



# Assembly Committee on Utilities and Energy

Assemblymember Chris R. Holden, Chair

California Legislature

## **2019-2020 COMMITTEE RULES**

*The Assembly Committee on Utilities and Energy 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, subject to the discretion of the Speaker, to occur on the first and third **Wednesdays of the Legislative Calendar, commencing at 1:30 p.m. in Room 437** of the State Capitol. A majority of the committee shall constitute a quorum.*

### **WORKSHEET**

1. When a bill is referred to the committee, the committee secretary shall forward a worksheet to the author's office. An electronic version of the worksheet shall be completed and returned to the committee **by the designated date on the worksheet**. Completion of the worksheet is the responsibility of the author. The committee staff shall not provide copies of the worksheet to sponsors.
2. The chair may withhold the setting of a bill for hearing or remove a bill from the hearing file until the worksheet is completed and returned to the committee. If a bill has been removed from the file due to the lack of a completed worksheet, it may be the author's responsibility to obtain waivers of any and all rules necessary to have the measure heard.

### **SETTING OF BILLS**

3. (a) No bill may be set until it has been referred to committee.  
  
(b) 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.  
  
(c) A bill being heard in the committee of first reference in the Assembly must be noticed in the file for four days prior to a hearing. This requirement can be waived by a majority vote of the Assembly. The file requirement for other bills is two days notice prior to the hearing.

(d) A bill may only be “set” for a hearing in committee 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. If a bill is “set” for hearing and the committee, on its own initiative and not the author’s, postpones the bill's hearing or adjourns the hearing prior to or while testimony is being taken, such hearing shall not be counted as one of the three times a bill may be “set.” If the hearing notice in the file specifically indicates that “testimony only” will be taken, such a hearing shall not be counted as one of the three times a bill may be “set.”

(e) Bills referred to the committee may be set for hearing by the Chair at a time most convenient to the committee consistent with the schedule of the Assembly committee meetings.

(f) To the extent possible and at the pleasure of the Chair, bills relating to the same subject matter shall be set on the same day.

(g) If a bill has been set for hearing and the author or the committee decides not to take the bill up at that time, audience members who have traveled to Sacramento shall be permitted to testify on the bill.

#### **AUTHOR'S AMENDMENTS PRIOR TO HEARING**

4. (a) All substantive authors' amendments shall be given to the committee in Legislative Counsel form **at least seven business days prior to the hearing for which the bill is set.** (Example: For a bill scheduled to be heard on Wednesday, March 6<sup>th</sup>, amendments must be submitted by Monday, February 25<sup>th</sup> and no later than 12:00 p.m.) The proposed amendments must be hand delivered to the committee office.
- (b) Additionally, a draft of all substantive amendments, generally satisfied by author’s request for amendments to Legislative Counsel, must be provided to the committee **at least twelve business days prior to each hearing for which the bill is or will be set.** (Example: For a bill scheduled to be heard on Wednesday, March 6<sup>th</sup>, draft amendments must be hand-delivered to the committee office by Monday, February 18<sup>th</sup> and no later than 12:00 p.m.)
- (c) The Chair has the sole discretion, in consultation with Legislative Counsel, to determine whether or not an amendment is “substantive” within the meaning of this rule. A determination of substantive shall not be based solely on the length of the amendment, number of words or number of pages.

(d) An author shall provide the **signed original and nine copies of the amendments prepared by Legislative Counsel** to the committee secretary. An author may also provide an electronic copy of the amendments in addition to the signed original and nine copies of the amendments.

(e) If an author offers substantive amendments to a bill, constitutional amendment or resolution less than seven calendar days prior to the committee hearing at which it is set, or delivers a draft of all substantive amendments to a bill less than 12 business days prior to the committee hearing at which it is set, the measure may not be heard, unless consented to by the Chair. This may be deemed "an author's pull."

(f) All amendments accepted during a committee hearing are "committee amendments," whether or not requested by the author. Preparation and writing of committee amendments shall be the responsibility of the committee staff.

(g) No author's amendment that has significant policy effect, as determined by the chair, may be heard by the committee unless a committee analysis of the amendment has been prepared and is available to committee members and the public by the beginning of the committee hearing.

(h) No measure can be amended to add an urgency clause unless the author of the amendment has obtained prior approval of the Rules Committee.

## **COMMITTEE ANALYSES**

5. (a) Committee staff analyses of bills scheduled for hearing shall be made available to the public at least one working day prior to the day of the hearing. In the case of special hearings, the analysis shall be made available to the public at the time of the hearing or prior to any testimony being taken on the bill.

(b) A copy of the analysis shall be sent to the bill's author and to members of the committee prior to its general distribution to the public.

(c) For regularly scheduled bills, committee staff shall indicate on the analysis the position of any organization, entity or person that submits a formal letter of support or opposition to the committee **at least six calendar days prior to the hearing on the bill.** (Example: In order for a position to be listed on the analysis for a scheduled Wednesday hearing, letters of support and opposition must be received by noon on Thursday the week prior to the hearing.) All letters received after this time will be listed in the analysis at the Chair's discretion. Letters must contain the name, address and telephone number of the sender.

(d) For the purposes of (c) the formal letter may be delivered to the committee via email through the Advocate Portal <https://calegislation.lc.ca.gov/Advocates/> or on the

committee's website <https://autl.assembly.ca.gov/>.

