

House Resolution

No. 1

Introduced by Assembly Member Cooley

December 3, 2018

House Resolution No. 1—Relative to the Standing Rules of the Assembly for the 2019–20 Regular Session.

1 *Resolved by the Assembly of the State of California*, That the
2 following Rules be, and the same are hereby, adopted as the
3 Standing Rules of the Assembly for the 2019–20 Regular Session;
4 and be it further

5 *Resolved*, That these rules shall govern the operations of the
6 Assembly.

7
8 STANDING RULES OF THE ASSEMBLY

9 2019–20 REGULAR SESSION

10 I. LEGISLATIVE ORGANIZATION

11 Assembly General Officers

12
13 1. (a) The general officers of the Assembly are the following:

14 (1) Speaker

15 (2) Speaker pro Tempore

16 Assistant Speaker pro Tempore

17 Majority Leader

18 Republican Leader

19 (3) Chief Clerk

20 Sergeant at Arms

21 Chaplain

1 (b) Except for the officers listed in paragraph (2) of subdivision
2 (a), each officer listed in subdivision (a) shall be elected by a
3 majority vote of the duly elected and qualified Members.

4 (c) The Chief Clerk, subject to the approval of the Committee
5 on Rules, shall determine the names and titles that shall appear on
6 the front page of all publications.

7 8 Hours of Meeting 9

10 2. The Speaker, or, in the Speaker's absence, the Speaker pro
11 Tempore, shall determine the time for convening the session, unless
12 otherwise ordered by a majority vote of the Members present and
13 voting.

14 15 Speaker to Call Assembly to Order 16

17 3. The Speaker, or, in the Speaker's absence, the Speaker pro
18 Tempore, shall, at the hour appointed for meeting, call the
19 Assembly to order.

20 21 Rollcall and Quorum 22

23 4. Before proceeding with the business of the Assembly, both
24 of the following shall be completed:

25 (1) The roll of the Members shall be called, and the names of
26 those present shall be entered in the Journal. Forty-one Members
27 constitute a quorum.

28 (2) The presiding officer shall announce the names of all
29 Members who will be absent from that day's session and the reason
30 for their absence.

31 32 Organization of Assembly 33

34 5. For the purposes of the organization of any regular session
35 of the Assembly pursuant to Section 9023 of the Government
36 Code, the person who was the Speaker when the previous regular
37 session adjourned sine die, if that person is reelected to the
38 Assembly, shall be deemed to be the senior member elect.

39 40 II. RULES

Adoption of Standing Rules

6. The adoption of the Standing Rules requires an affirmative recorded vote of a majority of the duly elected and qualified Members. When once adopted, the Standing Rules shall remain in effect unless suspended or amended as provided in these rules.

Suspension of Rules

7. Unless specified otherwise in these rules, any Standing Rule of the Assembly not requiring more than a majority vote, except Rule 8, may be suspended temporarily by a vote of a majority of the Members of the Assembly. A rule requiring a two-thirds vote may be temporarily suspended by a two-thirds vote of the Members of the Assembly. A temporary suspension applies only to the matter under immediate consideration, and in no case may it extend beyond an adjournment.

Amending Standing Rules

8. A standing rule of the Assembly may not be amended except by a resolution adopted by an affirmative recorded vote of a majority of the duly elected and qualified Members.

Mason's Manual

10. In all cases not provided for by the California Constitution, by the Assembly Rules, by the Joint Rules of the Senate and Assembly, or by statute, the authority is the latest edition of Mason's Manual.

III. ORGANIZATION OF COMMITTEES

Standing Committees

11. Thirty-two standing committees of the Assembly are hereby created, upon the several subjects, and titled respectively, as follows:

Accountability and Administrative Review

Aging and Long-Term Care

Agriculture

1 Appropriations
2 Arts, Entertainment, Sports, Tourism, and Internet Media
3 Banking and Finance
4 Budget
5 Business and Professions
6 Communications and Conveyance
7 Education
8 Elections and Redistricting
9 Environmental Safety and Toxic Materials
10 Governmental Organization
11 Health
12 Higher Education
13 Housing and Community Development
14 Human Services
15 Insurance
16 Jobs, Economic Development, and the Economy
17 Judiciary
18 Labor and Employment
19 Local Government
20 Natural Resources
21 Privacy and Consumer Protection
22 Public Employment and Retirement
23 Public Safety
24 Revenue and Taxation
25 Rules
26 Transportation
27 Utilities and Energy
28 Veterans Affairs
29 Water, Parks, and Wildlife
30

31 Open Meetings
32

33 11.3. (a) Except as otherwise provided in this rule, all meetings
34 of the Assembly or a committee thereof shall be open and public,
35 and all persons shall be permitted to attend the meetings. As used
36 in this rule, “meeting” means a gathering of a quorum of the
37 Members of the Assembly or a committee in one place for the
38 purpose of discussing legislative or other official matters within
39 the jurisdiction of the Assembly or committee. As used in this rule,
40 “committee” includes a standing committee, joint committee,

1 conference committee, subcommittee, select committee, special
2 committee, research committee, or any similar body.

3 (b) Any meeting that is required to be open and public pursuant
4 to this rule, including any closed session held pursuant to
5 subdivision (c), may be held only after full and timely notice to
6 the public as provided by the Joint Rules of the Senate and
7 Assembly.

8 (c) The Assembly or a committee thereof may hold a closed
9 session solely for any of the following purposes:

10 (1) To consider the appointment, employment, evaluation of
11 performance, or dismissal of a public officer or employee, to
12 consider or hear complaints or charges brought against a Member
13 of the Legislature or other public officer or employee, or to
14 establish the classification or compensation of an employee of the
15 Assembly.

16 (2) To consider matters affecting the safety and security of
17 Members of the Legislature or its employees, or the safety and
18 security of any buildings and grounds used by the Legislature.

19 (3) To confer with, or receive advice from, its legal counsel
20 regarding pending or reasonably anticipated litigation, or whether
21 to initiate litigation, when discussion in open session would not
22 protect the interests of the Assembly or committee regarding the
23 litigation.

24 (d) A caucus of the Members of the Assembly that is composed
25 of members of the same political party may meet in closed session.

26 (e) A closed session may be held pursuant to paragraph (3) of
27 subdivision (c) under any of the following circumstances:

28 (1) An adjudicatory proceeding before a court, administrative
29 body exercising its adjudicatory authority, hearing officer, or
30 arbitrator, to which the Assembly or a committee, Member, or
31 employee thereof is a party, has been initiated formally.

