

# ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS HONORABLE EVAN LOW, CHAIR

## 2021 - 2022 COMMITTEE RULES

The Committee shall operate under the most recently adopted Joint Rules of the Senate and Assembly 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 generally held on Tuesdays at 9:30 a.m. in Room 4202 of the State Capitol, subject to the discretion of the Speaker. A majority of the entire Committee shall constitute a quorum.

### 1. WORKSHEET

When a bill (or constitutional amendment or resolution) is referred to the Committee, Committee staff shall forward to the author a worksheet ("Background Information Request") to be completed as part of the preparation of the Committee analysis. To allow Committee staff adequate time to analyze the bill, the completed Committee worksheet and all relevant background information, including updated support and opposition letters, must be provided to the Committee no later than seven (7) days after receipt of the worksheet, and also at least ten (10) days prior to the proposed hearing date. The Committee Chair may decline to set the bill for hearing unless and until the completed worksheet and background materials are provided to the Committee in a timely manner.

### 2. SETTING BILLS

- (a) *Initial Referral to Committee.* No bill may be set, nor file notice published, until it has been referred to the Committee. Once referred, the Committee may set the bill for any available hearing date, at its discretion. [Assembly Rule 56]
- (b) *30-Day Waiting Period.* No bill may be heard or acted upon until, after its introduction, it has been in print for 30 days. This rule may be suspended concurrently with the suspension of the requirement of Section 8(a) of Article IV of the California Constitution. [CAL. CONST. ART. IV, Sec 8(a); Joint Rule 55]
- (c) *Notice.* A bill of first reference being heard in the Committee must be noticed in the Daily File at least four (4) days prior to a hearing. Otherwise, notice shall be published in the Daily File two days prior to the hearing. This requirement can be waived by a majority vote of the Assembly. [Joint Rule 62(a)]
- (d) *Three Set Limit.* A bill may be set for hearing in a Committee only three times. A bill is considered "set" when it has been noticed in the Daily File for one or more days. If the author postpones the hearing of a bill, or submits amendments in violation of Rule 6 below causing the hearing to be rescheduled, such action may count as a set. If the Committee postpones the hearing on the bill for its own reasons, such action shall not count as a set. If the Daily File indicates "testimony only," the hearing does not count as

a set. This requirement may be suspended by approval of the Rules Committee and a two-thirds (2/3) vote of the Assembly. [Joint Rule 62(a)]

- (e) *Setting of Bills by Subject Matter.* When, in the judgment of the Chair, more than one bill before the Committee deals with like subject matter, the Chair may schedule such bills to be heard together. [Assembly Rule 56]

### **3. COMMITTEE ANALYSES**

A Committee analysis is required for every bill. Analyses shall be made available to the public at least one working day prior to the hearing, with a working day being defined as any day on which the Assembly Daily File is published. In the case of special meetings, analyses shall be made available to the public at the beginning of the hearing. [Assembly Rule 56.5]

### **4. ORDER OF AGENDA**

- (a) *Priority of Authors.* Bills of the Committee members shall be taken up after all other authors present have taken up their measures.
- (b) *Consent Calendar.* The Committee consent calendar may be taken up as determined by the Chair.
- (c) *Special Orders of Business.* When the Chair finds that another order of business would be more expedient, measures may be taken up out of order or set as a special order of business.
- (d) *Author's Representative.* If a bill is to be presented by someone other than the author, it will be taken up after all present authors (including those temporarily "passed over" and Committee members) have been accommodated. The representative must be an Assemblymember or Senator, a member of the author's staff, or staff of an Assembly or Senate committee. No lobbyist, sponsor or supporter of the bill may present the bill before the Committee. Staff or members other than the author wishing to present the bill must first provide the Committee with a signed authorization letter from the author.

