



Assembly Committee on Utilities and Energy

Assemblymember Eduardo Garcia, Chair

California Legislature

2023-2024 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. Note: Hearing dates are subject to change. 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 **within 5 business days of receipt**. Completion of the worksheet is the responsibility of the author.
2. (a) 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 will be considered an author's pull and may be the author's responsibility to obtain waivers of any and all rules necessary to have the measure heard.

(b) Authors of any bill that includes legislative findings and declarations shall provide in the worksheet sources to support each finding and declaration. Failure to provide sources may be considered an incomplete worksheet submission, resulting in the bill not being set, or may result in the committee recommending removal of unsubstantiated findings from the bill.

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 of the bill 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 a two day notice prior to the hearing.

(d) A bill may only be “set” for a hearing in committee three times. Once set, a bill may be “pulled” from the hearing by either the author or committee:

(1) An “author’s pull” occurs when an author requests in writing to the Chair that they would like their bill to be pulled from a hearing.

(2) A “committee pull” occurs when the committee, on its own initiative and not the author’s, postpones the bill’s hearing or adjourns the hearing prior to a vote on the bill being taken. When such a committee pull occurs, it shall not be counted against one of the three times a bill may be “set.”

(3) Actions of the author, outside of a written request to the Chair, may also result in an “author’s pull.” These include, but are not limited to, submitting an incomplete or late worksheet, as described in Rules 1 and 2 above; or submitting author’s amendments after the deadline, as described in Rule 4 below.

(4) 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 may 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 may be permitted to testify on the bill. Should public testimony not be available, the opportunity to provide written comments to the committee shall be offered.

AUTHOR'S AMENDMENTS PRIOR TO HEARING

4. (a) The author's office must notify committee staff that author's amendments are being requested. A copy of the request sent to Legislative Counsel should be sent to the committee office at the time the amendments are submitted to Legislative Counsel, but **no later than twelve business days prior to the hearing for which the bill is or will be set.** (Example: For a bill scheduled to be heard on a Wednesday, draft amendments must be submitted by noon (12:00 pm) on the Monday two weeks prior to the hearing.)

(b) All author’s 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 a Wednesday, amendments must be submitted by noon (12:00 pm) on the Monday a week prior to the hearing.) The proposed amendments must be

delivered to the committee office either in-person or electronically following the procedures below.

- (c) An author may provide the original amendments in Legislative Counsel form either by:
 - (1) electronic copy to the committee secretary and consultant. The author must confirm in their email to committee staff their request to have the submitted amendments processed as author's amendments, and include the author's digital signature in the body of the email. Both the amendments and the in-context version must be submitted electronically.
 - (2) in-person by submitting the signed original, the in-context version, and two copies of the amendments by hand to the committee secretary.

- (d) For a non-substantive bill (a "spot bill") pending referral which the author anticipates will be referred to this Committee, the author **must provide the Committee with author's amendments when they are provided to the Rules Committee**. Failure to do so may result in a bill not being set for hearing.

- (e) If an author offers amendments to a bill, constitutional amendment or resolution less than seven business days prior to the committee hearing at which it is set, or delivers a draft of all 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. Such action to not hear a bill due to late author's amendments 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, where a working day is defined as any day on which the Assembly Daily File is published. 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. 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.***

(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 by noon (12:00 pm) **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 (12:00 pm) 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.

(d) Letters must contain the name, address and telephone number of the sender, and must be addressed to the Chair of the Committee. Joint letters must list in writing every organization sharing the position. Including only medallions, logos, or icons of an organization may result in the organization not being listed in the analysis.

(e) For the purposes of (c) the formal letter must be delivered to the committee through the Advocate Portal <https://calegislation.lc.ca.gov/Advocates/>. The portal may be accessed either at the link above or on the committee's website <https://autl.assembly.ca.gov/>. Once letters are submitted through the Advocate Portal, additional distribution to committee staff is not necessary.

(f) Author's staff are responsible for submitting and **verifying the accuracy of position letters** to the committee both six calendar days prior to a bill being heard in committee and no less than two business days prior to the bill being heard on the Assembly floor. If position letters are not verified within this time frame, the committee may state that updated support and opposition could not be verified, resulting in incorrect or incomplete information on the analysis. Position letters submitted to other committees on the same bill may not be included in the analysis unless verified by the author's staff.

BILL PRESENTATIONS

6. (a) **Bills will be heard in the order in which the bill is listed in the Assembly Daily File.** Exception shall be made for bills placed on the committee's Consent Calendar and those designated for waiver of presentation. The Chair can also determine that another order of business is more expedient, and take up measures out of order or set a special order of business. If an author is not present when their bill is scheduled to be heard, the next author's bill(s) will be heard and the absent author's bill(s) will be passed over temporarily. Bills authored by members of the committee will be heard after all non-committee authors' bills. If only committee authors are present at any time during the hearing, committee-authored bills may be heard.

(b) If the author is unable to present their bill, another member of the Legislature may present. If the author wishes, a member of their staff may, under a prior arrangement with the Chair and with submission of written authorization from the author, may 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 circumstance.
- (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 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 their 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 equal 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 bill presentations.

MEETING AND QUORUM

8. (a) A majority of the committee membership 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) In the temporary absence of the Chair, or when the Chair is presenting a bill in committee, the Chair may appoint a temporary replacement from the membership of the committee. 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.

(d) 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.

(e) The Speaker may designate any member to fill a temporary vacancy of the committee.

VOTING

9. (a) A majority of the committee membership is required to pass a bill from committee.

(b) A majority of those present and voting is sufficient to adopt amendments, provided that a quorum has already been established during the hearing.

(c) A motion to recommend "do pass" on a bill or recommend "do pass as amended" requires a second. The Committee may decide not to give a bill a do pass recommendation, but instead refer the subject matter of the bill to the Rules Committee for study.

(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. The Chair shall announce the time or times when the roll shall be opened and any vote on a bill that is on-call may be cast, prior to the adjournment of committee.

(g) Once the roll has been closed, a Member prior to adjournment of the committee and in the absence of any objection may instruct the Committee Secretary to add or change their vote to any previously announced vote that had been taken, so long as the outcome of the vote is not thereby changed. The Chair may designate a period of time prior to the adjournment of committee during which such vote changes may occur.

(h) 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 adopted prior to the hearing, in accordance with section 4 of these Rules.
- (i) 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 or at a subsequent hearing, if the author is present in either case. 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 Daily File and for the Committee to take action **within 15 legislative days or prior to the interim study joint recess, whichever is first**, 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 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's adopted protocol.