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## 2021-22 Legislative Session

### COMMITTEE RULES

#### OFFICERS

- (1) The officers of the Senate Committee on Energy, Utilities and Communications shall be a Chair, Vice-Chair and Committee Assistant.
- (2) The Chair shall preside at hearings when present except when the Committee is considering a measure of which the Chair is the sole author or the lead 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.
- (3) The Committee Assistant shall keep a complete record of the hearings and actions taken by the Committee. Measures favorably acted upon shall be reported to the Senate as expeditiously as the reports can be prepared.

#### HEARINGS

- (4) The Committee shall meet in regular session in the room and on the day and hour designated by the Committee on Rules. Adjourned hearings or special hearings shall be held at the time fixed in the adjourning motion or, for a special hearing, on the call of the Chair.
- (5) A special hearing may be called by the Chair, with the approval of the Committee on Rules, by giving reasonable notice to the public and all members of the Committee either in writing or by telephone, specifying the purpose of the hearing, the time and place thereof, and the matters to be considered at the hearing. Notice of a hearing of measures as required by Joint Rule 62(a) shall be published in the Daily File. A matter may not be considered at the special hearing unless specified in the notice.

A special hearing shall be scheduled so as to permit all members of the Committee to attend without conflict with other scheduled Committee hearings.

## **COMMITTEE RULES (Cont.)**

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- (6) The Chair shall set hearings of measures and arrange the calendar for Committee hearings. Notice of hearing of any measure shall be given to the author and other persons requiring notice. A measure may not be considered in the absence of the author without his or her consent, except that a measure may be presented by the author's representative who is authorized, by the author, in writing. A lobbyist, sponsor or supporter shall not present a measure before the Committee under any circumstances.
- (7) The Chair shall direct the order of presentation of the arguments for and against matters for consideration by the Committee, and shall permit questions to be asked by members of the Committee in an orderly fashion and in keeping with proper decorum.
- (8) A measure may be set for hearing **THREE TIMES ONLY**. If the Committee postpones a hearing it is not counted as being set. If the Committee adopts amendments other than those offered by the author and orders the measure reprinted prior to its further consideration, at the hearing the amendments were adopted, shall not be counted as the final time a measure may be set. Any measure that has been set three times is subsequently ineligible for a hearing.

### **QUORUM**

- (9) A majority of the membership of the Committee shall constitute a quorum. A vote of a majority of the membership of the Committee shall be required to table a measure, remove it from the table, or reconsider a vote on a measure.
- (10) Action may not be taken on any measure outside of a duly constituted Committee hearing.

### **VOTING**

- (11) Voting on the disposition of measures by Committee shall be by rollcall vote only and recorded by the Committee Assistant. A rollcall vote shall be taken on a motion to amend only if requested by any member of the Committee or the author of the measure. All rollcall votes taken in Committee shall be promptly transmitted to the Secretary of the Senate.

The rule does not apply to:

- (a) Procedural motions that do not have the effect of disposing of a measure.
- (b) Withdrawal of a measure from a Committee calendar at the request of an author.
- (c) The Committee's return of a measure to the Senate, if the measure has not been voted on by the Committee.
- (d) The assignment of measures to Committee.

## **COMMITTEE RULES (Cont.)**

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- (12) On the Chair's own initiative, or at the request of any member of the Committee, the Chair shall order a call. When a measure is on call, a member may vote on the measure only when the call is lifted. Under no circumstances shall a member be allowed to add his or her vote to any measure after the Committee has been officially adjourned.
- (13) On a legislative day when the President pro Tempore or Minority Floor Leader is in attendance, he or she, in the absence of any objection, may instruct the Committee Assistant of a Committee of which he or she is a member to add his or her vote to any previously announced vote that was taken while he or she was performing the responsibilities of the office of President pro Tempore or Minority Floor Leader, provided the outcome of the vote is not thereby changed. This provision does not apply to any rollcall after adjournment of the legislative day during which the rollcall in question was taken. The intent of this paragraph is to allow the President pro Tempore and the Minority Floor Leader to carry out the unique and special duties of their offices without losing the opportunity to vote on matters before the Committees of which they are members.

## **RECONSIDERATION**

- (14) Further consideration of a measure that has been voted out of Committee or defeated shall be by reconsideration only, as follows:
- (a) A motion to reconsider a vote by which a measure is voted out is in order, and shall be voted upon at the same hearing. If the motion is carried by a vote of a majority of the membership of the Committee, the measure may be considered at that hearing, provided the author is present, or at a subsequent hearing.
- (b) The procedure of reconsideration of a measure that has been defeated shall conform to the requirements of Joint Rule 62(a). Any measure to which reconsideration has been granted pursuant to this paragraph may not be heard again until a subsequent hearing of the Committee, after being set in the Daily File.

Except for measures defeated due to an absence of membership, a defeated measure may be taken up only if the author has proposed amendments which, in the opinion of the chair, are major or substantial.

- (c) Reconsideration of a measure may be granted only one time.