32 (2) Based on existing facts and circumstances, a point has been
33 reached where, in the opinion of the Assembly or a committee
34 thereof, on the advice of its legal counsel, litigation against the
35 Assembly or a committee, Member, or employee thereof is
36 reasonably anticipated.

37 (3) Based on existing facts and circumstances, the Assembly or
38 a committee thereof has decided to initiate, or is deciding whether
39 to initiate, litigation.

1 (4) To confer with, or receive advice from, its legal counsel and
2 negotiator prior to the purchase, sale, exchange, or lease of real
3 property by or for the Assembly or a committee thereof regarding
4 the price and terms of payment for the purchase, sale, exchange,
5 or lease.

6 (f) Prior to holding a closed session pursuant to paragraph (3)
7 of subdivision (c), the presiding officer of the Assembly or the
8 chairperson of the committee, as appropriate, shall state publicly
9 which paragraph of subdivision (e) is applicable. If the closed
10 session is held pursuant to paragraph (1) of subdivision (e), the
11 presiding officer or chairperson shall state the title of or otherwise
12 specifically identify the litigation to be discussed, unless the
13 presiding officer or chairperson states that to do so would
14 jeopardize the ability to effectuate service of process upon one or
15 more unserved parties, or that to do so would jeopardize the ability
16 of the Assembly or the committee to conclude existing settlement
17 negotiations to its advantage. If the closed session is held pursuant
18 to paragraph (4) of subdivision (e), the notice of the closed session
19 shall identify the real property that the negotiations may concern
20 and the person with whom the negotiations may take place.

21 (g) The legal counsel for the Assembly or the committee shall
22 prepare and submit to the Assembly or the committee a
23 memorandum stating the specific reasons and legal authority for
24 the closed session. If the closed session is held pursuant to
25 paragraph (1) of subdivision (e), the memorandum shall include
26 the title of or other identification of the litigation. If the closed
27 session is held pursuant to paragraph (2), (3), or (4) of subdivision
28 (e), the memorandum shall set forth the existing facts and
29 circumstances on which the closed session is based. The legal
30 counsel shall submit the memorandum to the Assembly or the
31 committee prior to the closed session, if feasible, or, in any case,
32 not later than one week after the closed session. The memorandum
33 is exempt from disclosure under the Legislative Open Records Act
34 contained in Article 3.5 (commencing with Section 9070) of
35 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
36 Code.

37 (h) For purposes of paragraph (3) of subdivision (c), “litigation”
38 includes any adjudicatory proceeding, including eminent domain,
39 before a court, administrative body exercising its adjudicatory
40 authority, hearing officer, or arbitrator.

1 (i) For purposes of this rule, all expressions of the lawyer-client
2 privilege other than those provided in this rule are hereby
3 abrogated. This rule is the exclusive expression of the lawyer-client
4 privilege for the purposes of conducting closed-session meetings
5 pursuant to this rule.

6 (j) Disclosure of a memorandum required under this rule shall
7 not be deemed a waiver of the lawyer-client privilege provided
8 for under Article 3 (commencing with Section 950) of Chapter 4
9 of Division 8 of the Evidence Code.

10
11 Conference Committee Meetings
12

13 11.4. A Member may not participate in a meeting of a
14 conference committee considering any bill that is not open to the
15 public.

16
17 Assembly Investigating Committees
18

19 11.5. (a) The standing committees of the Assembly created
20 pursuant to Rule 11, with the exception of the Committee on Rules,
21 are hereby constituted Assembly investigating committees and are
22 authorized and directed to conduct oversight hearings and to
23 ascertain, study, and analyze all facts relating to any subjects or
24 matters which the Committee on Rules shall assign to them upon
25 request of the Assembly or upon its own initiative.

26 (b) Each of the Assembly investigating committees consists of
27 the members of the standing committee on the same subject as
28 most recently constituted. The chairperson and vice chairperson
29 is the chairperson and vice chairperson of the standing committee.
30 Vacancies occurring in the membership of the committee shall be
31 filled by the appointing authority.

32 (c) Each committee and any subcommittee, and its members,
33 have and may exercise all the rights, duties, and powers conferred
34 upon investigating committees and their members by law and by
35 the Joint Rules of the Senate and Assembly and the Standing Rules
36 of the Assembly as they are adopted and amended from time to
37 time, which rules are incorporated herein and made applicable to
38 the committee or subcommittee and their members.

39 (d) In order to prevent duplication and overlapping of studies
40 between the various investigating committees herein created, a

1 committee may not commence the study of any subject or matter
2 not specifically authorized herein or assigned to it unless and until
3 prior written approval thereof has been obtained from the
4 Committee on Rules.

5 (e) The Committee on Rules shall provide for the expenses of
6 the above committees and their members and for any charges,
7 expenses, or claims they may incur under this rule, to be paid from
8 the Assembly Operating Fund and disbursed, after certification by
9 the Chairperson of the Committee on Rules or the Chairperson of
10 the Committee on Rules' authorized representative, upon warrants
11 drawn by the Controller upon the State Treasury.

12 13 Membership of Standing Committees

14
15 12. The Speaker shall determine the size, and appoint the
16 membership and the chairperson and vice chairperson, of all
17 standing committees and subcommittees. In appointing Members
18 to serve on committees, the Speaker shall consider the preferences
19 of the Members.

20 21 Committee on Rules

22
23 13. There is a Committee on Rules, which acts as the executive
24 committee of the Assembly. No regular member of the Committee
25 on Rules may simultaneously serve as a chairperson of any standing
26 committee. All meetings of the Committee on Rules that are
27 required to be open and public shall be held in a room of
28 appropriate size, and audiovisual recordings of those meetings
29 shall be created and maintained.

30 31 Organization of Party Caucuses

32
33 13.1. Within two days after the general election held in
34 November of each even-numbered year, the caucus of the political
35 party having the greatest number of Members in the Assembly,
36 and the caucus of the political party having the second greatest
37 number of Members, each may meet for the purpose of selecting
38 their officers for the next regular session. The convening of the
39 respective party caucus meetings shall be at the discretion of the
40 Speaker and the leader of the caucus of the political party having

1 the second greatest number of Members. The rules and procedures
2 of each caucus shall be determined by that caucus, but may not be
3 inconsistent with these rules.

