

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 on legislative committee rules. Each standing committee of the Senate -- there are 21 of them in the 2017-'18 legislative session -- and the Assembly -- there are 32 of them in the State Assembly -- all operate under the Joint Rules of the Legislature, as well as the Standing Rules of the Senate and the Standing Rules of the Assembly.

Each standing committee may adopt rules governing the operation of their committees. These committee rules set forth the procedures and the guidelines that are used to conduct the business of that individual legislative committee.

These rules are set forth, including the date, time, and location of the committee hearings and that a majority of the committee's members constitute a quorum, which allows the committee to officially operate and conduct its business. As a general rule, most of these committee rules also contain some of the following provisions.

The use of committee worksheets. When a measure is referred to the committee, then the committee staff provides the bill's author with a worksheet, often called the background information request or the committee worksheet. It's to be completed as part of the preparation of the committee's analysis of the measure.

Another rule is the setting of bills. As a general rule, no bill may be set, nor file notice published, until the measure has been referred to the committee. Once referred, the committee may set the bill for any available hearing date, at its discretion.

Recall that no bill may be heard or acted upon until, after its introduction, it's been in print for 30 days. Of course, this rule may be suspended with a specified number of the Legislature.

File notices. A bill of first reference being heard in the committee must be noticed in the daily file of the Assembly or Senate at least four days prior to the hearing scheduled. Otherwise, notice must be published in the daily file two days prior to the hearing. This requirement can be waived by a majority vote of the Legislature of the particular house.

A three set limit. A bill may be set for hearing in a committee generally only three times. A bill is considered set when it's been noticed in the daily file for one or more days. If the author postpones the hearing of a bill or submits amendments that cause the hearing to be rescheduled, such an action generally counts as a set.

If the committee postpones the hearing, such action generally does not count as a set. Generally, most bills have a maximum of three hearing sets. Of course, this requirement may be suspended by approval of the Rules Committee and a two-thirds vote of the house.

Committee analyses. A committee analysis is required for every bill. Analyses are generally made available to the public at least one or two working days prior to the hearing, with a working day being defined as any day on which the daily file is published. In the case of special meetings, analyses are made available to the public at the beginning of the hearing.

The order of the agenda. The general rule is that bills of the committee members are taken up after all the other authors present have taken up their measures. The committee consent calendar may be taken up as determined by the Chair.

When the Chair finds that another order of business would be more expedient, measures may be taken up out of order or as a special order of business.

Another general rule found in committee rules is the use of author's representative. If a bill is to be presented by someone other than the bill's author, it will be taken up generally after all present authors have been accommodated.

The representative generally must be a fellow legislator, a member of the author's staff, or the staff of an Assembly or Senate committee. No lobbyist, sponsor, or supporter of a bill generally may present a bill before the committee.

Staff or members other than the author wishing to present the bill must first generally provide a committee with a signed authorization letter from the bill's author.

Rules on amending bills. The usual rules are that when submitting amendments to the Legislative Counsel for a bill in the possession of a committee or such a bill in the subsequent possession of the floors, the author's office generally has to provide a copy or multiple copies to the committee as a courtesy.

Author's amendments offered to the committee. The general rule is that if an author offers amendments at the hearing and the amendments are substantive, then the Chair may put the bill over to allow adequate time for the committee staff to reanalyze the bill and provide an updated analysis to all the committee members and members of the public.

The Chair generally determines whether or not an amendment is substantive. Committee staff are usually responsible for preparing amendments adopted in committee.

Rules on meetings. All committee meetings, except for an authorized closed session, are open to the public. All persons are allowed to attend the meeting.

A special meeting can be held in an area readily accessible to the public and not in the chambers. The committee must take care that every effort is made to inform the public that a meeting has been called.

There are also sometimes rules on limits on testimony before the committee. When it's necessary due to a number or complexity of the bills on the hearing agenda and in order to limit testimony on one or more of the bills, sometimes the committee provides limitations on testimony.

