

Hi, this is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law in its Capital Lawyering Program. Today's podcast is going to take a look some of the key differences I've put together between the Assembly and Senate in terms of the legislative process.

Now, as you can imagine, there are quite a number of differences between how the Assembly and the Senate operate in terms of the legislative process. Of course, in most instances, those are minor in nature, but there are some key differences. For the most part, however, the Assembly and Senate follow similar paths during the legislative process. There are some interesting differences because, in essence, the two houses follow similar rules, because they have the same roles in the legislative process. But, nonetheless, here's some of the key differences that I've gleaned.

Leadership of the houses: the Senate is led by the President Pro Tem and the Senate Rules Committee whereas the Assembly is led by the Assembly Speaker who has similar powers as does the Senate Rules Committee. So in essence, in the Senate, the Senate Rules Committee generally has the same powers as one person in the Assembly, i.e. the Speaker. By the way, the Senate Minority Leader gets to pick Vice Chairs and Committee assignments for the Republican members of the State Senate, whereas in the Assembly the minority leader makes suggestions to the Speaker.

Another difference? Confirmation of appointees. The Senate confirms specified gubernatorial appointments. They have the power of advice and consent. In the Assembly, that role is limited to only the confirmation of nominees to fill a vacancy in a Constitutional office.

Another difference - members' office budgets. The Senate offices are given a fixed number of staff positions that they can fill and a small budget allocation. On the other hand, Assembly offices are given an office budget from which they have to pay the staff's salaries and expenses.

Another difference? In the jurisdiction of standing committees. Now, many committees are the same between the two houses - both in their name and in the subject matter jurisdiction that they have. However, there are a few differences. For example, in the Assembly, worker compensation bills go to the Insurance Committee but in the Senate they go to the Labor and Industrial Relations Committee. By the way, the Assembly's got 32 committees. The Senate has 22.

The Appropriations Committee - in the Senate, the Senate Appropriations allows support and opposition testimony at hearings, even where the author waives presentation. The Assembly historically does not.

In regards to the Suspense Files used by the two appropriations committees - the Assembly committee goes through bills by subject matter when it takes up bills on the Suspense File while the Senate committee goes through the bills on the Suspense File in alphabetical order by author. In addition, I would note, for votes on the Suspense File,

the Assembly votes to pass a bill or it announces that the bill is being held on Suspense. However, in the Senate, the Senate Appropriations Committee only votes on bills that it will pass off of the Suspense File. In other words, if you don't hear the author's name, then that particular bill is held on Suspense.

One other distinction on the appropriations committees. In the Senate, the Senate has Rule 28.8 which effectively allows the Appropriations Committee Chair to place a bill on the Second Reading File without a Committee vote if the Chair in his or her discretion deems the bill to not have significant state fiscal impact. On the other hand, the Assembly Appropriations Committee has no such rule.

Another difference - budget subcommittees. All of the Senate subcommittees meet at the same time, on Thursday morning, overlapping with rare exception. On the other hand, the Assembly subcommittees of the budget meet on different days and times with almost no overlap. So if you're a lobbyist, let me tell you, it's hard sometimes when you have multiple issues in multiple Senate budget subcommittees and they all meet Thursday morning upon adjournment of the Senate Floor Session.

The Senate Budget subcommittees between the Senate and the Assembly have the following subject matter jurisdictions. Education is covered in Senate Budget Sub 1, while it's in Assembly Subcommittee 2. For Resources, Environment, and Transportation? Those are covered by Senate Budget Sub 2 but Assembly Budget Sub 3. Health and Human Services? That's covered by Senate Budget Sub 3 and Assembly Budget Sub 1. For the next two subject matters, they're the same. State Government, General Government - Senate Budget Sub 4 and Assembly Budget Sub 4. And then Public Safety and the Judiciary are covered by Senate Budget Sub 5 and Assembly Budget Sub 5.

Bill introductions - beginning in 2017, the Assembly now allows a maximum of 50 bills to be introduced by each member during a two year legislative session while the Senate continues to allow a maximum of 40 bills to be introduced by their members during the same two year session.

Another difference concerns bill referrals. In the Senate, the State Senate Rules Committee does not refer bills that only call for studies or reports. They're simply held in the Rules Committee. The Assembly does not refer such measures to committee either. Also, as a general policy, the Assembly Rules Committee does not hear resolutions weighing in on matters of foreign policy. The Senate, on the other hand, has no such limitation.

Concerning bill amendments, there are a few differences. The Assembly requires bill amendments to be submitted by 5pm or the close of session the day before a specified deadline. The Senate on the other hand does not have a similar rule.

Also, the Assembly has a different interpretation of the 30-day in print rule that's contained in Article IV, Section (8) (a) of the California State Constitution. In the

Assembly's view, once a bill has been referred to committee, the Assembly permits pre-committee author's amendments to bill within that 30 day period. The Senate does not.

Also, the Assembly imposes a deadline for amendments to spot bills, in order for those bills to be referred in a timely manner to policy committee. The Senate on the other hand has no such rule.

Regarding floor actions - the Senate records voice votes. That is, the member's names are called - all 40 members - and they cast their votes by voice. While the Assembly records votes electronically.

Now, the Assembly does allow its members to add or change their votes after the final vote has been announced, so long as that final vote is not impacted by the vote change or add on. The Senate does not allow that, except for two individuals: the President Pro Tem and the Republican Leader because we assume that many of them - those two - will be off the floors, and so they'll be missing lots of votes. And that's why they're allowed to add on. But, again, the final vote cannot be impacted. Also, on the Assembly floor, those members can add or change their votes for up to 15 minutes after adjournment.

In addition, regarding floor actions, the Lieutenant Governor is the President of the Senate, which means it's primarily a ceremonial role, except if there's a tie vote. In other words, the Lieutenant Governor can break a 20-20 tie. In the Assembly, however, the motion or bill fails in the case of a tie vote.

On Floor analyses - the Senate Floor analyses always list support and opposition positions of interest groups - those who have submitted written statements of their position. The Assembly Floor analyses do not list any positions on the floor analyses.

Another difference is regarding the Inactive Files on the Assembly and Senate Floors. Bills taken off the Senate Inactive File are returned to Second Reading and then the following day goes to Third Reading and can be considered. In the Assembly, bills that were previously on the Third Reading File that are moved to the Inactive File are subject to a one calendar day notice when removed from the Inactive File and then returned to the Third Reading File and are eligible immediately.

The final difference I came up with are motions. In the Assembly there must be a second to a motion. As a result, if somebody moves to approve a bill in committee there must be a second before the Committee Secretary can call the roll. In the Senate, however, there's no need to second a motion for any bills in committee. So in the Senate, only a simple motion to move the bill is required before the vote can be taken.

I found you found some of these differences between the Senate and Assembly legislative processes interesting. Look forward to talking with you again.