4
5 Powers of the Committee on Rules
6

7 14. (a) The Committee on Rules has the following powers:

8 (1) To refer each bill and resolution to a committee, as provided
9 by these rules.

10 (2) To appoint all employees of the Assembly not otherwise
11 provided for by statute. It has authority to terminate, to discipline,
12 to establish, and to modify the terms and conditions of employment
13 of, or to suspend, with or without pay, any employee of the
14 Assembly.

15 (3) To make studies and recommendations designed to promote,
16 improve, and expedite the business and procedure of the Assembly
17 and of the committees thereof, and to propose any amendments to
18 the Rules deemed necessary to accomplish these purposes.

19 (4) To adopt additional policies or requirements regarding the
20 use of cameras and other recording equipment at committee
21 hearings or Assembly Floor sessions.

22 (5) To contract with other agencies, public or private, as it deems
23 necessary for the rendition and affording of those services,
24 facilities, studies, and reports to the committee that will best assist
25 it to carry out the purposes for which it is created.

26 (6) To cooperate with and secure the cooperation of county,
27 city, city and county, and other local law enforcement agencies in
28 investigating any matter within the scope of these rules and to
29 direct the sheriff of any county to serve subpoenas, orders, and
30 other process issued by the committee.

31 (7) To report its findings and recommendations to the
32 Legislature and to the people from time to time and at any time.

33 (8) To do any and all other things necessary or convenient to
34 enable it fully and adequately to exercise its powers, perform its
35 duties, and accomplish the objects and purposes of these rules.

36 (9) To make available to the Assembly, or to any Assembly or
37 joint committee, or to any Member of the Assembly assistance in
38 connection with the duties of the committee or other legislative
39 matters as the personnel under direction of the committee or its
40 other facilities permit.

(10) To make available to and furnish to the Assembly, and to Assembly investigating committees created at this session and to each of the members thereof, clerical, secretarial, and stenographic help as may be reasonably necessary for the Assembly to carry out its work, and for the committees and each of the members thereof, to make and carry on the studies and investigations required by or of them by the resolutions creating the committees, and for these purposes to employ additional stenographic and secretarial assistants as may be necessary, assign, reassign, and discharge these assistants and prescribe amounts, times, and methods of payment of their compensation. The committee shall allocate annually an amount for the operation of each investigating committee, which shall constitute the annual budget of the committee.

(b) During the times as the Assembly is not in session, the committee is authorized and directed to incur and pay expenses of the Assembly not otherwise provided for that the committee determines are reasonably necessary, including the repair, alteration, improvement, and equipping of the Assembly Chamber and the offices provided for the Assembly in the State Capitol and the Capitol Annex.

(c) The committee shall allocate sufficient moneys from the Assembly Operating Fund to support the Assembly's share of joint operations.

(d) The Chairperson of the Committee on Rules shall appoint a Chief Administrative Officer of the Assembly, subject to the ratification of the Committee on Rules, who has duties relating to the administrative, fiscal, and business affairs of the Assembly that the committee shall prescribe. The Chairperson of the Committee on Rules or a majority of the membership of the Committee on Rules may terminate the services of the Chief Administrative Officer at any time. Notwithstanding the foregoing, the Speaker may appoint a temporary Chief Administrative Officer for up to 90 days following the beginning of the session.

(e) The Committee on Rules shall provide for the publication of a compilation of the photographs of accredited press representatives.

(f) The Committee on Rules may delegate powers to the Speaker by a majority vote of the membership of the committee.

1 (g) The Committee on Rules may adopt additional rules,
2 procedures, policies, or guidelines by a majority vote of the
3 membership of the committee to implement Sections 7 and 8 of
4 Article IV of the California Constitution.

5
6 Subcommittee on Harassment, Discrimination, and Retaliation
7 Prevention and Response
8

9 14.5. (a) The Subcommittee on Harassment, Discrimination,
10 and Retaliation Prevention and Response is created as a
11 subcommittee of the Committee on Rules. The subcommittee is
12 composed of a total of six members, with the following four
13 members appointed by the Chairperson of the Committee on Rules:
14 two members of the Committee on Rules from the political party
15 having the greatest number of Members in the Assembly and two
16 members of the Committee on Rules from the political party having
17 the second greatest number of Members. The two members from
18 the political party having the second greatest number of Members
19 shall be appointed from a list of nominees that the vice chairperson
20 of the committee provides to the chairperson. The co-chairpersons
21 of the Assembly Legislative Ethics Committee also shall be
22 members of the subcommittee. The Chairperson of the Committee
23 on Rules shall designate one of the members of the subcommittee
24 to serve as chairperson of the subcommittee.

25 (b) The subcommittee shall periodically review procedures for
26 the handling of complaints of harassment, discrimination, and
27 retaliation lodged against a Member of the Assembly or an
28 Assembly employee and submit any recommendations to the
29 Committee on Rules for consideration.

30 (c) Following the submission of the recommendations pursuant
31 to subdivision (b), the chairperson of the subcommittee may cause
32 the subcommittee to convene to review and recommend further
33 changes in procedures as subsequent events may require.
34

35 Committee on Rules
36

37 15. The Committee on Rules shall continue in existence during
38 any recess of the Legislature and after final adjournment and until
39 the convening of the next regular session, and shall have the same
40 powers and duties as while the Assembly is in session. In dealing

1 with any matter within its jurisdiction, the committee and its
2 members have and may exercise all of the rights, duties, and
3 powers conferred upon investigating committees and their members
4 by the Joint Rules of the Senate and Assembly as they are adopted
5 and amended from time to time, which rules are incorporated herein
6 and made applicable to the Committee on Rules and its members.

7 8 Operating Fund Report 9

10 15.5. The Committee on Rules shall annually prepare a report
11 to the public of expenditures as required by Section 9131 of the
12 Government Code.

13 14 Independent Audit of Operating Funds 15

16 15.6. The Committee on Rules shall contract for an independent
17 audit of the revenues and expenditures, for each fiscal year, from
18 the Assembly Operating Fund. The organization performing the
19 audit shall be selected by a majority of the membership of the
20 Committee on Rules. The contract for the audit shall be awarded
21 through a competitive bidding procedure. The audit shall be
22 prepared in a manner and form to be determined by the organization
23 performing the audit, and shall be consistent with generally
24 accepted accounting principles.

25 The audit shall be completed and made available to the public
26 within 180 calendar days following the completion of the fiscal
27 year for which the audit is performed.