### **5. CONSENT CALENDAR**

- (a) *Chair's Recommendation.* The Chair may, prior to a hearing, recommend bills for consideration on the Committee's consent calendar. The proposed consent calendar shall be made available to the public at the same time as the Committee analyses. [Assembly Rule 56.7]
- (b) *Removal.* Any member of the Committee may request that a bill be removed from the Committee's consent calendar at any time. Upon such request, the Chair shall remove the bill from the consent calendar, direct that the author be notified of the change, and place the bill on the Committee's regular calendar.

## 6. AMENDING BILLS

- (a) *Sharing Amendment Requests with the Committee.* When submitting amendments to Legislative Counsel for a bill in the possession of the Committee, or such a bill in the subsequent possession of the Senate or Assembly Floors, the author's office shall provide a copy to the Committee as a courtesy.
- (b) *Providing Amendments to the Committee.* Author's amendments in Legislative Counsel form including the "in-context" version of the amendments (signed original plus seven (7) copies) and background materials, shall be submitted to the Committee by hand no later than 12:00 noon on the Monday of the week preceding the scheduled hearing of the bill.

If substantive author's amendments are submitted to the Committee after 12:00 noon on the Monday of the week preceding the scheduled hearing of the bill, the bill may be put over, rescheduled for a subsequent hearing and a "set" may be counted against the bill for purposes of Rule 2(d), unless this requirement is waived by the Chair. The Chair shall determine whether or not an amendment is substantive. [Assembly Rule 68]

- (c) *Author's Amendments Offered in Committee.* If an author offers amendments at the hearing, and the amendments are substantive, the Chair may put the bill over to allow adequate time for Committee staff to reanalyze the bill and provide an updated analysis to the Committee members. The Chair shall determine whether or not an amendment is substantive. Otherwise, the Chair shall generally characterize the amendments being voted upon prior to the roll being called. Committee staff shall be responsible for preparing any amendments adopted in Committee. [Assembly Rules 67 and 68.5]
- (d) *Amended Bills in Print.* Except as otherwise provided, a vote on passage of any bill shall be taken only when the bill is in print, including any previously adopted amendments to the bill. When a bill is amended and the amended version is not in print, the Committee may act on the bill only if the Chair determines that the effect of the amendment can be readily understood by all of the members and audience present at the hearing. [Assembly Rule 68.5]
- (e) *Amendments to a Two-year Bill.* Author's amendments in Legislative Counsel form should be submitted to the Committee no later than 12:00 noon on the first Monday in December of the odd-numbered year in order for the bill to be set for hearing, unless this requirement is waived by the Chair.
- (f) *Urgency Clauses.* A bill may not be amended to add an urgency clause unless the author of the amendment has secured the prior approval of the Assembly Rules Committee. Adoption of an urgency clause amendment requires a majority vote by the Committee. [Joint Rule 58]
- (g) *Germaneness.* An amendment or substitute must relate to the same subject as the original bill. [Joint Rule 9]

## 7. MEETINGS

- (a) *Open Meetings.* All Committee meetings, except for an authorized closed session, shall be open and public, and all persons shall be allowed to attend the meetings. [Assembly Rule 11.3(a)]
- (b) *Time and Place.* The Committee shall meet at its regularly scheduled time, unless otherwise permitted by the Assembly. [Assembly Rule 56]
- (c) *Special Meetings.* A special meeting shall be held in an area readily accessible to the public and not in the Assembly Chamber, and the Committee shall take care that every effort is made to inform the public that a meeting has been called. [Assembly Rule 56]
- (d) *Direction of Discussion.* The Chair shall direct the discussion of matters under consideration by the Committee.
  - i. The Chair may permit questions to be asked by the members of the Committee in an orderly and efficient fashion and in keeping with proper decorum.
  - ii. A member who desires to address the Committee or ask questions of a witness shall first signal or respectfully address the Chair. Upon being recognized by the Chair, the member may speak, confining any remarks or questions to the merits of the matter under consideration by the Committee.
- (e) *Limits on Testimony.* When it is necessary, due to the number or complexity of the bills on the agenda at a hearing, 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 may do any or all of the following:
  - i. limit duplicative testimony;
  - ii. limit the number of witnesses appearing in support or opposition to a bill; and
  - iii. limit the time allotted to the presentation of testimony on a bill provided that both support and opposition receive equitable time for their presentation.
- (f) *Restrictions on Chair.* The Chair shall not preside at a hearing on a bill if the Chair is the sole author or the lead author of the bill. [Assembly Rule 60]
- (g) *Role of Vice-Chair.* If, at a hearing commenced by the Chair, the Chair is not present or otherwise is presenting a bill to the Committee, the Vice-Chair shall temporarily preside. If the Vice-Chair is absent when the Chair must also be absent, the Chair may designate another Committee member to temporarily assume duties.

