

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 continues our common misconceptions about the California legislative process. Today's focus is on floor actions.

Our first misconception is that legislators in either house can add on or change their votes on bills that have already been considered. The State Assembly allows its members to add or change their votes after the vote has been announced, so long as the final vote is not impacted.

However, the State Senate does not allow this, except for the president pro tem and the Republican leader, again, so long as the final outcome of the bill is not affected. This is pursuant to Senate Rule 44.

Misconception. All bills without opposition are placed on the Consent Calendar. There are different rules between how the Senate and the Assembly handles bills on the Consent Calendar.

In other words, what measures qualify for the Consent Calendar on the floor of the Assembly versus the State Senate? Under Senate Rule 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, then a standing committee may not place the bill on its consent calendar.

Misconception. Passed on File and Pass and Retain are the same motion procedurally. An author may choose to pass on file, and that temporarily gives up his or her opportunity to take up the bill on the floor that day. In the Assembly Pass and Retain prevents the author from taking up his or her bill on the same legislative day. However, the State Senate does not recognize a difference.

Misconception. The Floor Analysis always lists supporters and opponents of a measure. The Senate Floor Analyses do in fact list support and opposition positions. However, the State Assembly does not list any positions and groups on their Floor Analyses.

Misconception. Parliamentary inquiries and points of personal privilege are in fact the same. No, a parliamentary inquiry is a procedural question posed by a legislator during a Committee Hearing or a Floor Session.

On the other hand, a point of personal privilege is an assertion by a member of the Legislature that his or her rights, reputation, or conduct have been impugned, thereby entitling the member to repudiate these allegations.

Misconception. The three constitutionally required readings of a bill are the same. Each bill must be read three times in each House before final passage, pursuant to the California Constitution.

The first reading occurs upon introduction of the bill. The second reading occurs after a bill has been reported to the floor from a committee, with or without amendments. The

third reading occurs when the measure is about to be taken up on the floor of either House for final passage. The three readings are different.

Misconception. The Lieutenant Governor of California can break a tie in either House. The Lieutenant Governor is the President of the State Senate, but this is primarily a ceremonial role, except in the case of a tie of vote.

The Lieutenant Governor can break such a tie in the State Senate. In the Assembly, however, a motion or a bill fails with the case of a tie vote because there is no one, including the Lieutenant Governor, to break a tie in the Assembly.

Our final misconception on Floor Actions -- Bills taken off the inactive file in either House immediately returns that bill to the third reading file. Bills taken off of the Senate inactive file are returned to the second reading file, not the third reading file.

In the Assembly, bills previously on the third reading file, that are moved to the inactive file, are subject to a one calendar day notice when they are removed from the inactive file and returned to the third reading file.

Thanks for joining. Hope you enjoyed this podcast.