28 29 Performance Audit 30

31 15.7. In addition to the annual financial audit required by Rule
32 15.6, the Committee on Rules shall contract for an audit of the
33 administrative operations of the Assembly. The administrative
34 departments to be audited shall be determined by the Committee
35 on Rules. An organization performing an audit pursuant to this
36 rule shall be selected by a majority of the membership of the
37 Committee on Rules. A contract for an audit shall be awarded
38 through a competitive bidding procedure. Audits shall be prepared
39 in a manner and form to be determined by the organization

1 performing the audit, and shall be consistent with generally
2 accepted accounting principles.

3 All findings and recommendations reported by an auditing firm
4 shall be made available to Members and to the public.

5
6 Rules Committee Resolutions

7
8 16. The Committee on Rules, acting unanimously by
9 appropriate resolution, on behalf of and in the name of the
10 Assembly, may extend congratulations, commendations, sympathy,
11 or regret to any person, group, or organization, and may authorize
12 the presentation of suitably prepared copies of these resolutions
13 to the persons concerned and to their relatives.

14
15 Assembly Operating Fund

16
17 17. The Committee on Rules is the committee identified in
18 Section 9127 of the Government Code. The balance of all money
19 in the Assembly Operating Fund, including money now or hereafter
20 appropriated, except the sums that are made available specifically
21 for the expense of designated committees or for other purposes,
22 is hereby made available to the Committee on Rules for any
23 charges or claims it may incur in carrying out the duties imposed
24 upon it by these rules or by Assembly or concurrent resolution.
25 The money made available by this rule includes the unencumbered
26 balances of all sums heretofore made available to any Assembly
27 or joint committee by the Assembly, upon the expiration of that
28 committee, and shall be expended as provided in these rules.

29
30 Expenditures

31
32 18. A Member or committee may not incur any expense except
33 as authorized pursuant to these rules or the Joint Rules of the Senate
34 and Assembly, or as authorized by the Assembly or the Committee
35 on Rules.

36 The Committee on Rules shall provide, by rules and regulations,
37 for the manner of authorizing expenditures by Members,
38 committees, officers, and employees of the Assembly that are not
39 otherwise authorized by law, these rules, or the Joint Rules of the
40 Senate and Assembly. These rules and regulations shall incorporate

1 a provision whereby construction, alteration, improvement, repair,
2 or maintenance of real or personal property, and the purchase of
3 supplies and equipment, shall be governed by competitive bidding.
4 Further, the rules and regulations shall provide for the payment of
5 expenditures, as authorized by these rules and regulations, from
6 the Assembly Operating Fund upon certification of claims therefor
7 to the Controller by the Committee on Rules or its authorized
8 representative.

9 A Member may not be reimbursed for travel outside the State
10 of California without prior approval of the Speaker or the
11 Committee on Rules.

12 Rules and Regulations Governing Committees

13
14
15 20. All claims for expenses incurred by investigating
16 committees of the Assembly shall be approved by the Committee
17 on Rules, or its authorized representative, before the claims are
18 presented to the Controller.

19 All proposed expenditures, other than expenditures of the funds
20 of an investigating committee, shall be approved by the Committee
21 on Rules or its authorized representative before the expenses are
22 incurred, unless the expenditure is specifically exempted from this
23 requirement by the resolution authorizing it.

24 No warrant may be drawn in payment of any claim for expenses
25 until the approval of the Committee on Rules, or its authorized
26 representative, has been obtained in accordance with this rule.

27 The Committee on Rules shall adopt rules and regulations
28 governing the awarding of any contract by an investigating
29 committee, and rules and regulations limiting the amount, time,
30 and place of expenses and allowances to be paid to employees of
31 Assembly investigating committees or other Assembly committees.

32 These rules may provide for allowances to committee employees
33 in lieu of actual expenses.

34 Mileage is an allowance to a committee employee in lieu of
35 actual expenses of travel. When travel is by private conveyance,
36 mileage may be allowed only to the operator of, and not to
37 passengers in, a private vehicle. Claims for mileage by private
38 conveyance must be accompanied by the license number of the
39 vehicle and the names of state officers and employees riding as
40 passengers.

1 Copies of all rules and regulations adopted pursuant to this rule
2 shall be distributed to the chairperson of every investigating
3 committee and of any other Assembly committee that has
4 employees.

5
6 Fees for Witnesses
7

8 21. Each witness summoned to appear before the Assembly or
9 any of its committees shall be reimbursed at a rate set by the
10 Committee on Rules.

11
12 Assembly General Research Committee
13

14 22. (a) The Assembly General Research Committee is hereby
15 continued as a permanent factfinding committee pursuant to Section
16 11 of Article IV of the California Constitution. The committee is
17 allocated all subjects within the scope of legislative regulation and
18 control, but may not undertake any investigation that another
19 committee has been specifically requested or directed to undertake.
20 The Assembly General Research Committee may act through
21 subcommittees appointed by the Speaker in consultation with the
22 Committee on Rules, and each of these subcommittees may act
23 only on the particular study or investigation assigned by the
24 Speaker in consultation with the Committee on Rules to that
25 subcommittee. Each subcommittee shall be known and designated
26 as a select committee. The Speaker is the Chairperson of the
27 Assembly General Research Committee and may be a voting
28 member of any subcommittee. Each member of the Assembly
29 General Research Committee is authorized and directed to receive
30 and investigate requests for legislative action made by individuals
31 or groups, and to report thereon to the full committee. The
32 Committee on Rules is authorized to allocate to any subcommittee
33 from the Assembly Operating Fund those sums that the Committee
34 on Rules deems necessary to complete the investigation or study
35 conferred upon that subcommittee. The Committee on Rules shall
36 further allocate, from time to time, to the Assembly General
37 Research Committee from the Assembly Operating Fund those
38 sums that are necessary to permit the Assembly General Research
39 Committee and the members thereof to carry out the duties imposed
40 on them. The committee has continuous existence until the time

1 that its existence is terminated by a resolution adopted by the
2 Assembly, and the committee is authorized to act both during and
3 between sessions of the Legislature, including any recess.

4 (b) The committee and its members shall have and exercise all
5 the rights, duties, and powers conferred upon investigating
6 committees and their members by the Joint Rules of the Senate
7 and Assembly and the Standing Rules of the Assembly as they are
8 adopted and amended from time to time at this session, which
9 provisions are incorporated herein and made applicable to the
10 committee and its members.

