

**ASSEMBLY COMMITTEE ON
ACCOUNTABILITY AND ADMINISTRATIVE REVIEW
Roger Dickinson, Chair**

RULES FOR THE 2011-2012 LEGISLATIVE SESSION

The Committee will operate under the Joint Rules and the Standing Rules of the Assembly. The following Committee procedures and guidelines are designed to further expedite the conduct of Committee business.

Committee hearings are regularly scheduled for the second and fourth Wednesday of the legislative calendar, commencing at 9:00 A.M., in Room 437 of the State Capitol.

1. **MEETING AND QUORUM**

- a. **Commencement of Hearing:** The Chairperson shall promptly call all meetings to order at the time and place designated in the Assembly Daily File. If a quorum is not present, the Chairperson may commence the hearing as a subcommittee subject to both Assembly and Joint Rules, may receive testimony, and may recommend action on an issue to the majority of the Committee.
- b. **Quorum:** A majority of the Committee members shall constitute a quorum. (Assembly Rule 57)
- c. **Presiding:** Whenever the Chair is not presiding, the Vice-Chair shall assume the duties of the Chair. In the absence of both, a member designated by the Chair shall preside.

2. **PREPARATION OF AGENDA**

- a. **Agendizing issues:** Pursuant to the Chairperson's authority, committee staff shall be responsible for preparing Committee hearing agendas.

3. **COMMITTEE MATERIAL**

- a. **Availability**: Analyses of issues or public material related to hearings shall be made available to the public at least one working day prior to the Wednesday Committee hearing. In general, however, every effort will be made to distribute the committee binders by the end of the day on the Monday before a Wednesday hearing. In the case of special hearings, the analyses shall be made available to the public at the time of the hearing.
- b. **Distribution**: A copy of the pertinent material shall be sent to Committee members prior to its general distribution to the public.

4. **WORKSHEET**

- a. When a bill is referred to the committee, the committee secretary shall immediately forward to the author a worksheet to be completed for the preparation of the committee analysis. The chair may withhold setting the bill for hearing until the worksheet is completed and returned to the committee. To allow adequate time for committee staff to analyze the bill, all committee worksheets shall be returned to the committee no later than five (5) legislative days after delivery to the author's office.

5. **SETTING BILLS**

- a. **Initial Referral to Committee**: No bill may be set until it has been referred to committee. [House Rule 56]
- b. **"30-day Print"**: No bill may be heard or acted upon until it has been in print for 30 days. This requirement may be dispensed with by approval of the Rules Committee and a two-thirds (2/3) vote of the house. [Article IV, Section 8(a)]
[Joint Rule 55]*
- c. **Notice**: A bill being heard in the committee of first reference in the Assembly must be noticed in the file for four (4) days prior to a hearing. This requirement can be waived by a majority vote of the House. The file notice requirement for bills in a second or subsequent committee of reference is two days prior to the hearing. [Joint Rule 62(a)] *
- d. **Three-sets**: A bill may be "set" for a hearing in committee only three times. A bill is considered "set" when it appears in the file for one or more days. If the committee postpones the hearing on the bill, such action does not count as a "set." If the file indicates "testimony only," the hearing does not count as a set." This requirement may be suspended with the approval of the Rules Committee and a two-thirds (2/3) vote of the House. [Joint Rule 62(a)]*

- e. Setting of Bills by Subject Matter: Bills shall be placed on the committee calendar at the discretion of the chair. When more than one bill before the committee deals with a like subject matter, the chair may schedule such bills on the basis of like subject matter groupings for a special hearing at a time convenient for the authors.
[House Rule 56]

6. **COMMITTEE ANALYSES**

A committee analysis is required for every bill. Analyses shall be available to the public at least one business day prior to the hearing. (A "business day" is defined as a day on which the Assembly file is published.) In the case of special meetings, analyses shall be available to the public at least at the beginning of the hearing. [House Rule 56.5]

7. **ORDER OF AGENDA**

- a. Bills set for hearing shall be heard in the order that members "sign in" at the hearing.
- b. Bills of the committee members shall be taken up after all other authors present have taken up their measures.
- c. The consent calendar may be taken up as determined by the chair.
- d. When the chair finds another order of business would be more expedient, measures may be taken up out of order or set as a special order of business.
- e. If a bill is to be presented by someone other than the author, it will be taken up at the end of the grouping of like subject matter bills after all authors (including those temporarily "passed over" and committee members) have been accommodated. Anyone other than the author who presents the bill must have an "authorization" letter in advance from the author.