## 8. VOTING

- (a) *Quorum.* A majority of the entire Committee constitutes a quorum. A quorum is necessary to take action or to adopt amendments. [Assembly Rule 57, Joint Rule 62(c)]
- (b) *Vacancies & Disqualification.* Any vacancy on the Committee shall not reduce the number of votes required to take action on a bill. If a member is disqualified from voting, there shall be no change in the quorum requirements or the number of affirmative votes required to report a bill out of Committee. A disqualified member shall advise the Chair of the disqualification, and the Chair shall announce which members are so disqualified at the commencement of the hearing of the bill. [Assembly Rule 57, Joint Rule 44]
- (c) *Call of the Committee.* The Chair may, at any time, order a call of the Committee. If requested by any member of the Committee or the author of the bill under consideration, the Chair shall order a call. In such a case, the Chair shall send the Sergeant-at-Arms for those members who are absent and not excused by the Assembly. A quorum call or a call of the Committee with respect to a particular bill may be dispensed with by the Chair without objection by any member of the Committee, or by a majority of the members present. [Joint Rule 62(d)]
- (d) *Operation as a Subcommittee.* If a quorum is not present, the Chair may commence the hearing as a subcommittee and receive testimony on any scheduled bill.
- (e) *Voting on Bills.* A majority of the entire Committee is required to report a bill out of Committee. Committee action on bills, including reconsideration, shall be by roll call vote, and shall show all votes for and against, all members absent, and all members not voting. In the case of a tie vote, a motion fails. The final action of the Committee shall be announced by the Chair. [Assembly Rules 57, 58.5 and 107]
- (f) *Voting on Amendments.* A quorum is required for there to be a vote on amendments. A roll call vote is required to adopt amendments in Committee. Amendments shall be approved by a majority of those present and voting. [Assembly Rules 57 and 67]
- (g) *Substitution of Prior Roll Call.* The Committee may, upon unanimous consent of the members present, substitute a prior roll call, provided that the members whose votes are substituted are present at the time of the substitution. [Joint Rule 62(c)]
- (h) *Making of Motions.* A member who desires to make a motion shall first obtain recognition by the Chair. The member shall then open by stating the motion, and may not speak to the merits of the motion at that time, but shall confine any remarks to those necessary to explain the motion. If the motion is in order and is seconded, the Chair shall state such to the Committee. If the motion is debated, the Member who made the motion shall be recognized to open debate on the motion.
- (i) *A Second to a Motion.* Except as otherwise provided, a motion shall require a second.
- (j) *"Without Objection" Motions.* A second is not required where the Chair makes a motion that begins with the words "without objection." If any member objects, the motion is automatically withdrawn.

- (k) *Keeping the Roll Open.* The roll shall be kept open at the request of an author or any member of the Committee until adjournment of the Committee hearing. In the absence of objection, the roll shall be kept open at the request of an author or any member of the Committee until adjournment of the committee hearing or within fifteen minutes of adjournment of the committee hearing. [Assembly Rule 58.5]
- (l) *Vote Changes.* Once the roll is closed and the final vote on a motion is announced, any member of the Committee may change or add a vote to the roll prior to adjournment of the hearing, unless the change or addition would affect the outcome of the motion. [Assembly Rule 55, Assembly Rule 106]