11 (c) The committee has the following additional powers and
12 duties:

13 (1) To contract with other agencies, public or private, for the
14 rendition and affording of services, facilities, studies, and reports
15 to the committee as the committee deems necessary to assist it to
16 carry out the purposes for which it is created.

17 (2) To cooperate with and secure the cooperation of county,
18 city, city and county, and other local law enforcement agencies in
19 investigating any matter within the scope of this rule and to direct
20 the sheriff of any county to serve subpoenas, orders, and other
21 process issued by the committee.

22 (3) To report its findings and recommendations to the
23 Legislature and the people from time to time.

24 (4) To do any and all other things necessary or convenient to
25 enable it fully and adequately to exercise its powers, perform its
26 duties, and accomplish the objects and purposes of this rule.

27
28 Assembly Legislative Ethics Committee
29

30 22.5. (a) The Assembly Legislative Ethics Committee is hereby
31 created. The committee shall consist of six Members of the
32 Assembly, appointed by the Speaker. Notwithstanding any other
33 rule of the Assembly, three members of the committee shall be
34 from the political party having the greatest number of Members
35 in the Assembly and three members shall be from the political
36 party having the second greatest number of Members. Any
37 temporary or permanent vacancy on the committee shall be filled
38 within 10 days by a member from the same political party. All
39 appointments, including appointments to fill permanent or
40 temporary vacancies, of members from the political party having

1 the second greatest number of Members in the Assembly shall be
2 made from a list of nominees that the Republican Leader provides
3 to the Speaker. The Speaker shall designate one member of the
4 committee from the political party having the greatest number of
5 Members in the Assembly and one member of the committee from
6 the political party having the second greatest number of Members
7 to serve as co-chairpersons of the committee. The Speaker shall
8 designate one of the co-chairpersons to serve as the presiding
9 officer at any meeting or hearing conducted by the committee.

10 If a verified complaint is filed against a member of the
11 committee, the Speaker shall temporarily replace the member with
12 a Member from the same political party, who shall serve until the
13 complaint is dismissed or the Assembly takes final action on the
14 complaint, whichever occurs first.

15 (b) The provisions of this rule, and of Rule 11.5 related to
16 investigating committees, apply to the committee and govern its
17 proceedings.

18 Prior to the issuance of any subpoena by the committee with
19 respect to any matter before the committee, it shall, by a resolution
20 adopted by the committee pursuant to a vote in accordance with
21 subdivision (n), define the nature and scope of its investigation in
22 the matter before it.

23 (c) Funds for the support of the committee shall be provided
24 from the Assembly Operating Fund in the same manner that those
25 funds are made available to other committees of the Assembly.

26 (d) (1) The committee has the power, pursuant to this rule and
27 Article 3 (commencing with Section 8940) of Chapter 1 of Part 1
28 of Division 2 of Title 2 of the Government Code, to investigate
29 and make findings and recommendations concerning violations
30 by Members of the Assembly of any provision of Article 2
31 (commencing with Section 8920) of Chapter 1 of Part 1 of Division
32 2 of Title 2 of the Government Code or of any other provision of
33 law or legislative rule that governs the official conduct of Members
34 of the Assembly, hereafter collectively referred to as “standards
35 of conduct.”

36 (2) The committee may, on its own action pursuant to a vote in
37 accordance with subdivision (n), initiate an investigation of a
38 Member of the Assembly.

39 (e) Any person may file with the committee a verified complaint
40 in writing, which shall state the name of the Member of the

1 Assembly alleged to have violated any standard of conduct, and
2 which shall set forth the particulars thereof with sufficient clarity
3 and detail to enable the committee to make a determination. The
4 person filing the complaint thereafter shall be designated the
5 complainant.

6 If a verified complaint is filed with the committee, the committee
7 promptly shall send a copy of the complaint to the Member of the
8 Assembly alleged to have committed the violation complained of,
9 who thereafter shall be designated the respondent.

10 A complaint may not be filed with the committee after the
11 expiration of 12 months from the date the alleged violation is
12 discovered or three years from the date of the alleged violation,
13 whichever occurs first.

14 (f) (1) Within 30 days of receipt of a verified complaint, the
15 co-chairpersons of the committee shall make an initial
16 determination as to whether the alleged conduct of the Member
17 of the Assembly against whom the verified complaint has been
18 filed falls within the jurisdiction of the committee. If the
19 co-chairpersons agree that the alleged conduct does not fall within
20 the jurisdiction of the committee, the committee shall notify the
21 complainant and respondent of the determination and the complaint
22 shall be dismissed. If one or both of the co-chairpersons determine
23 that the alleged conduct falls within the jurisdiction of the
24 committee, the complaint shall be deemed to fall within the
25 committee's jurisdiction and shall be subject to the applicable
26 procedures set forth in paragraphs (2) to (6), inclusive.

27 (2) If the verified complaint is deemed to fall within the
28 jurisdiction of the committee pursuant to paragraph (1), the
29 committee shall determine whether the verified complaint alleges
30 facts, directly or upon information and belief, sufficient to
31 constitute a violation of any standard of conduct.

32 (3) (i) If the committee determines that the verified complaint
33 does not allege facts, directly or upon information and belief,
34 sufficient to constitute a violation of any standard of conduct, it
35 shall dismiss the complaint and so notify the complainant and
36 respondent.

37 (ii) If the committee determines that the verified complaint does
38 allege facts, directly or upon information and belief, sufficient to
39 constitute a violation of any standard of conduct, the committee
40 promptly shall investigate the alleged violation and if, after this

1 preliminary investigation, the committee finds that reasonable
2 cause exists for believing the allegations of the complaint, it shall
3 fix a time for a hearing in the matter, which shall be not more than
4 30 days after that finding. The committee may, however, seek an
5 extension of this period, not to exceed an additional 30 days, which
6 may be granted by a majority vote of the Committee on Rules. If,
7 after preliminary investigation, the committee does not find that
8 reasonable cause exists for believing the allegations of the
9 complaint, the committee shall dismiss the complaint. In either
10 event, the committee shall notify the complainant and the
11 respondent of its determination.

12 (4) The committee shall make its determination under paragraph
13 (2) or (3), pursuant to a vote in accordance with subdivision (n),
14 not later than 120 days after first receiving a complaint that satisfies
15 subdivision (e). The committee may, however, seek an extension,
16 not to exceed 30 days, which may be granted by a majority vote
17 of the membership of the Committee on Rules. If the committee
18 has requested a law enforcement agency to investigate the
19 complaint or if the committee knows the complaint is being
20 investigated by a law enforcement agency, the time limits set forth
21 in this subdivision shall be tolled until the investigation is
22 completed.