8. **TESTIMONY AT HEARINGS**

- a. Limits on Testimony: The Chairperson may, in consultation with the Vice Chairperson, limit duplicative testimony, limit the number of witnesses appearing on behalf of or in opposition to an issue, and limit the time allotted authors and witnesses testifying on behalf of or in opposition to any proposal or inquiry of the committee. Notice shall be placed in the File indicating the limitations; however, if a notice has not been placed in the File and the Chair deems it necessary, the Chair may impose the limitations and shall announce them at the beginning of the hearing.

- b. Written Testimony: The Chairperson may require any person wishing to present written testimony on any bill before the Committee to deliver the testimony in written form to the Committee at least one (1) working day prior to the hearing.

9. **COMMITTEE CONSENT CALENDAR**

- a. The committee chair may, prior to a hearing, propose to recommend bills for consideration on the consent calendar.
- b. Any member of the committee may request that a bill be removed from the consent calendar. Upon such request, the chair shall remove the bill from the consent calendar and place the bill on the regular calendar.

10. **AMENDING BILLS**

- a. Sending Amendments to Counsel: At the time amendments are submitted to Legislative Counsel, the author's office shall provide a copy to the committee.
- b. Amendments Back from Counsel: Author's amendments in "counsel form" shall be submitted to the committee no later than 5:00 p.m. on the Monday of the week preceding the hearing.
When substantive amendments are submitted within seven (7) legislative days of a scheduled hearing, the bill shall be held over until the next hearing, unless this requirement is waived by the committee chair. The committee chair shall determine whether an amendment is substantive.
- c. Author's Amendment Offered in Committee: A member may offer author's amendments at the hearing. If the amendments are substantive, the chair may put the bill over until the next hearing to allow adequate time for the staff to reanalyze the bill. The committee chair shall determine whether an amendment is substantive.
- d. A bill may not be amended to add an urgency clause unless the author of the amendment has secured the approval of the Rules Committee of the house in which the amendment is proposed. [Joint Rule 58] *

Adoption of urgency clause amendments requires a vote by the committee and cannot be done through "author's amendments" prior to the committee hearing.
- e. Germaneness: A substitute or amendment must relate to the same subject as the original bill. [Joint Rule 9] *
- f. Coauthors: An amendment which has the sole effect of adding a coauthor or coauthors may not be made unless the Rules Committee of the house in which such amendment is offered grants prior approval. [Joint Rule 9] *

11. **VOTING ON BILLS**

- a. **Quorum**: A majority of the entire committee constitutes a quorum.
A quorum is necessary to take action or to adopt amendments.
[House Rule 57, Joint Rule 62(c)]

If a member is disqualified from voting because of a conflict of interest, there shall be no change in the "quorum requirements" or the number of affirmative votes required to report a bill out of committee.
[House Rule 57]

- b. **Voting on Bills**: Voting on bills shall be by roll call vote which shall show "for", "against", "members absent", and "members not voting". [House Rule 58.5]

A majority of all members is required to report a bill out of committee.
[House Rule 58.5]
[Joint Rule 62(c)] *

- c. **Voting on Amendments**: A quorum is required to be present for there to be a vote on amendments. A roll call vote is required to adopt amendments in committee. Amendments shall be approved by a majority of those present and voting.
[House Rules 57 and 67]

- d. **Amended Bills in Print**: When a bill is amended and the amended version is not in print, the committee may act on the bill only if the sole effect of the amendment is to add coauthors or if the committee determines that the effect of the amendment can be readily understood by the committee and audience. [House Rule 68.5]

- e. **Substitution of Prior Roll Call**: The committee may, upon unanimous consent of the members present, substitute a prior roll call, provided that the members whose votes are substituted are present at the time of the substitution. [Joint Rule 62(c)] *

- f. **Call of the Committee**: The chair may, at any time, order a call of the committee. If requested by any member of the committee or the author of the bill under consideration, the chair shall order a call. In the absence of a quorum, a majority of the members present may order a quorum call and compel the attendance of absentees.

A quorum call or call of the committee may be dispensed with by the chair without objection by any member of the committee, or by a majority of the members present.

If a motion to adjourn is adopted while the committee is under call, the call shall be dispensed with and any pending vote announced. [Joint Rule 62(d)] *

- g. **Keeping the Roll Open**: The roll shall be kept open at the request of an author or any member of the committee until adjournment of the committee hearing.
[House Rule 58.5]

- h. **A Second to a Motion**: A motion shall require a second.

