

**THE ASSEMBLY JUDICIARY COMMITTEE'S RULES
FOR THE 2011-2012 SESSION**

1. SETTING OF BILLS

- a. **Setting.** Pursuant to the Chairperson's authority, the Chief Counsel shall be responsible for preparing Committee hearing agendas. Bills referred to the Committee shall be set for hearing as soon as practicable at a time most convenient to the Committee. Bills relating to the same subject matter may be set for hearing on the same day, as deemed appropriate by the Committee. (Assembly Rules 56 and 58.)
- b. **Restriction on the Setting of Bills.** A bill shall be set for hearing in the Committee no more than three times. A bill is "set" for the purposes of this subsection whenever notice of the hearing has been published in the Assembly Daily File for one or more days. An author's set is any set which is counted as one of the three times a bill may be set. (Joint Rule 62(a).)
- (1) **What Constitutes an Author's Set:** If a bill is not heard at the request of the author at the hearing for which it was set, or is not heard to permit the preparation of amendments, or is not heard due to non-compliance with any other Committee rules, the set shall be deemed an author's set. (Joint Rule 62(a).)
- (2) **What Constitutes a Committee Set:** If a bill is set for hearing and the Committee, on its sole initiative, postpones the hearing or adjourns the hearing while testimony is being taken, such hearing shall not be counted as one of the three times a bill may be set. (Joint Rule 62(a).)
- c. **Special Order of Business.** The Committee may set any bill for a special order of business so that the bill may be heard at a time certain, or as the Chairperson otherwise deems appropriate.

2. WORKSHEET

- a. When a bill is referred to the Committee, the Committee shall forward to the author a worksheet to aid in the preparation of the Committee analysis.
- b. The author shall return two (2) copies of the completed worksheet and background materials to the Committee as expeditiously as possible. However, all Committee worksheets shall be returned to the Committee no later than seven (7) calendar days after the worksheet is initially delivered to the author's office, unless otherwise requested by the Committee. (For example: If the worksheet is delivered to the author by 5 p.m. on a Monday, it must be returned to the Committee no later than 5 p.m. on the following Monday.)

- c. The Committee shall transmit copies of the worksheet materials to the Minority Counsel upon receipt of the completed worksheet from the author.
- d. The completed worksheet shall contain any items deemed necessary by the Committee, including, the names of any person in the author's office who may be contacted regarding the bill and any sponsor(s) who may be contacted regarding the bill; the author's statement of the purpose of the bill, including the problem or deficiency in existing law which the bill seeks to remedy; any studies, reports, statistics, and facts which support the conclusion that there is a problem and that the proposed legislation will properly address that problem; and a complete list of known support and opposition.
- e. A bill may not be set for its first hearing until a completed worksheet has been received to the satisfaction of the Committee, along with any other supporting materials requested by the Committee, unless the Chairperson deems otherwise. If a bill has already been set, and a completed worksheet and any other supporting documentation has not been received to the satisfaction of the Committee, the Committee may reset the bill for a subsequent hearing and such a set shall be deemed an author's set.
- f. The Chairperson shall have the discretion not to allow consideration at a Committee hearing of any report, record, survey, statistics, study, or other material not provided to the Committee at least seven (7) calendar days before the hearing so there may be sufficient time for analysis of the material.

3. **AUTHOR'S AMENDMENTS PRIOR TO HEARING**

- a. **Time for Submission of Amendments.** An author may, subject to the Joint Rules, amend a bill at any time prior to the hearing provided, however, that substantive author's amendments shall not be accepted by the Committee later than seven (7) calendar days prior to the hearing at which the bill has been set. (For example: No substantive amendments shall be accepted after 5:00 p.m. on the Tuesday of the week prior to a Tuesday hearing.) (Assembly Rule 68.)
- b. **Form of Amendments.** All author's amendments shall be submitted to the Committee (the original plus six (6) copies) in Legislative Counsel form by the appropriate deadlines.
- c. **Substantive Amendments.** Prior to a Committee hearing, the substantive nature of amendments shall be determined by the Legislative Counsel Digest. At a Committee hearing, the Chairperson shall have the responsibility for determining whether or not an amendment is "substantive" for the purposes of effectuating these Rules. (Assembly Rules 68 and 68.5.)
- d. **Late Amendments or Amendments Offered at Hearing.** If an author offers substantive amendments to his or her bill later than seven (7) calendar days prior to the Committee hearing for which the bill is set, or during the hearing, the bill shall not be heard in order to place the amendments in print and permit

appropriate analysis by Committee counsel, unless the Chairperson otherwise deems appropriate. Such a set shall be deemed an author's set.