23 (5) The committee's determination under paragraph (2) or (3)
24 shall be stated in writing, with reasons given therefor, and shall
25 be provided to the Assembly, and, in any case concerning an
26 alleged violation of Article 2 (commencing with Section 8920) of
27 Chapter 1 of Part 1 of Division 2 of Title 2 of the Government
28 Code, shall be provided to the appropriate law enforcement agency.
29 This written determination is a public record and is open to public
30 inspection.

31 (6) Any deliberations of the committee from the time of receipt
32 of a complaint until it decides to dismiss the complaint or to set a
33 hearing shall not be open to the public unless the respondent
34 requests a public meeting.

35 (g) After the complaint has been filed, the respondent shall be
36 entitled to examine and make copies of all evidence in the
37 possession of the committee relating to the complaint.

38 (h) If a hearing is held pursuant to subdivision (f), the
39 committee, before the hearing has commenced, shall issue
40 subpoenas and subpoenas duces tecum at the request of any party

1 in accordance with Chapter 4 (commencing with Section 9400) of
2 Part 1 of Division 2 of Title 2 of the Government Code. All of the
3 provisions of that chapter, except Section 9410 of the Government
4 Code, shall apply to the committee and the witnesses before it.

5 (i) At any hearing held by the committee:

6 (1) Oral evidence shall be taken on oath or affirmation.

7 (2) Each party shall have these rights: to be represented by legal
8 counsel; to call and examine witnesses; to introduce exhibits; and
9 to cross-examine opposing witnesses.

10 (3) The hearing shall be open to the public.

11 (j) Any official or other person whose name is mentioned at any
12 investigation or hearing of the committee, and who believes that
13 testimony has been given that adversely affects the official or other
14 person, shall have the right to testify or, at the discretion of the
15 committee, to testify under oath relating solely to the material
16 relevant to the testimony regarding which the official or other
17 person complains.

18 (k) The committee shall have 15 days following the hearing
19 within which to deliberate and reach its final determination on the
20 matter as follows:

21 (1) If the committee finds that the respondent has not violated
22 any standard of conduct, it shall order the action dismissed, shall
23 notify the respondent and complainant thereof, and, in cases
24 concerning an alleged violation of Article 2 (commencing with
25 Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the
26 Government Code, shall transmit a copy of the complaint and the
27 fact of dismissal to the appropriate law enforcement agency. The
28 complaint and the fact of dismissal transmitted pursuant to this
29 paragraph are public records and open to public inspection.

30 (2) If the committee finds that the respondent has violated any
31 standard of conduct, it shall state its findings of fact and submit a
32 report thereon to the Assembly. This report shall be accompanied
33 by a house resolution, authored by the committee, which shall be
34 introduced at the Chief Clerk's desk and then referred by the
35 Committee on Rules to the Ethics Committee. The house resolution
36 shall include a statement of the committee's findings and the
37 committee's recommendation for disciplinary action. Within seven
38 days, the committee shall adopt the final form of the house
39 resolution and report it to the Assembly for placement on the Daily
40 File. The committee also shall send a copy of those findings and

1 report to the complainant and respondent, and, in cases concerning
2 an alleged violation of Article 2 (commencing with Section 8920)
3 of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government
4 Code, shall report thereon to the appropriate law enforcement
5 agency. The report submitted pursuant to this paragraph is a public
6 record and open to public inspection.

7 After the receipt of a copy of the committee's final report and
8 house resolution, the Assembly expeditiously shall take appropriate
9 action with respect to the respondent.

10 (l) The filing of a complaint with the committee pursuant to this
11 rule suspends the running of the statute of limitations applicable
12 to any violation of any standard of conduct alleged in the substance
13 of that complaint while the complaint is pending.

14 (m) The committee shall maintain a record of its investigations,
15 inquiries, and proceedings. All records, complaints, documents,
16 and reports filed with or submitted to or made by the committee,
17 and all records and transcripts of any investigations, inquiries, or
18 hearings of the committee under this rule shall be deemed
19 confidential and shall not be open to inspection, without the express
20 permission of the committee, by any person other than a member
21 of the committee, or an employee of the committee or other state
22 employee designated to assist the committee, except as otherwise
23 specifically provided in this rule. The committee may, by adoption
24 of a resolution, authorize the release to the Attorney General or a
25 district attorney of the appropriate county of any information,
26 records, complaints, documents, reports, and transcripts in its
27 possession that are material to any matter pending before the
28 Attorney General or that district attorney. All matters presented
29 at a public hearing of the committee and all reports of the
30 committee stating a final finding of fact pursuant to subdivision
31 (k) shall be public records and open to public inspection. Any
32 employee of the committee who divulges any matter that is deemed
33 to be confidential by this subdivision shall be subject to discipline
34 by the Committee on Rules.

35 (n) The committee may take any action authorized by this rule
36 only upon the vote of not less than two members from the
37 registered political party having the greatest number of Members
38 in the Assembly and two members from the registered political
39 party having the second greatest number of Members. Any vacancy
40 on the committee does not reduce the votes required to take action.

(o) The committee may render advisory opinions to Members of the Assembly with respect to the standards of conduct and their application and construction. The committee may secure an opinion from the Legislative Counsel for this purpose or issue its own opinion. Any committee advisory opinion shall be prepared by committee members or staff and shall be adopted by the committee pursuant to subdivision (n).

(p) The committee shall conduct, at least semiannually, an orientation course on the relevant statutes and regulations governing official conduct. The curriculum and presentation of the course shall be established by the Committee on Rules. At least once each biennial session, each Member of the Assembly and each employee of the Assembly shall attend one of these courses.

(q) Pursuant to Section 8956 of the Government Code, the committee shall do each of the following:

(1) Conduct, at least semiannually, an orientation course on the relevant ethical issues and laws relating to lobbying.

(2) Impose fees on lobbyists for attending the course specified in paragraph (1) at an amount that will permit the participation of lobbyists to the fullest extent possible.

Printing of Committee Reports

23. All requests for the printing of reports of Assembly committees shall be referred to the Committee on Rules. The Committee on Rules shall determine the number of copies needed, whether the report shall be printed in the Journal, and whether the report shall be distributed electronically. The Committee on Rules shall authorize the distribution of reports electronically whenever possible.

