

SENATE HUMAN SERVICES COMMITTEE

RULES

2013 – 2014 LEGISLATIVE SESSION

1. COMMITTEE HEARINGS

The committee, comprised of five (5) members, shall meet in regular session upon the second and fourth Tuesdays of each month at 1:30 p.m. in Room 3191 of the state Capitol, unless otherwise requested by the Chair and approved by the Committee on Rules.

2. QUORUM

- a. A majority of the committee membership 3 (three) shall constitute a quorum.
- b. The Chair shall preside at meetings when present except when the Committee is considering a bill of which he/she is the author. 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.
- c. Lacking a majority and at the discretion of the Chair, the Committee may convene a hearing as a Subcommittee of one or more members to consider bills, take testimony and make recommendations as a Subcommittee. The recommendation of the Subcommittee may be accepted by the affirmative vote of a majority of the members of the full Committee.
- d. Pursuant to J.R 44(b)(5)(ii), whenever a Committee member is disqualified from taking any action on a bill, a quorum shall consist of a majority of the membership of the Committee

present. The member shall advise the Chair of the disqualification and the Chair shall announce the member so disqualified at the beginning of the hearing.

3. **SETTING BILLS**

- a. **Setting of Bills:** Pursuant to the Chair's authority, Committee staff shall be responsible for preparing Committee hearing agendas. Bills referred to the Committee shall be set for hearing as soon as practicable and in a manner that enables the Committee to meet its workload and schedule. Bills relating to the same subject matter may be set for hearing on the same day, as deemed appropriate by the Chair.
- 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 Senate 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.

What Is an Author's Set: If a bill is withdrawn at the request of the author from the hearing in which it was set, or is not heard to permit the preparation of amendments or compliance with any other Committee rules, the set shall be deemed an author's set.

What Is a Committee Set: If a bill is set for hearing and the Committee postpones the hearing of the bill on its sole initiative, 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.

- 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 deems appropriate.

4. **BACKGROUND INFORMATION REQUEST**

- a. When a bill is referred to the Committee, the Committee shall forward to the author a background information request to aid in the preparation of the Committee analysis.
- b. The author shall hand deliver one hard copy of the completed background information request and background materials to the Committee as expeditiously as possible along with electronic copies of the background materials to the Committee Consultant and Committee Assistant. Committee background sheets and materials are due to the Committee no later than *seven calendar days* after the background information request is initially delivered to the author's office, unless otherwise requested by the Committee. The Committee reserves the right to postpone a hearing on any bill if the background materials have not been submitted at least 10 days prior to the scheduled hearing.
- c. The author's office shall electronically transmit copies of the background information request and background materials to the Minority Consultants. Additionally, background materials, support and/or opposition letters, and any other documentation submitted after the

initial completed background information request and materials shall be provided by the author to both the Committee and the Minority Consultants. The delivery of the aforementioned background request and background materials shall be in accordance with the deadlines found in Section 2b.

- d. The completed background information request shall contain 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 background information request 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 background information request 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.

5. AMENDMENTS

- a. An author may, subject to the Joint Rules, amend a bill at any time prior to the hearing, provided that author's amendments shall be submitted to the Committee no later than noon seven calendar days prior to the hearing at which the bill has been set.
- b. All author's amendments shall be submitted to the Committee (the original, signed by the author, plus eight copies) in Legislative Counsel form.
- c. The Chair reserves the right to reset for a subsequent hearing any bill for which amendments are submitted after the deadline in (a), and such a set shall be deemed an author's set.
- d. If an author offers substantive amendments to a bill later than seven calendar days prior to the Committee hearing for which the bill is set, or during the hearing, the hearing may, at the discretion of the Chair, be postponed in order to place the amendments in print and permit appropriate analysis by Committee staff. Such a set shall be deemed an author's set.
- e. Amendments made to a bill during a hearing shall be drafted by Committee staff.
- f. With 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 staff for review no later than two calendar days prior to the hearing, unless the Chair deems otherwise.
- g. If a bill is substantially changed after it leaves the committee, the Committee may request to have the bill returned for further policy consideration and hearing. The author's consent to

return the bill to committee is implicit in having the bill heard before this committee.

- h. A bill may not be amended to add an urgency clause unless the author of the amendment has secured prior approval of the Senate Rules Committee.

6. COMMITTEE ANALYSES

- a. Committee staff analyses of bills scheduled for hearing before this Committee shall be made available to the public after 1:00 p.m. on the Monday prior to the Tuesday Committee hearing, except in cases where it is not feasible, including due to holidays or extraordinary Committee workload. For special hearings, the analyses shall be made available to the public at the time of the hearing and prior to any testimony being taken on the bill.
- b. A copy of an analysis shall be sent to the bill's author and a draft "pre-hearing" packet containing each analysis shall be delivered to members of the Committee prior to its general distribution to the public.
- c. Support and opposition letters received by the Committee later than noon six calendar days prior to a hearing on a bill are not assured of being reflected in a Committee analysis. Only those letters that clearly indicate "Support" or "Oppose" to the current version of the bill may be noted in the Committee analysis.