- e. **Committee Amendments.** Amendments made to a bill during a hearing shall be drafted by Committee counsel.
- f. **Mock-ups.** With advance permission of the Committee, an author may submit amendments after normal Committee deadlines. In such instances, the author must have a written mockup of the bill with the proposed amendments at the Committee hearing and provide the mockup to Committee counsel for review no later than 5 p.m. four (4) calendar days prior to the hearing, unless the Chairperson deems otherwise.
- g. **Bill Returned to Committee If Substantially Amended.** Implicit in taking up a bill before this Committee is an implied agreement by the author to return the bill to the Committee if the bill is significantly changed after it leaves the Committee.

4. **COMMITTEE ANALYSES**

- a. **Availability.** Committee analyses of bills scheduled for hearing generally shall be made available to the public one working day prior to the day of the hearing. (Assembly Rule 56.5.)
- b. **Distribution.** A copy of the analysis shall be sent to the bill's author and to Committee members prior to its general distribution to the public.
- c. **Notation of Support and Opposition.** Support and opposition letters received by the Committee later than seven (7) calendar days prior to a hearing on a bill are not assured of being reflected in a Committee analysis. Only those letters which clearly indicate "Support" or "Oppose" to the current version of the bill may be noted in the Committee analysis.

5. **MEETING AND QUORUM**

- a. **Commencement of Hearings.** 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 a bill to the majority of the Committee. (Assembly Rules 56 and 57.)
- b. **Quorum.** A majority of the Committee members shall constitute a quorum. (Assembly Rule 57.)
- c. **Disqualification.** No Committee member shall participate, by voting or any other action, in the enactment or defeat of legislation in which he or she has a personal interest. Whenever one or more Committee members is disqualified from taking any action on a bill pursuant to the Joint Rules, it shall not reduce the votes

required to take action on a bill. A member shall advise the Chairperson of the disqualification at the beginning of the hearing. (Assembly Rule 57, Joint Rule 44.)

- d. **Absence of Chairperson.** For purpose of these rules, in the temporary absence of the Chairperson, the Vice Chairperson shall preside. If the Vice Chairperson is absent when the Chairperson must be temporarily absent, the Chairperson may designate another Committee member to temporarily assume his or her duties.

6. **ORDER OF AGENDA**

- a. **Sign In Order.** Bills set for hearing shall generally be heard by author sign in, or in the order that they are listed in the Assembly Daily File, as the Chairperson deems appropriate. (For example, the Chairperson may choose to permit an author to present all his or her bills at one time, or may take an author out of order out of courtesy or special circumstances.) An exception shall be made for bills placed on the Committee's consent calendar.
- b. **Absence of Author.** If an author is not present when his or her bill comes up, the bill may be passed and considered an author's re-set, unless the Chairperson otherwise deems appropriate.
- c. **Committee Members.** Committee members shall generally present their bills after other authors, unless the Chairperson deems otherwise.

7. **CONSENT CALENDAR**

- a. **Preparation of Consent Calendar.** Bills without written opposition may be placed on a proposed consent calendar. All items remaining on the consent calendar shall be voted on by the Committee without testimony, unless the Chairperson deems otherwise. The Chief Counsel may, in consultation with the Minority Counsel, prepare a proposed consent calendar prior to a Committee hearing which may include any uncontested bill for which no opposition has been brought to the attention of the Committee. (Assembly Rules 56.7 and 71, Joint Rules 22.1 and 22.2.)
- b. **Time for Taking Up Consent Calendar.** The Chairperson may take up the consent calendar at any convenient opportunity during the Committee hearing. Authors of bills placed on the consent calendar need not be present when the consent calendar is taken up.
- c. **Removal of Items from Consent Calendar.** Any member of the Committee has the right to pull a bill off the consent calendar before the consent calendar is taken up for a vote. If a bill is removed from the consent calendar, the Chairperson shall direct the Sergeant-at-Arms to call the author's office and notify the author of the need to present the bill before the Committee. The bill either shall be taken up in the order specified in Rule 6 or at the next scheduled Committee hearing, as the Chairperson deems appropriate.

- d. **Availability of Consent Calendar.** If the Committee prepares a proposed consent calendar in advance of the Committee hearing, a list of the bills proposed for the consent calendar shall be made available to the public at the same time Committee analyses are made available to the public. (Assembly Rule 56.7.)

