

Hi this is Chris Micheli with the Sacramento Governmental Relations Firm of Aprea and Micheli and an adjunct professor at McGeorge School of Law in its Capital Lawyering Program. Today's podcast is concerning the reconsideration of bills.

When a bill in the California Legislature fails passage, either in a policy or fiscal committee or on the floor of the Assembly or Senate, it can be granted what's called reconsideration.

According to the Legislative Counsel, reconsideration means a motion that gives the opportunity to take another vote on the matter previously decided either in a committee hearing or a floor session. This is an important rule because it provides the legislator another opportunity to return to his or her colleagues and seek a second bite at the apple.

After a committee has voted on a bill, reconsideration may be granted only one time. Pursuant to Joint Rule 62(a), 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 reconsideration vote is taken at the same meeting at which the vote to be reconsidered was taken and the author is present for the vote.

An action taken by a committee may not be reconsidered except by a majority vote of the members of that committee. Reconsideration is usually granted by unanimous consent as a courtesy to a bill's author.

So, what's the differences and similarities between the Assembly process and the Senate process?

The Assembly Process. In the State Assembly, a motion to reconsider on the next legislative date, the vote whereby any bill was passed or refused passage, or the vote on any motion amendment concurrence, Assembly resolution or proposition other than a bill was passed or refused passage must be made on the same day that the vote to be reconsidered was taken. On the Assembly floor, no motion to reconsider can be adopted unless it receives an affirmative vote of 41 Assembly Members. Upon making a motion for reconsideration, the question or measure to be reconsidered is placed upon the unfinished business file in the Assembly Daily File and no further action can be taken prior to the next legislative day.

A motion to reconsider, which is neither taken up nor continued on file, lapses after a specified time. Once a reconsideration motion has elapsed then the question or measure returns to the same position it held prior to the motion being made. When reconsideration is granted, the matter is to be reconsidered, resumes its exact position before the Assembly voted on that question and then the author may take it up immediately after reconsideration is granted.

The Senate process. In the Senate, the procedure differs slightly. A motion to reconsider a question may be made by any Senator on the day on which the vote was taken. The motion may be considered on the day it is made or on the succeeding legislative day, but it may not be further postponed without the concurrence of 30 Senators. In the Senate, bills may be reconsidered by a majority vote, even though the bill required a 2/3 majority vote for ultimate passage. Note that

Constitutional Amendments that are adopted can be reconsidered by only 14 votes while Constitutional Amendments that have been defeated require a 2/3 vote for reconsideration.

According to the Senate Standing Rules on the day on which a vote has been taken on any question, a motion to reconsider the vote may be made by any Senator. Reconsideration may be granted only once and the motion may be considered on the day it was made or on the succeeding legislative day, but it may not be further postponed without the concurrence of 30 Senators on the Senate Floor. Reconsideration can serve as a valuable tool to legislators and interest groups in order to allow modifications to a measure to address why a measure initially failed passage. For those opposed to the measure, however, it means remaining vigilant to ensure that the bill does not get revived in a matter that results in continued opposition.

Thanks for joining today's podcast, I hope you enjoyed it.