Assembly Employees

24. Every employee who works for a committee of the Assembly or a subcommittee of a committee, for a Member of the Assembly, for the Chief Clerk's office, or for the Sergeant at Arms, is an employee of the Assembly. All employees of the Assembly serve at the pleasure of the Assembly and the terms and conditions of their employment may be modified, or their employment may

1 be terminated at will, at any time and without notice, by the
2 Committee on Rules.

3 Every applicant for employment by the Assembly shall prepare
4 a formal application for employment on forms prescribed by the
5 Committee on Rules. The application shall include a statement of
6 the applicant's present employment, the applicant's employment
7 during the preceding two years, and other pertinent information
8 that the Committee on Rules may require. The application shall
9 be certified under penalty of perjury, and any willful false statement
10 or omission of a material fact shall be punishable as perjury. If the
11 application discloses any fact that indicates that the applicant has
12 a personal interest that would conflict with the faithful performance
13 of the applicant's duties, the applicant shall not be employed. All
14 applications shall be retained in the records of the committee.

15 Every employee shall complete the Assembly ethics course in
16 the first six months of the employee's employment. Thereafter,
17 every employee shall take the course in the first six months of
18 every legislative session.

19 Every employee shall, within the first six months of every
20 legislative session, take a course on sexual harassment prevention.
21 The content of the course shall be determined by the Committee
22 on Rules and shall include the Assembly's policy on sexual
23 harassment prevention and response.

24 An employee may not engage in any outside business activity
25 or outside employment that is inconsistent, incompatible, or in
26 conflict with the employee's functions or responsibilities as an
27 employee of the Assembly. Any employee who engages in any
28 outside business activity or employment that is in any way related
29 to the employee's functions or responsibilities as an employee
30 shall promptly notify the Committee on Rules of that business
31 activity or employment.

32 Public Legislative Meetings

33
34
35 25. (a) Accredited press representatives and the public shall
36 not be excluded from any public legislative meeting or hearing
37 and shall not be prohibited from taking photographs of, televising,
38 or recording the committee or house hearings.

39 (b) The Committee on Rules shall adopt reasonable rules
40 regarding access to public legislative meeting and hearing spaces,

1 including the placement and use of equipment for recording or
2 broadcasting, to minimize disruption of the proceedings. The rules
3 shall grant priority to accredited press representatives in allocating
4 access to public legislative meetings and hearings. Legislative
5 meetings shall comply with the provisions related to the public's
6 recording of legislative meetings set forth in Resolution Chapter
7 163 of the Statutes of 2018.

9 IV. ASSEMBLY FUNCTIONS

10 A. Duties of Assembly Officers

11 Duties of the Speaker

12
13 26. (a) The Speaker possesses the powers and shall perform
14 the duties prescribed as follows:

15 (1) To preserve order and decorum; the Speaker may speak to
16 points of order in preference to the other Members, rising from
17 the Speaker's chair for that purpose.

18 (2) To decide all questions of order subject to appeal to the
19 Assembly by any Member. On every appeal, the Speaker shall
20 have the right to assign the reason for the Speaker's decision.

21 (3) To name any Member to perform the duties of the Speaker,
22 except that any substitution may not extend beyond adjournment.

23 (4) To have general direction over the Assembly Chamber and
24 rooms set aside for the use of the Assembly, including the rooms
25 for use by Members as private offices.

26 (5) To allocate funds, staffing, and other resources for the
27 effective operation of the Assembly.

28 (6) To appoint the membership of all standing and special
29 committees, including the Committee on Rules, and their respective
30 chairpersons and vice chairpersons. The Speaker has approval
31 power over the appointment of subcommittees of standing and
32 special committees, except as otherwise provided in Rule 14.5.
33 The Committee on Rules consists of the Chairperson, Vice
34 Chairperson, and other Members who shall be appointed by the
35 Speaker in accordance with the process for appointing the
36 membership of standing committees pursuant to this rule. Two
37 alternate members of the Committee on Rules shall be appointed
38 in accordance with the process for appointing members to the
39 Committee on Rules. Members and alternates so appointed shall
40 remain in office until their successors are selected as provided for

1 in these rules. The Speaker may designate any member in lieu of
2 or in addition to the alternate member to fill a temporary vacancy.
3 An alternate member may serve when a committee member is
4 absent.

5 (7) To establish a schedule of meetings of standing committees
6 or subcommittees and to approve special meetings at a time
7 different from the scheduled time.

8 (8) To have general control and direction over the Journals,
9 papers, and bills of the Assembly and to establish a procedure in
10 accordance with Rule 118 for admitting employees of the
11 Legislature to the Assembly Chamber, including the Lobby in the
12 rear of the Chamber and any hallway or area of the floor that is
13 adjacent to the desks occupied by the assistants to the Chief Clerk.

14 (9) To act as Chairperson of the Committee of the Whole.

15 (10) To order the Lobby and Gallery cleared whenever the
16 Speaker deems it necessary.

17 (11) To authenticate by the Speaker's signature, when necessary
18 or required by law, all bills, memorials, resolutions, orders,
19 proceedings, writs, warrants, and subpoenas issued by order of the
20 Assembly.

21 (b) The Speaker is an ex officio member of all Assembly and
22 joint committees with all of the rights and privileges of that
23 membership, except the right to vote. In counting a quorum of any
24 of those committees, the Speaker shall not be counted as a member.

25 (c) The Speaker shall, at each regular session, appoint a Member
26 of the Assembly to serve on the Judicial Council pursuant to
27 Section 6 of Article VI of the California Constitution.

28 29 Funerals and Other Ceremonies and Events 30

31 27. The Speaker may designate any one or more of the Members
32 of the Assembly as the representatives of the Assembly to attend
33 funerals and other ceremonies and events in appropriate
34 circumstances. The Members so designated shall receive their
35 expenses as provided in Joint Rule 35.
36

37 Selection of Officers 38

39 28. (a) The Speaker shall appoint all nonelected officers of the
40 Assembly except the Republican Leader.

1 (b) The Republican Leader shall be selected by the Assembly
2 Republican Caucus.

3
4 Duties of the Speaker pro Tempore

5
6 29. The Speaker pro Tempore shall perform those duties
7 assigned by the Speaker, including the responsibility of presiding
8 over sessions of the Assembly and advising the Members on
9 parliamentary procedures of the house.

