

# ASSEMBLY HIGHER EDUCATION COMMITTEE

Jose Medina, Chair

## 2015 - 2016 COMMITTEE RULES

*The Assembly Higher Education Committee (Committee) 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 on the first and third Tuesdays of the legislative calendar, commencing at 1:30 p.m., in Room 437 of the State Capitol, at the discretion of the Speaker.

### **1. REFERRAL & SETTING OF BILLS**

- (a) Initial Referral to Committee: No bill may be set until it has been referred to the Committee.
- (b) When a bill is referred to the Committee, the Committee Secretary shall immediately forward electronically to the author a worksheet to be completed for the preparation of the Committee analysis. All Committee worksheets shall be returned electronically to the Committee no later than five business days after delivery to the author's office along with any pertinent attachments, reports, or other background information unless otherwise requested by the Committee. If an item cannot be sent electronically, please deliver two copies to the Legislative Office Building, Room 173. The Committee Secretary shall ensure that the worksheet and requested documents are made available to the Vice Chair or his or her designated staff.
- (c) "30-day Print": No bill may be heard or acted upon until it has been in print for 30 days. Bills referred to the Committee may be set for hearing as soon as they are eligible.
- (d) Notice: 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 House. The file notice requirement for other bills is two days prior to the hearing.
- (e) Three sets: A bill may be set for hearing in the Committee only three times. A bill is "set" whenever notice of the hearing has been published in the Assembly Daily File for one or more days. The set shall be deemed an author's set (any set that is counted as one of three times a bill may be set) if it is not heard at the request of the author at the hearing for which it was set or is not heard in order to permit the preparation of amendments. If a bill is set for hearing, and the Committee, on its own initiation and not the author's, postpones the hearing on the bill or adjourns the hearing while testimony is being taken such hearing shall not be counted as a set. If the hearing notice in the file specifically indicates that "testimony only" will be taken, such hearing shall not be counted as a set.

- (f) Witness testimony: If a bill has been set for hearing and the author or the Committee decides not to take up the bill at that time, members of the public who have traveled to Sacramento shall be permitted to testify on the bill, at the discretion of the Chair.
- (g) Failure to submit worksheet: The Chair may refuse to hear a bill that has been set if the author fails to return a completed worksheet within five days following delivery to the author's office. Such a set shall be deemed an author's set.

## 2. AMENDMENTS

- (a) An author may amend a bill at any time prior to a hearing, provided, however, that substantive author's amendments in Legislative Counsel form are provided to the Committee Secretary no later than five legislative days prior to the Committee hearing at which the bill had been set. As used in these rules, a "legislative day" is any day on which an Assembly Daily File has been published. For example, no substantive amendments shall be accepted after 3:00 p.m. on the Monday one week prior to the Tuesday that the bill is to be heard. At the time that amendments are submitted to Legislative Counsel, the author shall notify the Committee that amendments are being requested and forward a copy of the amendment request to the Committee Secretary.
- (b) If an author offers substantive amendments to his or her bill later than five legislative days prior to the Committee hearing at which it is set, the bill may not be heard, unless consented by the Chair and may be deemed an author's set.
- (c) All author's amendments must be submitted to the Committee in Legislative Counsel form. Amendments shall be submitted as a signed original with seven copies.
- (d) A member may offer author's amendments at the hearing. If the amendments are substantive, the Chair may put the bill over until the next hearing to allow adequate time for the staff to analyze the amendments.
- (e) All amendments made to a bill during a hearing shall be drafted by the Committee staff, in consultation with the Vice Chair's staff and submitted to Legislative Counsel. Prior to reporting an amendment to the Assembly desk, the Committee staff shall provide a copy of the draft amendment to the designated staff of the Vice Chair.
- (f) The Chair shall have sole discretion in ruling on whether or not an amendment is "substantive."

## 3. COMMITTEE ANALYSES

- (a) Committee staff analyses of bills scheduled for hearing shall be made available to the public one legislative day prior to the day of the Committee hearing. In the case of special hearings, the analyses need not be made available one day prior to the hearing but shall be made available to the public at the time of the hearing and prior to any testimony being taken on the bill. As used in these rules, a "special hearing" shall be any hearing of a bill for which notice of

the hearing was not published in the file at least four days prior to the hearing or a hearing on a general subject.

- (b) The Committee staff may indicate on the analysis of a bill the position of any organization, institution, or elected official that submits a position letter to the Committee at least four business days prior to the hearing on the bill. Only letters that clearly indicate "support" or "opposition" on the version of the bill that will be heard, without condition or qualification, shall be noted on the analysis.
- (c) A copy of the analysis shall be sent to the bill's author, provided that the worksheet has been returned within the time frame required, on a confidential basis, prior to its general distribution to the public.

#### **4. ORDERS OF THE AGENDA**

- (a) Bills set for hearing shall be heard in the order of author sign in. Only authors may sign for this purpose. Exceptions to this rule shall be made for bills placed on the Committee's Consent Calendar, Special Orders of Business, or at the Chair's discretion.
- (b) Committee members' bills will be heard after non-Committee members' bills.
- (c) If the author is unable to present a bill, a member of the Legislature or a member of the author's staff, under prior arrangement with the Chair, may be authorized by the author to present the bill. The authorization shall be in writing. A registered lobbyist, however, shall not present a bill before the Committee under any circumstances.