(e) For the purposes of this rule, a "special hearing" shall be any hearing of a bill *not held at the regularly scheduled time and place, a hearing for which a file notice waiver has been granted pursuant to Assembly Rule 56, or a hearing on a general subject area.*

## **BILL PRESENTATIONS**

6. (a) Unless a special order of business is listed in the file, **bills will be heard in the order in which the bill is listed in the Assembly Daily File.** If an author is not present when his or her bill(s) is scheduled to be heard, the next author's bill(s) will be heard and the absent author's bill(s) will be placed at the end of the sign-in list. Bills authored by members of the committee will be heard after all non-committee authors' bills have been heard. If no non-committee authors are present at any time during the hearing, committee-authored bills may be heard.

(b) If the author is unable to present his or her own bill, another member of the Legislature may present. If the author wishes, a member of his or her staff may, under a prior arrangement with the Chair and with submission of written authorization from the author, present the measure for the author.

- (i) The representative of the author must be a member of the author's staff. No lobbyist, sponsor or supporter of the measure may present the measure before the committee under any circumstances.
- (ii) Any measure presented by staff will be presented at the end of the hearing, or at such time when no other authors are present.

(c) When it is necessary to limit testimony, due to the number or complexity of the bills on the agenda at a hearing, on one or more of the bills in order to ensure that all of the bills on the agenda have a fair and reasonable opportunity to be presented by the author and heard and discussed by the Committee, the Chair, at his or her discretion, may: 1) limit duplicative testimony; 2) limit the number of witnesses appearing in support or opposition to a bill; or 3) limit the time allotted to the presentation of testimony on a bill provided that both support and opposition receive equitable time for their presentation.

## **CONSENT CALENDAR**

7. (a) A bill may be placed on the consent calendar, if the Chair and Vice-Chair of the committee, in advance of a hearing, jointly propose to recommend any set bills for the consent calendar without hearing testimony in committee.

(b) A bill may be removed from the consent calendar by the request of any member of the committee without explanation. In such a case, the sergeant-at-arms shall immediately notify

the author, and the bill will then be heard in the order specified under rules concerning the Order of the Agenda.

### **MEETING AND QUORUM**

8. (a) A majority of the committee members shall constitute a quorum.
- (b) The Chair is authorized to begin a hearing at the committee's prescribed hearing time. In the absence of a quorum, the committee may operate as a subcommittee. The subcommittee may receive testimony and recommend action on a bill to the full committee; however, no votes may be taken as a subcommittee.
- (c) Whenever a committee member is disqualified from taking any action on a bill pursuant to Joint Rule 44 and Assembly Rule 57, a vacancy on the committee is created. Any vacancy on the committee shall not reduce the votes required to take action on a bill. The member shall advise the Chair of the disqualification, and the Chair shall announce the member so disqualified at the beginning of the hearing.
- (d) Committee members who seek to leave during a committee hearing shall notify the Chair where they may be reached and provide the Chair an estimated time of return.

### **VOTING**

9. (a) A majority of the committee membership is required to pass a bill from committee.
- (b) A simple majority of those present and voting is sufficient to recommend adoption of author's or committee amendments, provided that a quorum is present.
- (c) A motion to recommend "do pass" on a bill or recommend "do pass as amended" requires a second.
- (d) A recorded vote shall be taken on all of the following actions of the committee:
- (i) On an action which constitutes the committee's final action on a bill, constitutional amendment, or resolution;
  - (ii) On amendments requested by the committee;
  - (iii) On motions to reconsider committee actions; and,
  - (iv) On recommendations to the Assembly Floor relating to executive reorganization plans.

- (e) A roll call vote on a previous bill may be substituted by unanimous consent, provided that the committee members whose votes are substituted are present at the time of the substitution.
- (f) Prior to announcement of the vote, upon the request of any member of the committee, the chair may announce that the roll will be held open until such time the chair determines to permit absent committee members to vote.
- (g) A recorded roll call vote is not required on the following actions by the committee:
  - (i) A motion to take a bill "under submission" or other procedural motions which do not affect the final disposition of the bill;
  - (ii) An author's request to withdraw a bill from the committee calendar;
  - (iii) The return of a bill to the house where the bill has not been voted upon by the committee; or
  - (iv) An author's amendment.
- (h) In all other respects, committee voting will be governed by the provisions of Assembly Rule 58.5.

## **RECONSIDERATION**

- 10. (a) After a bill has been voted on, reconsideration may be granted once.
  - (b) The motion for reconsideration may be made at the same hearing that the measure is initially acted upon, if the author is present, or at a subsequent hearing. Reconsideration may be requested for any bill voted on by the committee members. No action taken by a committee may be reconsidered except with a majority vote of the membership (Assembly Rule 57.1).
  - (c) Authors seeking reconsideration after the hearing at which the bill failed passage shall notify the Committee Secretary in writing in sufficient time for the required notice to be published in the File and for the Committee to take action **within 15 legislative days** of the initial defeat of the bill.
  - (d) If reconsideration is granted, the committee may vote on the bill immediately or may postpone the vote until the next regular hearing. In the case of a defeated bill, if the motion for reconsideration fails or the vote on the bill after the granting of reconsideration fails, the bill shall be immediately returned to the Chief Clerk (Joint Rule 62 (a)).
  - (e) Unless specifically authorized by the chair no additional testimony may be permitted on a bill that has been granted reconsideration.

## **MEDIA**

11. For all matters pertaining to the media and documentation of a committee hearing refer to the Assembly Committee on Rules adopted protocol.