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 a bill, and limit the time allotted authors and witnesses testifying on behalf of or in opposition to a bill.
- b. **Author's Presentation.** No person other than the author may present a bill before the Committee without submitting to the Committee a prior written request explaining the reasons why the author cannot personally present the legislation and receiving appropriate authorization from the Committee.
- c. **Written Testimony.** The Chairperson may require any author 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. **VOTING**

- a. **Majority Required.** A majority of the Committee membership is required to pass a bill 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. (Assembly Rule 57, 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 Rule 9 (f) below or in the Joint Rules or the Rules of the Assembly. (Assembly Rule 58.5, 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).)
- d. **Voting Calls.** Prior to announcement of the vote, upon the request of the author or any member of the Committee, the Chairperson shall announce that the bill will be placed on-call. The period of time for the call shall not exceed the adjournment of the Committee meeting. The Chairperson shall announce the time or times when the roll shall be opened for a vote on any bill which is on-call. When a bill is on-call, a member may vote on the bill only when the call is lifted. At the time that a call on a bill is being lifted, any member of the Committee who has previously voted on the measure may change her or his vote. However a member may not add his or her vote to any bill after the Committee has been officially adjourned. The vote shall be announced upon conclusion of a roll call

vote, absent an approved motion or author's request to place a bill on-call. (Assembly Rule 58.5, Joint Rules 62(c)(d) and 64.)

- e. **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. (Assembly Rule 55, Assembly Rule 106.)
- f. **When Recorded Votes Not Required.** A recorded roll call vote is not required on the following actions by the Committee:
 - (1) A motion to take a bill "under submission" or other procedural motion which does not have the effect of finally disposing of the bill. (Assembly Rule 58.5, Joint Rule 62.)
 - (2) An author's request to withdraw a bill from the Committee calendar. (Assembly Rule 58.5, Joint Rule 62.)
 - (3) The return of a bill to the Chief Clerk where the bill has not been voted upon by the Committee. (Assembly Rule 58.5, Joint Rule 62.)
- g. **Tie Votes.** In the case of a tie vote, a motion fails. (Assembly Rule 107).

10. **RECONSIDERATION**

- a. **Reconsideration of Bill Allowed Only Once.** After a bill has been defeated by the Committee, reconsideration of the bill may be granted one time. (Assembly Rule 57.1, Joint Rule 62(a).)
- b. **Reconsideration Request.** A request for reconsideration shall be made by the author either at the hearing in which the bill was defeated or within 15 legislative days of the bill's defeat, or prior to the interim joint recess, whichever occurs first. Any request for reconsideration not made at the hearing in which the bill was defeated shall be timely submitted by the author to the Committee in writing. (Assembly Rule 57.1, Joint Rule 62(a).)
- c. **Majority Vote Required for A Reconsideration Vote to Be Granted.** Following a proper request for reconsideration, the Committee may grant reconsideration of a bill by a majority, recorded roll call vote only. Absent an objection by a Committee member, the vote to reconsider the bill may be granted by unanimous consent. If the request for reconsideration fails, the bill shall be immediately returned to the Chief Clerk of the Assembly. (Assembly Rule 57.1, Joint Rule 62(a).)
- d. **Reconsideration Vote At Same Hearing.** Once the author requests, and the Committee grants, reconsideration, the second and final vote on the bill may be taken either at the same hearing at which the bill was defeated or at a subsequent hearing of the Committee. If the vote is taken at the same hearing at which the

bill was defeated, the author must be present in the hearing room at the time of the vote and no further testimony shall be taken on the bill. (Assembly Rule 57.1, Joint Rule 62 (a).)

- e. **Reconsideration Vote At Subsequent Hearing.** If the second and final vote on the bill is scheduled by the Committee for a subsequent hearing, the vote must be properly noticed in the Assembly Daily File, and shall, in the Chairperson's discretion, be listed either "Reconsideration and Vote Only" or "Reconsideration and Further Hearing." Unless previously approved by the Chairperson, no additional testimony shall be presented on a bill granted reconsideration at a prior hearing, and the author need not be present. (Assembly Rule 57.1, Joint Rule 62 (a).)
- f. **Amendments to Reconsidered Bills.** Defeated bills may not be amended unless and until the Committee grants reconsideration pursuant to these rules. Unless the Chairperson approves prior to a Committee hearing, reconsidered bills shall not be amended prior to the new vote on the merits of the bill, and shall be taken up for vote only. (Assembly Rule 68). In addition, any amendments permitted to a reconsidered bill must comply with all Committee rules, unless the Chairperson deems otherwise. (Assembly Rule 57.1, Joint Rule 62 (a).)

11. **SUBCOMMITTEES**

- a. **Study.** The Chairperson may, subject to the Rules of the Assembly, create subcommittees for the in-depth study of a particular subject matter or bills.
- b. **Rules.** Subcommittees shall operate under the same rules as the full Committee.

12. **EXECUTIVE REORGANIZATION PLANS**

- a. **Consideration.** Pursuant to Government Code Section 12080.2, Executive Reorganization Plans referred to the Committee pursuant to Government Code Section 12080 shall be considered in the same manner as a bill.
- b. **Report.** Pursuant to Government Code Section 12080.2, after consideration, and at least 10 days prior to the end of the 60-day period specified in Government Code Section 12080.5, the Committee shall forward a report to the Assembly floor which may include the Committee's recommendation on whether or not to allow the plan to take effect.
- c. **Plans.** Pursuant to Government Code Sections 12080 and 12080.2, possible Committee actions with respect to a reorganization plan include the following:
 - (1) Recommend that the Assembly take no action, thus permitting the plan to take effect.
 - (2) Recommend that the Assembly adopt a resolution disapproving of the plan and preventing it from taking effect.