## 9. RECONSIDERATION

- (a) *Single Opportunity.* Reconsideration of a bill may be granted only one time. [Joint Rule 62(a)]
- (b) *Motion Requirements.* A motion to reconsider can be made only under the following circumstances:
  - i. At the same meeting at which the bill is passed or defeated and the author is present; or,
  - ii. Within 15 legislative days of the meeting at which the bill was defeated or prior to the interim study joint recess, whichever occurs first, in which case the same file notice is required as for setting a bill. [Joint Rule 62(a)]
- (c) *Notice of Reconsideration.* Authors seeking reconsideration under Rule 9(b)(ii) above shall notify the Committee secretary in writing in order that notice of reconsideration may be published in the Daily File.
- (d) *Vote Required for Reconsideration.* A majority vote of the Committee is required to grant reconsideration (same as a quorum). These requirements may be suspended with the approval of the Assembly Rules Committee and two-thirds (2/3) vote of the Assembly. [Assembly Rule 57.1, Joint Rules 62(a) and 62(c)]
- (e) If there is no objection, reconsideration can be granted by unanimous consent; however, if any Member objects, a roll call vote shall be recorded. [AR 57.1, JR 62(a), Mason's Manual section 39]

## 10. INTERIM STUDY & INFORMATIONAL HEARINGS

- (a) *Interim Study.* The Committee may refer the subject matter of any bill not given a do pass recommendation to the Rules Committee for interim study. The Committee may, however, subsequently reconsider and act on the bill. [Assembly Rule 59]
- (b) *Informational Hearings.* The Chair may call the Committee to sit during interim or recess to conduct public hearings, gather information, discuss proposed legislation, or for any

other proper purpose, conditioned on the approval of the Speaker and publication of the appropriate four-day file notice. [Assembly Rule 59; Joint Rule 60(b)]

- (c) *Geographic Restriction.* Informational and oversight hearings outside of Sacramento are permitted during recesses, but the Committee may not act on a bill outside of Sacramento. [Joint Rule 60]

## 11. LETTERS OF SUPPORT AND OPPOSITION

- (a) *Letter Deadline.* Letters communicating a formal position on a bill (support, opposition, concerns, etc.) must be received by the Committee by 5:00 p.m. on the Tuesday of the week preceding the scheduled hearing of the bill in order for the position to be referenced in some form in the analysis. Letters received after that time may be referenced at the discretion of the Committee.
- (b) *Letter Requirements.* Position letters must be signed, on organizational letterhead where possible, and include the name and mailing address for the organization or individual expressing the position. Letters may be submitted to the Committee via online portal/committee website, by hand, via regular mail or email attachment, provided that the other requirements of this Rule are met.
- (c) *Updated Letters.* Position letters must reference the most current version of the bill being heard before the Committee. Individuals and organizations wishing to withdraw or update a previous position letter must communicate that information to the Committee in writing at least seven (7) days prior to the hearing. Letters in the possession of the Committee which are not addressed to the Committee, or which reference a prior version of a bill and have not been otherwise withdrawn, may be included at the discretion of the Committee if it deems the letter to have continuing relevance.

## 12. SUNRISE QUESTIONNAIRE

- (a) *New Agency or License Plan Requirements.* Prior to hearing any bill or other measure that proposes to create a new state board or a new category of licensed or regulated professional, the Chair may require the author or sponsor of the legislation to develop a plan for the establishment and operation of the board or category in accordance with the requirements of Government Code Section 9148, *et seq.*
- (b) *Sunrise Questionnaire.* In addition, for any legislative proposal to create a new board, category or professional subject to state regulation, the Chair may require the author of the legislation to complete and return the Committee's occupational regulation proposal questionnaire ("Sunrise Questionnaire").
- (c) *Questionnaire Deadline.* The Chair may require the author of the legislation to return the plan and completed questionnaire to the Committee at least seven (7) days prior to the proposed hearing of the bill, and also to provide copies to any state agency in which the new regulatory program or category would be located, and any known interested parties that would be affected by the proposal.