#### **5. MEETINGS AND QUORUM**

- (a) The Chair shall promptly call all meetings to order at the time and place designated in the Assembly Daily File for such meetings.
- (b) A majority of the Committee membership (seven Committee members) shall constitute a quorum. If a quorum is not present, the Chair may start the hearing as a subcommittee subject to both Assembly and Joint Rules.
- (c) In the absence of the Chair, at the delegation of the Chair or during consideration of a bill of which the Chair is the author (other than a Committee bill), the Vice Chair shall preside. In the absence of both the Chair and the Vice Chair, another member designated by the Chair or the Vice Chair may preside.

## 6. CONSENT CALENDAR

- (a) The Chair, in consultation with the Vice Chair, may prepare a consent calendar prior to the hearing for bills of a noncontroversial nature and without any opposition recorded with the Committee. The Chair may take up the Consent Calendar at any convenient opportunity, and authors need not be present.
- (b) Proposed Consent Calendar bills will be removed from the Consent Calendar of the Committee on request of any Committee member; 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.

## 7. TESTIMONY

- (a) Consideration of a bill at a hearing of the Committee shall begin with the opening statement by the author. The opening statement shall be followed by testimony in support of the bill and then any testimony in opposition. Following all testimony from the public, the author shall be provided the opportunity to make a closing statement. Members of the Committee, upon recognition by the Chair, may interrupt the statements or testimony at any time to ask a question of the author or a witness.
- (b) 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, 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.

## 8. VOTING

- (a) A majority vote (seven votes) of the Committee membership is required to pass a bill from the Committee. A majority of those present and voting is required to adopt amendments provided a quorum is present.
- (b) A recorded roll call vote shall be taken on all of the following actions of the Committee:
  - 1) An action that constitutes the Committee's final action on a bill, constitutional amendment, or resolution.
  - 2) Committee amendments taken up in Committee, whether adopted or not.
  - 3) Motions to reconsider Committee actions.
  - 4) Recommendations to the Assembly Floor relating to Executive Reorganization Plans.
  - 5) Amendments that add an urgency clause.

- (c) A roll call vote on a previous bill may be substituted by unanimous consent provided that the members whose votes are substituted are still present at the time of substitutions.
- (d) Prior to announcement of the vote, upon request of the author, or any member of the Committee, the Chair may announce that the bill subject to a vote will be placed on-call for a period of time not to exceed the adjournment of the Committee meeting to permit absent Committee members to vote. Absent extraordinary circumstances, a vote on a bill that is on-call shall not be permitted when testimony is being taken. 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. If a motion to adjourn the Committee is adopted while the Committee is operating under a call, the call shall be dispensed with and any pending vote announced. The vote shall be announced upon conclusion of the roll call vote, absent a request to place a bill on-call.
- (e) A recorded roll call vote is not required on the following actions by the Committee:
  - 1) A motion to take the bill "under submission" or "hold in committee" or other procedural motion that does not have the effect of finally disposing of the bill.
  - 2) Requests by the author to withdraw a bill from the Committee calendar.
  - 3) The removal of a bill from the consent calendar.
  - 4) The return of a bill to the Assembly in cases where the bill has not been voted upon by the Committee.
  - 5) Adoption of author's amendments to a bill.
- (f) Once the roll is closed and the final vote on a motion is announced, any member of the Committee may add his or her vote to the roll prior to adjournment of the hearing, unless the change or addition changes the outcome of the motion.
- (g) Any member having to leave the Committee shall advise the Chair where the member can be reached. In all other respects, Committee voting will be governed by the provisions in the Standing Rules of the Assembly.

## **9. RECONSIDERATION**

- (a) After a bill has been voted upon, reconsideration may be granted once. A majority of the full Committee membership is required to grant reconsideration. Reconsideration may be granted within 15 legislative days of the Committee's vote on a bill or prior to the interim study joint recess, whichever occurs first. A vote on reconsideration cannot be taken without the same notice required to set a bill unless such vote is taken at the same meeting at which the vote to be reconsidered was taken and the author is present.
- (b) Authors seeking reconsideration of a failed bill shall notify the Committee Secretary within the 15 legislative days window provided under Joint Rule 62 so that proper notice of reconsideration may be published in the file.
- (c) 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 of the vote on the bill after the granting of reconsideration fails, the bill shall be immediately returned to the Chief Clerk.

- (d) Unless specifically authorized by the Chair, no additional testimony may be permitted on a bill that has been granted reconsideration.

## **10. COMMITTEE BILLS**

- (a) The Committee may introduce a bill germane to any subject within the proper consideration of the Committee if a majority of all members of the Committee, including the Chair, affix their signatures to the bill. The Chair may assign responsibility for management of the bill to any signatory member.

## **11. SUBCOMMITTEES**

- (a) The Speaker may create Subcommittees for the study of particular subject matters of bills. Bills may be assigned to the Subcommittee as determined by the Chair, in consideration with the Vice Chair.
- (b) Subcommittees shall operate under the same rules as the full committee. Subcommittees shall consider assigned bills, receive testimony, recommend amendments as needed, and recommend timely action to the full Committee.
- (c) A Subcommittee may take one of the following actions in regard to its assigned bills:
  - 1) Recommend to the full Committee that the bill be passed.
  - 2) Recommend to the full Committee that the bill be passed as amended.
  - 3) Refer the bill to the full Committee without recommendation.
- (d) All Subcommittee bills may be reviewed by the full Committee. The Chair of the full Committee may decline to accept additional oral testimony on a measure that has received a hearing before a Subcommittee.

## **12. MEDIA**

- (a) Accredited press representatives shall be allowed in Committee Hearings consistent with Assembly Rule 25. The press may take photographs and televise or record the Committee hearings upon prior notice to and approval by the Chair, as far in advance of the proceedings as possible.