- (3) Make no recommendation.

13. **REVIEW OF ADMINISTRATIVE REGULATIONS**

- a. **Review of Regulations.** Committee counsel 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 counsel 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.)

14. **OVERSIGHT**

- a. **Investigation.** The Chairperson may, subject to the Rules of the Assembly, create oversight subcommittees to conduct detailed investigations of the performance and effectiveness of state agencies and programs that come within the scope of the Committee's jurisdiction. Such subcommittees shall make periodic reports to the full Committee on the progress of their oversight activities.
- b. **Agenda.** Whenever reports submitted by the Legislative Analyst, Auditor General, or other agency directed to do so, are referred to the Committee, any legislative recommendations contained in the report shall be placed on the Committee's agenda for appropriate action.

15. **INTERIM STUDY**

- a. The Committee may, by majority vote, refer the subject matter of a bill for interim study. (Assembly Rule 59.)
- 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. (Assembly Rule 59.)
- c. Informational hearings outside of Sacramento are permitted during recesses, subject to the approval of the Speaker and the appropriate four-day file notice. However, the Committee may not act on a bill outside of Sacramento. (Joint Rule 60.)

16. **COMMITTEE BILLS**

- a. The Committee may introduce one or more bills germane to any subject within the proper jurisdiction of the Committee in the same manner as any member. A

Committee bill shall contain the signatures of a majority of all the members of the Committee, including the Chairperson. The Chairperson may assign responsibility for management of any Committee bill to himself or herself or to any signatory member. (Assembly Rule 47.)

- b. If all the members of the Committee sign a bill, at the option of the Chairperson, the Committee members' names need not appear as authors in the heading of the printed bill. (Assembly Rule 47.)

17. **OMNIBUS BILLS**

- a. The Committee may introduce one or more omnibus bills germane to any subject within the proper jurisdiction of the Committee. An omnibus bill shall contain the signatures of two thirds of all the members of the Committee, including the Chairperson and Vice Chairperson. Any such omnibus bill shall include only provisions determined by the Committee to be technical, nonsubstantive, or non-controversial. In the event that any provision included in the bill is later deemed to be controversial, it shall be excised from the bill.
- b. If all the members of the Committee sign a bill, at the option of the Chairperson, the Committee members' names need not appear as authors in the heading of the printed bill.

18. **PILOT PROJECTS**

Any bill that proposes the creation of a pilot project shall contain the following substantive requirements:

- a. A statement of purpose of the proposed pilot project which specifically states the goals or objectives of the project.
- b. The methodology for determining success of the pilot project, including defined outcome measures (specifying, among other things, numerical objectives which must be met or exceeded) by which the success of the project may be quantified.
- c. In the event a bill is amended into a pilot project bill during the Committee hearing, the Committee shall draft amendments in conformity with these rules. The Chairperson may, as he or she deems appropriate, put the bill over to the next scheduled hearing in order to allow sufficient time for drafting.

19. **MISCELLANEOUS PROCEDURAL RULES**

- a. **Appealing the Decision of the Chairperson.** Any Committee member may appeal a decision or ruling of the Chairperson on a point of order. Such appeals shall be decided by a majority of those members present and voting. A majority of those members present and voting or a tie vote sustains the decision or ruling of the Chairperson. (Assembly Rule 82.)

- b. **Substitute Motions.** A substitute motion or substitute amendment may be offered to replace an original motion before the Committee. (Assembly Rule 91.)
- (1) A motion to substitute shall be deemed a motion to amend, is debatable, and can be adopted by a majority of those members present and voting. (Assembly Rule 91.)
 - (2) If the substitute motion is adopted, it becomes the new "main" motion. (Assembly Rule 91.)
 - (3) A substitute motion which has been adopted is subject to the same voting requirement as if it were the original motion. If the substitute motion fails, the original motion is again before the Committee and is subject to the normal voting requirements. (Assembly Rule 91.)
- c. **Motion to Table Another Motion.** A motion to “Lay on the table” requires a second, shall be put to the Committee without discussion, and requires an affirmative vote by a majority of the Committee membership present and voting. (Assembly Rule 86).
- d. **Vacancies.** A vacancy on the Committee does not reduce the quorum requirement or the number of votes required to take action on a bill. (Assembly Rule 57.)

20. **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.

21. **DISTRIBUTION OF COMMITTEE RULES**

A copy of these rules shall be made available upon request.