## **AMENDMENTS**

- (15) An author may amend a measure prior to a hearing, consistent with the following rules.

## **COMMITTEE RULES (Cont.)**

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- (a) An author may amend a measure at any time prior to a hearing, provided the amendments are, in the opinion of the Committee Chair, minor or technical.
- (b) If an author wishes to amend a measure in a way that, in the opinion of the Committee chair, is substantial, the author must submit to the Committee Assistant
  - (i) an outline of the proposed amendments at least 14 days prior to the Committee hearing for which the measure has been set, and
  - (ii) 11 copies of the proposed amendments, in Legislative Counsel format, and an “in-context” version of the proposed amendments, prepared by Legislative Counsel, by 3:30 p.m. 10 days prior to the Committee hearing for which the measure has been set.

Should the Committee plan to meet for a hearing on a day or time other than the Committee’s regularly scheduled hearing date or time, or for a hearing on a day preceded by Legislative recess, the Chair will announce the due date for amendments and supporting materials applicable only to that hearing.

The Committee Assistant will provide a copy of the materials described in (a) and (b) above to the minority party consultant as expeditiously as practical.

- (16) When the Committee adopts proposed amendments to a measure, the Committee may take up the measure for vote at that hearing or, if the Committee or author requests, sent out to print before final action. If the amendments are not in proper form, they shall be prepared and submitted to the Chair for approval before being reported to the Senate Desk. Author amendments that, in the opinion of the Committee Chair, are major or substantial shall be submitted to the Committee at least two legislative days before the measure is set for hearing.

## **CONSENT CALENDAR**

- (17) Measures with no opposition may be placed on the Committee Consent Calendar prior to hearing. This Consent Calendar shall be made available to the public prior to hearing. If a Committee member objects to a measure being placed on the Consent Calendar, the measure will be removed and heard as a regular agenda item. A measure is eligible for the Committee’s Consent Calendar only if it 1) has no recorded opposition; 2) will not be amended at the hearing; 3) does not pose a major policy question, 4) Does not contain amendments that create a new measure or rewrite the measure in accordance with Senate Rule 28.3, and 4) has had no negative votes recorded against it during the Legislative Process.

## COMMITTEE RULES (Cont.)

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### SUBCOMMITTEES

- (18) The Chair may appoint, with the permission of the Committee on Rules, a Subcommittee of one or more members, from the members of the full Committee, to consider and recommend to the full Committee action on matters as may be assigned to the Subcommittee for consideration from time to time by the Chair. The Chair may assign and reassign members of, and matters to, the Subcommittee. The recommendation of a Subcommittee may be accepted by a vote of a majority of the members of the Committee.

### THIRD READING and UNFINISHED BUSINESS

- (19) For measures that are heard in this Committee and recommended to the floor and measures amended in the Assembly and returned to the Senate Floor for concurrence, it is the responsibility of the author's office to provide all letters to this Committee **(2) two days prior to measures reaching the Third Reading or Unfinished Business files**. If updated letters are not submitted, the Committee will state that updated support and opposition could not be verified and, therefore, will not be listed in the floor analysis. Given that measures on the Senate Floor may remain on file for several weeks prior to a vote, it is also the responsibility of the author's office to **immediately provide** this Committee with any additional position letters it receives during the period of time the measure appears on the Senate Daily File. The analysis will be updated to reflect the additional support or opposition accordingly.

### GOVERNOR'S REORGANIZATION PLANS

- (20) Governor's Reorganization Plans referred to the committee pursuant to Section 12080 of the Government Code shall be considered in the same manner as a measure.

### COMMITTEE RECORDS

- (21) All background materials and analyses prepared by Committee staff shall be made public upon request.

The Committee Assistant is the custodian of the Committee's Legislative records. Pursuant to Legislative Open Records Act (Sections 9070-9080 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 possession of the committee assistant are open to inspection and copying by the public in the committee's office. Requests to inspect and copy such records shall be made to the committee assistant during normal business hours. The committee's legislative records that are lodged with the State

## **COMMITTEE RULES (Cont.)**

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Archives are open to inspection and copying by the public, subject to the procedures established by the Secretary of State.

- (22) Unless otherwise specified by the Chair, Committee staff analyses of measures scheduled for hearing will be made available to the public the day prior to the day of the Committee hearing. In the case of special hearings, the analyses will be made available to the public at the time of the hearing and prior to any testimony being taken on the measure.
- (23) A copy of Committee analyses will be sent to the measures' author or authors and to members of the Committee, prior to its general distribution to the public.
- (24) The Committee Assistant will forward a *Background Information Request* document to the author or authors of each measure referred to Committee. The Chair may withhold setting of a measure for hearing until the completed *Background Information Request* is returned to the Committee. Completed *Background Information Request* must be returned to the Committee Assistant and the minority consultant at least 14 days prior to the scheduled hearing date.

### **OTHER RULES**

- (25) In all cases not provided for by these rules, the Senate Rules, the Joint Rules of the Senate and Assembly, or statute, the authority shall be the latest edition of Mason's Manual.