- (d) *Incomplete or Untimely Questionnaires.* If, in the opinion of the Chair, any of these requirements have not been met, the hearing of the bill may be delayed or rescheduled.

### **13. FEE QUESTIONNAIRE**

- (a) For any legislative proposal to increase licensing fees or to raise statutory fee caps for licensing entities, the Chair may require the author of the legislation to complete and return the Committee's "Fee Questionnaire."
- (b) *Questionnaire Deadline.* The Chair may require the author of the legislation to return the questionnaire to the Committee no fewer than seven (7) days prior to the proposed hearing of the bill, and also provide copies to any state entity or interested parties that would be affected by the proposal to increase fees or raise statutory fee caps.

### **14. PUBLIC RECORDS**

- (a) *Public Records.* The Secretary is the custodian of the Committee's legislative records. The Secretary shall preserve the Committee's current legislative records and may store the Committee's past legislative records with the State Archives. The legislative records contained in an official Committee file that are in the possession of the Secretary are open to inspection and reproduction by the public in the Committee office by appointment during normal working hours, subject to Assembly requirements. The records held in the State Archives are open to inspection and reproduction pursuant to the procedures established by the Secretary of State.

### **15. REVIEW OF ADMINISTRATIVE REGULATIONS**

- (a) *Review of Regulations Within Jurisdiction.* At the discretion of the Speaker, the Chair may direct Committee staff to review any proposed administrative rules and regulations which are contained in the California Regulatory Notice Register and which pertain to agencies and programs within the scope of the Committee's jurisdiction. [Joint Rules 37.7 and 40.1]
- (b) *Taking Action.* If so directed, Committee staff shall review each such rule or regulation for conformity with the enabling statute and with legislative intent. Rules or regulations which do not appear to be based on statutory authority or which do not appear to be consistent with legislative intent may be placed on the Committee's agenda for appropriate action, including but not limited to the request of a priority review by the Office of Administrative Law pursuant to Government Code Section 11340.5.

### **16. COMMITTEE BILLS**

- (a) *Requirements.* The Committee may introduce a bill germane to any subject within the proper consideration of the Committee in the same manner as any member. A committee bill must contain the signature of a majority of the members of the Committee, including the Chair. [Assembly Rule 47(f)]
- (b) *Naming of Authors.* If all members of the Committee sign a bill, at the option of the Chair, the committee members' name need not appear as authors in the heading of the



printed bill.

- (c) *Consolidation.* The Committee, at the discretion of the Chair, may consolidate related subject matter into a single legislative proposal whenever appropriate.

## 17. OMNIBUS BILLS

- (a) *Requirements.* The Committee may introduce one or more omnibus bills germane to any subject within the proper jurisdiction of the Committee. Any such omnibus bill shall include only provisions determined by the Committee to be technical, non-substantive, or otherwise non-controversial. In the event that a provision included in the bill is later deemed by the Chair to be controversial, or upon the request of any member of the Committee, it shall be deleted from the bill.
- (b) *Naming of Authors.* 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.

## 18. PILOT PROJECTS

- (a) *Requirements.* Any bill that proposes the creation of a pilot project shall, if so requested by the Chair, include with the background materials information to the following effect, as a condition of being set for hearing:
- i. A statement of purpose of the proposed pilot project which specifies the goals or objectives, and the length of time of the project;
  - ii. Precise cost projections and methods by which savings, if any, may be calculated; and
  - iii. A definitive mechanism by which the value and success, if any, of the project may be quantified. This mechanism shall include specific numerical objectives that must be met or exceeded, if a project is to be judged successful, and a suggested timeline.

## 19. RULES

- (a) *Amendment of the Rules.* These rules may be suspended or changed, or additional rules adopted, by a majority vote of the Committee consistent with the Joint Rules and the Rules of the Assembly.
- (b) *Mason's Manual.* In all cases not provided for by these rules, the most recently adopted Assembly or Joint Rules, or by statute, the authority shall be the most recent edition of Mason's Manual. [Joint Rule 31]

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