

Hi. This is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law. Today's podcast is on sending or withdrawing bills from the floors of the California Legislature.

In our Legislature, generally the committees deal with legislation before passing measures to the floor of either the Senate or the Assembly. However, there are rare instances where legislators choose to return a bill to committee when that measure is pending on either floor.

There are times when legislators desire to pull or withdraw a bill out of committee and place it on the floor of the Senate or Assembly. As you would expect, there are rules governing these processes in each house. Let's look at them respectively.

In the Assembly, pursuant to Assembly Rule 96(a), a legislator can make a motion to withdraw a bill or resolution from committee or to re-refer a bill or resolution from one committee to another committee, during the regular order of business on the floor. The motion to re-refer a bill from the floor to a committee may be debated only as to the propriety of the reference of the bill to that particular committee.

As you would expect, a successful motion requires at least 41, a majority vote of Assembly members on the floor. Now, Assembly Rule 96(b) provides that a bill or resolution may not be withdrawn from committee and placed upon the daily file unless a motion to withdraw has been heard and approved by a majority vote of the Rules Committee.

Now, this subdivision does not apply to a bill in a fiscal committee, that's been amended so as not to require its reference any further to that fiscal committee. Now under Assembly Rule 97, a motion to re-refer a bill or resolution that's on the daily file to committee may also be made during the regular order of business on the floor.

The motion is debatable only as to the propriety of that bill being referred to committee, and the motion requires an affirmative vote of 41 or more Assembly members in order to be successful. There are analogous rules in the Senate. Pursuant to Senate Rule 28, a bill or resolution may not be withdrawn from a committee, except when written notice is provided first to the Rules Committee.

A motion to withdraw requires 21 affirmative votes of senators in order to be successful. There's also the provision of Senate Rule 29.2, and that provides it a motion to strike any bill or resolution, or other question from the daily file requires 21 affirmative votes of the senators on the floor.

That bill or resolution, or other question may not be acted upon again during this session if it's been struck from the Senate daily file. These procedural motions are necessary, in order to properly conduct business in an orderly fashion on the floors of the Assembly or Senate.

They're sometimes used by minority party legislators to try and force a public vote on a bill, perhaps that was defeated in a policy committee, and that they would ideally like to see debated on the floor of the Senate or Assembly. However, these motions are rarely successful.

Nonetheless, the rules in each house are available for those instances when a bill needs to get to the floor in a hurry, for example, or when a bill is appropriately returned to a committee for further or additional review. That's a brief look at the rules of the Senate and Assembly, concerning the withdrawing or sending of bills to and from the floor. Thanks for joining.