August 12, 2004

The Assembly met at 10:10 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—78:

Aghazarian	Dymally	Levine	Plescia
Bates	Firebaugh	Lieber	Reyes
Benoit	Frommer	Liu	Richman
Berg	Garcia	Longville	Ridley-Thomas
Bermudez	Goldberg	Lowenthal	Runner
Bogh	Hancock	Maddox	Salinas
Campbell	Harman	Maldonado	Samuelian
Canciamilla	Haynes	Matthews	Simitian
Chan	Horton, Jerome	Maze	Spitzer
Chavez	Horton, Shirley	McCarthy	Steinberg
Chu	Houston	Montanez	Strickland
Cogdill	Jackson	Mountjoy	Vargas
Cohn	Keene	Mullin	Wesson
Corbett	Kehoe	Nakanishi	Wiggins
Correa	Koretz	Nakano	Wolk
Cox	La Malfa	Nation	Wyland
Daucher	La Suer	Negrete McLeod	Yee
Diaz	Laird	Pacheco	Mr. Speaker
Dutra	Leno	Parra	
Dutton	Leslie	Pavley	

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Calderon and Oropeza.

(NOTE: For explanations of absences of Assembly Members Calderon and Oropeza on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

ADJOURNMENT

At 3:54 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, August 19, 2004

THIRTY-FOURTH SESSION DAY

TWO HUNDRED SEVENTY-SIXTH 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.

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PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, August 19, 2004

The Assembly met at 11:38 a.m.
Hon. Leland Y. Yee, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—80:

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Levine	Pavley
Benoit	Firebaugh	Lieber	Plescia
Berg	Frommer	Liu	Reyes
Bermudez	Garcia	Longville	Richman
Bogh	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Maddox	Runner
Campbell	Harman	Maldonado	Salinas
Canciamilla	Haynes	Matthews	Samuelian
Chan	Horton, Jerome	Maze	Simitian
Chavez	Horton, Shirley	McCarthy	Spitzer
Chu	Houston	Montanez	Steinberg
Cogdill	Jackson	Mountjoy	Strickland
Cohn	Keene	Mullin	Vargas
Corbett	Kehoe	Nakanishi	Wesson
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

ADJOURNMENT

At 5:20 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Saturday, August 28, 2004

THIRTY-FIFTH SESSION DAY

TWO HUNDRED EIGHTY-FIFTH 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.

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PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Saturday, August 28, 2004

The Assembly met at 2:37 a.m.

Hon. Fabian Nunez, Speaker of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

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

Aghazarian	Dutton	Leslie	Parra
Bates	Dymally	Levine	Pavley
Benoit	Firebaugh	Lieber	Plescia
Berg	Frommer	Liu	Reyes
Bermudez	Garcia	Longville	Richman
Bogh	Goldberg	Lowenthal	Ridley-Thomas
Calderon	Hancock	Maddox	Runner
Campbell	Harman	Maldonado	Salinas
Canciamilla	Haynes	Matthews	Samuelian
Chan	Horton, Jerome	Maze	Simitian
Chavez	Horton, Shirley	McCarthy	Spitzer
Chu	Houston	Montanez	Steinberg
Cogdill	Jackson	Mountjoy	Strickland
Cohn	Keene	Mullin	Vargas
Corbett	Kehoe	Nakanishi	Wesson
Correa	Koretz	Nakano	Wiggins
Cox	La Malfa	Nation	Wolk
Daucher	La Suer	Negrete McLeod	Wyland
Diaz	Laird	Oropeza	Yee
Dutra	Leno	Pacheco	Mr. Speaker

PRAYER

The following prayer was offered by Assembly Chaplain Rev. Constantine C. Pappademos:

Lord, Empires rise and fall, nations come and go, governments wax and wane, leaders rise to prominence and then vanish into obscurity. We play our part on the stage of history and then pass from view. But You, O Lord, are the same yesterday, today, and forever. Your righteousness is an everlasting righteousness and Your Word is truth. Help us to know Your will, to become Your children and to abide in Your love, which is eternal.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Assembly Member Strickland then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Frommer, seconded by Assembly Member Cogdill.

MOTION TO ADJOURN

At 3:37 a.m., Assembly Member Frommer moved that the Assembly adjourn the 2003–2004 Fifth Extraordinary Session of the Legislature *sine die* at midnight on the date that this motion has been adopted by both Houses of the Legislature and consents for the Senate to do the same.

Motion carried.

ADJOURNMENT

At 3:37 a.m., pursuant to the motion by Assembly Member Frommer, the Assembly adjourned the 2003–04 Fifth Extraordinary Session of the Legislature.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

CALIFORNIA LEGISLATURE

2003-04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 8

FINAL RECESS

Assembly Chamber, Sacramento
Tuesday, November 30, 2004

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 2003-04 Fifth Extraordinary Session was printed while the Assembly was in Final Recess:

REPORTS OF STANDING COMMITTEES

Committee on Budget

November 30, 2004

Mr. Speaker: Your Committee on Budget reports:

- Assembly Bill No. 1
- Assembly Bill No. 2
- Assembly Bill No. 3
- Assembly Bill No. 4

- Assembly Bill No. 5
- Assembly Bill No. 7
- Assembly Bill No. 12

Without action.

STEINBERG, Chair

November 30, 2004

Mr. Speaker: Your Committee on Budget reports:

- Assembly Constitutional Amendment No. 2
- Assembly Constitutional Amendment No. 3
- Assembly Constitutional Amendment No. 4

Without action.

STEINBERG, Chair

Committee on Elections, Redistricting and Constitutional Amendments

November 30, 2004

Mr. Speaker: Your Committee on Elections, Redistricting and Constitutional Amendments reports:

- Assembly Constitutional Amendment No. 1

Without action.

LONGVILLE, Chair

MEASURES WHICH DIED AT DESK

- Assembly Bills Nos. 6, 10, 11.
- Senate Concurrent Resolution No. 1.

MEASURES WHICH DIED ON THIRD READING

- Assembly Constitutional Amendment No. 6.

ADJOURNMENT

At 12 p.m., November 30, 2004, pursuant to the provisions of Article IV, Section 3(a) of the Constitution and Joint Rule 51, the 2003–04 Fifth Extraordinary Session of the Legislature adjourned *sine die*.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