12. **VOTING ON RECOMMENDATIONS**

- a. **Majority Required:** A majority of the Committee membership is required to pass a recommendation from the Committee. A simple majority of those present and voting is sufficient to recommend the adoption of Committee amendments, provided that a quorum is present. [Joint Rule 62]
- b. **Recorded Voting:** All actions taken on a bill by the Committee shall be by recorded roll call vote only, except as noted in the Joint Rules or the Rules of the Assembly. [Joint Rule 62]
- c. **Substitute Roll Calls:** A roll call vote on a previous bill may be substituted by unanimous consent, provided the members whose votes are substituted are present at the time of substitution. [Joint Rule 62(c)]
- b. **Vote Changes:** Once the roll is closed and the final vote on a motion is announced, any member of the Committee may change or add his or her vote to the roll prior to adjournment of the hearing, unless the change or addition would affect the outcome of the motion.
- c. **Tie Votes:** In the case of a tie vote, a motion fails.

13. **RECONSIDERATION**

- a. Reconsideration may be granted only one time. [Joint Rule 62(a)] *
- b. A motion to reconsider can be made only under the following circumstances:
 - (1) At the same meeting at which the bill is defeated and author is present; or
 - (2) Within 15 legislative days of the meeting at which the bill was defeated or prior to the interim study joint recess, whichever occurs first, in which case the same file notice is required as for setting a bill. [Joint Rule 62(a)]

Authors seeking reconsideration under this subsection shall notify the committee secretary in writing in order that notice of reconsideration may be published in the file.

- c. **Vote Required for Reconsideration:** A majority vote of the committee is required to grant reconsideration. A roll call is necessary. These requirements may be suspended with the approval of the Rules Committee and two-third (2/3) vote of the House. [House Rule 57.1 and Joint 62(a) and 62(c)]

14. **CONSENT CALENDAR RECOMMENDATION**

The committee may recommend that an uncontested bill be placed on the consent calendar of the Assembly Floor or of a subsequent committee if:

- a. The bill was approved by unanimous vote of the members present, provided a quorum is present;
- b. No opposition was expressed by any person at the hearing with respect to the bill as finally approved by the committee, and;
- c. The author, prior to final action by the committee, requested that the bill be placed on consent.

15. **LETTER OF SUPPORT AND OPPOSITION**

- a. Letters of support and opposition must be received in the committee office by 5:00 p.m. on the Thursday preceding the next hearing in order for the letter to be listed within the analysis.
- b. Letters of support and opposition received after the above-mentioned deadline may be listed separate from the analysis and identified as "Late Support and Opposition." Every effort will be made to communicate late support and opposition to members of the committee.
- c. Letters of support and opposition must be received on letterhead that includes name, mailing address, and telephone number identifying the organization or individual expressing support or opposition.

16. **MISCELLANEOUS**

- a. The chair shall not preside at a hearing on a bill if the chair is the sole author or the lead author of the bill. [House Rule 60]
- b. A committee may hear the subject matter of a bill during a recess provided a four-day file notice is given prior to the hearing. [Joint Rule 60(b)] *
- c. Vacancies. A vacancy on the Committee does not reduce the quorum requirement or the number of votes required to take action.

17. **REVIEW OF ADMINISTRATIVE REGULATIONS**

- a. Review of Regulations: Committee staff may review all proposed administrative rules and regulations which are contained in the Notice Supplement of the California Administrative Register and which pertain to agencies and programs within the scope of the Committee's jurisdiction. [Joint Rule 37.7]

- b. Duties: Committee staff may review each administrative rule or regulation for conformity with the enabling statute and with legislative intent. Rules or regulations which do not appear to be based on statutory authority or which do not appear to be consistent with legislative intent may be placed on the Committee's agenda for appropriate action. [Joint Rule 37.7]

18. **INTERIM STUDY**

- a. The Committee may, by majority vote, refer the subject matter of a hearing for interim study.
- b. The Chairperson may call the Committee to sit during an interim or recess to conduct public hearings, gather information, discuss proposed legislation, or for any other proper purpose.
- c. Informational hearings outside of Sacramento are permitted during recesses, subject to Assembly Rules and the appropriate four-day file notice.

19. **AMENDMENT OF THESE RULES**

These rules may be changed by a majority vote of the Committee consistent with the Joint Rules and the Rules of the Assembly.

20. **COMMITTEE BILLS**

The Committee may introduce a bill germane to any subject within the proper consideration of such committee in the same manner as any Member.

[Assembly Rules 47 (d and f)]

21. **LEGISLATIVE RECORDS**

The Committee Assistant is the custodian of the Committee's legislative records. Pursuant to Section 9080 of the Government Code, the Committee Assistant shall preserve the Committee's current legislative records and may lodge the Committee's older legislative records with the State Archives. The Committee's legislative records that are in the possession of the Committee Assistant are open to inspection and copying by the public in the Committee's office during the normal office hours of 9:00 a.m. to 5:00 p.m., Monday through Friday. The Committee's legislative records that are lodged with the State Archives are open to inspection and copying by the public, subject to the procedures established by the Secretary of State.

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