7. COMMITTEE AGENDA

- a. Bills set for hearing shall be heard in file order, except as the Chair otherwise deems appropriate. The Chair may choose to permit an author to present all of his or her bills at one time, or may take an author out of order out of courtesy or special circumstances.
- b. If an author is not present when his or her bill(s) come up, the author will lose his or her place, but will be allowed to present upon return to the hearing room.
- c. If an author does not present his or her bill at the hearing at which it is set, the bill may be passed on file and considered an author's re-set, unless the Chair otherwise deems appropriate.
- d. A bill may not be considered in the absence of the author without his or her consent, except that a bill may be presented by the author's representative who is authorized in writing. The Chair reserves the right to have the author, and not a representative, present his/her bill.
- e. When the Chair finds another order of business would be more expedient, measures can be taken up out of order by setting them as a special order of business.

- f. Committee members' bills shall be listed in numerical order. Committee members, however, shall take up their bills after other authors or at the discretion of the Chair, such as when no other authors are present.

8. CONSENT CALENDAR

- a. 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 Chair deems otherwise. The Committee staff may, in consultation with the Minority Consultant, 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.
- b. The Chair 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. 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 Chair 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. If the Chair deems it necessary, the bill may be taken up at the next scheduled committee hearing.
- d. A bill *may be amended while on consent* provided the amendments are noncontroversial and have been approved by the Chair. At the time of the vote for the consent calendar, the Chair shall temporarily remove the bill from consent and present the amendments to the members. The author does not need to be present. The Chair shall then place the bill back on consent with the notation that the vote shall be "Do Pass as Amended on Consent." A vote shall then be taken on the full consent calendar.

9. TESTIMONY AT HEARINGS

- a. The Chair may, in consultation with the Vice Chair, limit duplicative testimony, limit the number of witnesses appearing on behalf of or in opposition to a bill, and limit the time allotted to authors and witnesses testifying on behalf of or in opposition to a bill. 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 Chair 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 working day prior to the hearing.

10. 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.

- b. **Recorded Voting:** All actions taken on a bill by the Committee shall be recorded by roll call vote only, except as noted in Rule 10 (e) below or in the Joint Rules or the Rules of the Senate. The vote shall be announced upon conclusion of a roll call vote, unless the bill has been placed on call.
- 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.
- d. **Placing Measures on Call:** Prior to announcement of the vote, upon the request of the author or any member of the Committee, the Chair 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 Chair 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 his or her vote. However, a member may not add his or her vote to any bill after the vote has been announced.
- e. **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 motions that do not have the effect of disposing of a bill.
 - 2. An author's request to withdraw a bill from the Committee calendar.
 - 3. The return of a bill to the Chief Clerk where the bill has not been voted upon by the Committee.
- f. **Tie Votes:** In the case of a tie vote, a motion fails.
- g. **Holding bills:** A motion to "refer to interim study," "hold in Committee," or to "table" requires a second, shall be put to the Committee without discussion, and requires an affirmative vote by a majority of the Committee membership.
- h. In all other respects, Committee voting shall be governed by the provisions of the Standing Rules of the Senate.

11. RECONSIDERATION

- a. After a bill has been defeated by the Committee, reconsideration of the bill may be granted one time.

- b. 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.
- c. 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 Senate.
- d. If a second and final vote on the bill is scheduled by the Committee for a subsequent hearing, the vote must be properly noticed in the Senate Daily File, and shall, in the Chair's discretion, be listed either "Reconsideration and Vote Only" or "Reconsideration and Further Hearing." Unless previously approved by the Chair, no additional testimony shall be presented on a bill granted reconsideration at a prior hearing, and the author need not be present.
- e. Defeated bills may not be amended unless and until the Committee grants reconsideration pursuant to these rules. Unless the Chair 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. In addition, any amendments permitted to a reconsidered bill must comply with all Committee rules, unless the Chair deems otherwise.

12. SUBCOMMITTEES

- a. The Chair may, subject to the approval of the Committee on Rules, create Subcommittees for the in-depth study of particular subject matter or bills.
- b. Bills may be assigned to the Subcommittee as deemed proper by the Chair. A subcommittee may not hear a bill unless it has been assigned by the Chair.
- c. Subcommittees must submit a letter to the Chair requesting approval to have a hearing.
- d. Subcommittees shall operate under the same rules as the full Committee.

13. INTERIM

- a. The Committee may, by majority vote, refer the subject matter of a bill for interim study.
- b. The Chair 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 Senate Rules and the appropriate four-day file notice. However, the Committee may not act on a bill outside of Sacramento.

14. COMMITTEE BILLS AND OMNIBUS BILLS

- a. The Committee may introduce a bill germane to any subject within the proper consideration of such committee in the same manner as any Member. A Committee bill shall contain the signatures of all members of the committee.
- b. If all the members of the Committee sign a bill, at the option of the Chair, the Committee members' names need not appear as authors in the heading of the printed bill.

15. MISCELLANEOUS PROCEDURAL RULES

- a. Any Committee member may *appeal a decision or ruling of the Chair* 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 Chair.
- b. A *substitute motion or substitute amendment* may be offered to replace an original motion before the Committee.
 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.
 2. If the substitute motion is adopted, it becomes the new "main" motion.
 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.
- c. A vacancy on the Committee does not reduce the quorum requirement or the number of votes required to take action on a bill.
- d. These rules may be changed by a majority vote of the Committee, consistent with the Joint Rules and the Rules of the Senate.

16. COMMITTEE 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 store the Committee's past legislative records with the State Archives. The Committee records that are in the possession of the Committee Assistant are open to inspection and reproduction by the public in the Committee office during normal working hours of 9 a.m. to 5 p.m., Monday through Friday. The records held in the State Archives are open to inspection and reproduction pursuant to the procedures established by the Secretary of State.

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