They want to ensure a fair and reasonable opportunity for arguments to be presented and discussed by the committee, so the Chair is given discretion to limit testimony, the number of witnesses, etc.

The role of the Vice Chair. If, at a hearing commenced by the Chair, the Chair is not present or is perhaps presenting a bill to the full committee, then the Vice Chair temporarily presides at the hearing.

If the Vice Chair is absent when the Chair must also be absent, then the Chair may designate another committee member to temporarily assume the duties of the Chair.

Committee rules often provide for voting. A quorum, of course, is required to conduct official business. A majority of the entire committee constitutes a quorum. A quorum is necessary to take action or to adopt amendments. Any vacancy on the committee does not reduce the number of votes required to take action on a bill.

The Chair may, at any time, order a call of the committee. If requested by any member of the committee or the author of a bill under consideration, the Chair can order a call.

In such a case, the Chair orders the Sergeant-at-Arms for those members who are absent and not excused to be called to the committee. If a quorum is not present, the Chair may commence the hearing as a subcommittee and receive testimony on any scheduled bills.

A majority of the entire committee is required to report a bill out of committee. Committee actions on bills, including reconsideration, shall be done by roll-call vote. All the votes are shown for and against, any members absent, members not voting, etc.

In the case of a tie, the rule is that the motion or bill fails. Of course, all final actions of the committee are announced by the Chair.

Another rule often found in committee rules is the making of motions. A member who desires to make a motion shall first obtain recognition by the Chair of the committee.

The member then opens by stating his or her motion, and may not speak to the merits of the motion at that time, but confine any remarks to those necessary to explain the motion.

If the motion is in order and is seconded, then the Chair shall not state such to the committee. If the motion is debated, the member who made the motion shall be recognized to open debate on the motion.

Another rule is reconsideration. In committees, reconsideration of a bill may be granted only one time. There are specified instances where a motion to reconsider can be made.

In interim study and informational hearings, a committee may refer the subject matter of any bill to the Rules Committee for interim study by a majority of those present and voting or by unanimous consent. A committee may subsequently reconsider and act on a bill.

In addition, a Chair may call the committee to sit during interim or the recess to conduct public hearings or gather information, to discuss proposed legislation, or for other proper purposes. Generally, the Senate Rules Committee or the Assembly Speaker must give prior approval.

The committee rules often specify the use of letters of support and opposition. Letters communicating a formal position on a bill -- support or opposition or noting concerns -- must be received by the committee by a specified date.

Generally, it's the week preceding the scheduled hearing of the bill in order for the group's position to be properly referenced in some form in the committee analysis. Letters received after that time may be referenced at the discretion of the Committee Consultant generally.

Public records are often specified in committee rules. A Committee Secretary is the custodian of the committee's legislative records. The Secretary preserves the committee's current legislative records and may store the committee's past legislative records with the State Archives.

The legislative records contained in an official committee file that are in the possession of the Committee Secretary are open to inspection and reproduction by the public in the committee office, generally by appointment during normal working hours.

Of course, the Senate or the Assembly may have additional requirements that'll be specified in the committee's rules. Generally, their records held in the State Archives are open to inspection and reproduction pursuant to whatever procedures have been established by the Secretary of State's office and the Office of the State Archives.

Most committee rules also reference committee bills. The general rule here is that a committee may introduce a bill that's germane to any subject within the proper consideration of the committee in the same manner as any other member.

A committee bill must contain the signature of a majority of the members of the committee, including the Chair. The committee, at the discretion of the Chair, may consolidate related subject matters into a single legislative measure.

Most committees of the California Legislature have adopted similar rules to those that we've just discussed. However, each is free to adopt its own rules, so long as they are consistent with and not contrary to either the Standing Rules of the Assembly or Senate or the Joint Rules of the Legislature.

I hope this podcast has been helpful in reviewing some of the rules that are contained by the individual legislative committees. Thanks for joining.