

MEMBERS
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NANCY SKINNER
HENRY I. STERN
SCOTT WILK



STAFF
CHIEF CONSULTANT
NIDIA BAUTISTA
CONSULTANT
SARAH E. SMITH
COMMITTEE ASSISTANT
MELANIE CAIN
1021 O STREET, SUITE 3350
SACRAMENTO, CA 95814
TEL (916) 651-4107
FAX (916) 642-8979

2023-24 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 bill 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. Bills and other measures favorably acted upon shall be reported to the Senate as expeditiously as the reports can be prepared.

SETTING OF BILLS

- 4) A bill may not be set for hearing, nor may any notice thereof be published, by a Senate Committee until the bill has been referred to the Committee by the Committee on Rules, unless the Committee on Rules determines that an extraordinary circumstance exists that justifies the bill being set.
- 5) The Chair shall set hearings of bills and arrange the calendar for Committee hearings. Notice of hearing of any bill shall be given to the author and other persons requiring notice. A bill may not be considered in the absence of the author without the author's consent. However, a bill may be presented by the author's representative who is authorized in writing. A lobbyist, sponsor or supporter shall not present a bill before the Committee under any circumstances.
- 6) A bill may be set for hearing in the Committee only three (3) times. A bill is set whenever notice of the hearing has been published in the Senate Daily File for one or more days. If 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.

BACKGROUND INFORMATION REQUEST WORKSHEET

- 7) The Committee Assistant shall forward a *Background Information Request* worksheet to the author for each bill referred to the Committee.
- 8) The author shall return the completed worksheet and any other background materials to the Committee as expeditiously as possible. However, all worksheets must be returned to the Committee Assistant and the Minority Consultant within seven (7) calendar days of receipt.
- 9) The author shall return the completed background materials to the Committee Assistant and Minority Consultant immediately if the author is made aware that their bill may be heard before the seven (7) calendar days would pass.
- 10) If the completed background sheet is not returned to the Committee Assistant within the specified timeframe and to the satisfaction of the Committee, along with any other supporting materials, that failure shall be deemed to be a request from the author to continue the bill to another hearing. In that event, the bill shall be set for hearing at a later date.
- 11) The Chair shall have the discretion not to allow consideration at a hearing if background material is 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.

AUTHOR AMENDMENTS PRIOR TO HEARING

- 12) An author may amend a bill prior to a hearing, consistent with the following rules:
 - a) The author must notify the Committee of any author amendments planned to be proposed. The Chair retains the discretion to postpone the hearing of a bill for which amendments are proposed.
 - b) The author must submit to the Committee Assistant;
 - i) an outline of the proposed amendments or a copy of the request submitted to Legislative Counsel no later than 15 days prior to the Committee hearing for which the bill has been set, and
 - ii) four (4) hardcopies (signed original plus 3 copies), an e-copy of the instructional version and “in-context” version of the proposed amendments prepared by Legislative Counsel no later than 3:00 p.m. 12 days prior to the Committee hearing for which the bill has been set.
 - c) For a non-substantive 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 Committee on Rules. Failure to do so may result in a bill not being set for hearing.

- d) All amendments accepted during a Committee hearing are “Committee amendments”, whether or not requested by the author. Preparation and writing of Committee amendments are the responsibility of the Committee staff.
- e) 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.
- f) A bill can’t be amended to add an urgency clause unless the author has obtained prior approval by the Committee on Rules.
- g) The Committee Assistant will provide a copy of the materials described in (b) above to the minority Committee consultant as expeditiously as practical.

COMMITTEE ANALYSES

- 13) Committee analyses of bills scheduled for hearing shall be made available to the public one day prior to the day of the hearing. In general, however, every effort will be made to have bill analyses available as expeditiously as possible. 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 bill.
- 14) Copies of the bill analyses shall be sent to the bill’s author and to members of the Committee prior to the general distribution to the public.
- 15) Support and opposition letters received by the Committee less than six (6) days prior to the hearing on a bill are not assured of being reflected in a Committee analysis. Only those letters which clearly indicate “Support” or “Opposition” and reflect the specific organization taking a position on a bill may be noted in the Committee analysis. Coalition position letters need to indicate each individual organization and their representative.
- 16) For bills that are heard in this Committee and recommended to the Senate Floor and bills, 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 two (2) days prior to bills 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 Senate Floor analysis. Given that bills 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 bill appears on the Senate Daily File. The analysis will be updated to reflect the additional support or opposition accordingly.

- 17) It is the responsibility of the author and advocates to provide updated position letters to the Committee.

HEARINGS

- 18) 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.
- 19) A special hearing may be called by the Chair, with the approval of the Committee on Rules, by giving reasonable notice to all members of the Committee specifying the purpose of the hearing, the time and place thereof, and the matters to be considered at the hearing. Notice of a hearing as required by Joint Rule 62(a) may also be given in the Senate Daily File. A matter may not be considered at the special hearing unless specified in the notice.
- 20) A majority of the membership of the Committee shall constitute a quorum. If a quorum is not present, the Chair may commence the hearing as a subcommittee subject to both Senate and Joint Rules, may receive testimony, and may recommend action on a bill to the majority of the Committee.
- 21) 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.

CONSENT CALENDAR

- 22) Bills 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 bill placed on the Consent Calendar, the bill will be removed and heard as a regular agenda item. A bill is eligible for the Committee's Consent Calendar only if it 1) has no recorded opposition; 2) does not pose a major policy question, 3) Does not contain amendments that create a new bill or rewrite the bill in accordance with Senate Rule 28.3, and 4) has had no negative votes recorded against it during the Legislative Process.

VOTING

- 23) Voting on the disposition of bills 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 bill. All rollcall votes taken in Committee shall be promptly transmitted by the Chair 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 bill.
- b) Withdrawal of a bill from a Committee calendar at the request of an author.

- c) A Committee's return of a bill to the Senate, if the bill has not been voted on by the Committee.
 - d) The assignment of bills to Committee.
- 24) On the Chair's own initiative, or at the request of any member of the Committee, the Chair shall order a 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 is being lifted, any member of the Committee who has previously voted on the bill may change his or her vote. Under no circumstances shall a member be allowed to add his or her vote to any bill after the Committee has been officially adjourned. Once the roll is closed and the final vote on a motion is announced, no member except the President Pro Tempore or the Senate Republican Leader may add on a vote but only if the change or addition would not affect the outcome of the motion.

RECONSIDERATION

- 25) Further consideration of a bill 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 bill is voted out shall be 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 bill may be considered at that hearing, provided the author is present, or at a subsequent hearing.
 - b) The procedure of reconsideration of a bill that has been defeated shall conform to the requirements of Joint Rule 62(a). Any bill as to which reconsideration has been granted pursuant to this paragraph may not be heard again until a subsequent hearing of the Committee, after being calendared in the Daily File.

Except for bills defeated due to an absence of membership, a defeated bill 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 bill may be granted only one time.

SUBCOMMITTEES

- 26) 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 full Committee.

MISCELLANEOUS

- 27) 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 bill.

- 28) 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 on Rules during normal business hours. The Committee's Legislative records that are lodged with the State Archives are open to inspection and copying by the public, subject to the procedures established by the Secretary of State.

- 29) For all matters pertaining to the media and documentation of a Committee hearing refer to the Committee on Rules adopted protocol.
- 30) 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.