10
11 Duties of the Assistant Speaker pro Tempore

12
13 29.5. The Assistant Speaker pro Tempore shall perform those
14 duties assigned by the Speaker or Speaker pro Tempore, including
15 the responsibility of presiding over sessions of the Assembly and
16 advising the Members on parliamentary procedures of the house.

17
18 Majority Leader

19
20 30. It is the duty of the Majority Leader to make those
21 appropriate motions, points of order, or other arrangements that
22 may be necessary to expedite the proceedings of the Assembly,
23 and the Majority Leader is responsible for the presentation of all
24 matters that relate to the order of business, and to the promotion
25 of harmony among the membership.

26
27 Caucus Chairpersons

28
29 31. The chairperson of the caucus of the political party having
30 the greatest number of Members in the Assembly, and the
31 chairperson of the caucus of the political party having the second
32 greatest number of Members in the Assembly, shall perform those
33 duties that are prescribed by their respective party caucuses.

34
35 Chief Clerk

36
37 32. The Chief Clerk of the Assembly has the following duties,
38 powers, and responsibilities:

1 (a) To keep the bills, papers, and records of the proceedings and
2 actions of the Assembly and to have charge of the publication and
3 distribution of those publications related thereto.

4 (b) To supervise Assembly employees who are engaged in duties
5 related to subdivision (a).

6 (c) To act as Parliamentarian of the Assembly and to advise the
7 officers of the Assembly and the Committee on Rules on
8 parliamentary procedure and the Rules of the Assembly when
9 called upon to do so.

10 (d) To prepare all bills, resolutions, histories, journals, and
11 related publications for printing.

12 (e) To refuse to permit any bills, papers, or records to be
13 removed from the Chief Clerk's office or out of the Chief Clerk's
14 custody, except upon duly signed receipts from persons authorized.

15 (f) To perform other duties that are prescribed by law or the
16 Committee on Rules.

17 (g) To make technical changes in measures and amendments
18 pending before the Assembly. The Chief Clerk shall notify the
19 Speaker and the author of the measure of any such change.

20 (h) To compare all bills, ordered or considered engrossed by
21 the Assembly, with the engrossed copies thereof; before they pass
22 out of the possession of the Assembly, to see that each engrossed
23 bill is a true copy of the original, with those amendments that may
24 have been made thereto; and to see that all engrossed bills are
25 reported back in the order in which they were ordered engrossed.

26 (i) To assist the Committee on Rules, upon its request, in
27 recommending the reference of bills to the appropriate standing
28 committee.

29 The Assistant Chief Clerk shall have the powers and perform
30 the duties of the Chief Clerk during the Chief Clerk's absence.

31
32 **Sergeant at Arms**

33
34 33. The Sergeant at Arms has the following duties, powers,
35 and responsibilities:

36 (a) To attend the Assembly during its session, preserve order,
37 announce all official messengers, and serve all process issued by
38 authority of the Assembly and directed by the Speaker; the Sergeant
39 at Arms shall receive actual expenses for the Sergeant at Arms, or
40 for an assistant, incurred in executing any process.

1 (b) To see that no person is admitted to the Assembly Chamber
2 except in accordance with these rules.

3 (c) To have general supervision over the Assistant Sergeants at
4 Arms and be responsible for their official acts and their
5 performance of and regular attendance upon their duties.

6 (d) To execute all commands of the Speaker.

7 (e) To perform all other duties pertaining to the Sergeant at
8 Arms' office as prescribed by law or Assembly Rule.

9 The Deputy Chief Sergeant at Arms shall have the powers and
10 perform the duties of the Sergeant at Arms during the Sergeant at
11 Arms' absence.

12 Filling Interim Vacancies—Assembly Elected Officers

13
14
15 34. In the event a vacancy in any office, except Speaker, elected
16 by the membership of the Assembly occurs during joint recesses,
17 the Committee on Rules shall fill the office until the session
18 reconvenes. If a vacancy occurs in the office of the Speaker during
19 a joint recess, the Committee on Rules shall notify the membership
20 within 15 days from the time the vacancy occurs and shall call a
21 caucus of the membership of the Assembly for the purpose of
22 filling the vacancy. This caucus shall be held at the State Capitol
23 within 30 days from the time the vacancy occurs. Notice of the
24 caucus shall be in writing and shall be mailed not less than 10 days
25 prior to the meeting of the caucus. If the Committee on Rules fails
26 to act within 15 days from the time the vacancy in the office of
27 Speaker occurs, the Chief Clerk of the Assembly shall act in its
28 place, following the procedure set forth in this rule. Any person
29 selected to fill any vacancy pursuant to this rule holds the office
30 until the session reconvenes.

31 An affirmative recorded vote of a majority of the duly elected
32 and qualified Members is required for the selection by the
33 Assembly caucus of a person to fill a vacancy pursuant to this rule.
34 The procedure for selecting the Speaker at the caucus is the same
35 as the procedure required for the election of the Speaker at a
36 session.

37 B. Printing

38

Authority for Printing

35. The State Printer may not charge any printing or other work to the Assembly other than as provided by law or Assembly Rule, except upon a written order signed by the Chief Clerk of the Assembly or the Chief Administrative Officer of the Assembly. All invoices for printing furnished to the Assembly shall be itemized and rendered by the State Printer within 30 days after completion of the printing. When necessary, the Chief Clerk of the Assembly or the Chief Administrative Officer of the Assembly may order certain printed matter completed in advance of its regular order by the issuance of a rush order.

Ordering of Printing

36. The Chief Clerk is authorized to order, and is responsible for ordering, the printing of bills, resolutions, journals, daily files, histories, and related documents.

The Chief Clerk of the Assembly, or the Chief Administrative Officer of the Assembly, shall order other printing as directed or authorized by the Committee on Rules, and the written order for that printing shall be countersigned by the Speaker or a person designated by the Speaker. The Chief Clerk of the Assembly or the Chief Administrative Officer of the Assembly shall also order other printing as directed or authorized by resolution or motion of the Assembly.

Printing Assembly History and Legislative Handbook

37. During the session, the Chief Clerk shall cause to be printed and placed upon each Member's desk, prior to convening on Monday of each week, a complete history showing all actions taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening between the issuance of each Weekly History, there shall be printed a Daily Supplemental History showing only actions taken upon any measure since the issuance of the preceding Weekly History.

The Chief Clerk of the Assembly shall, as soon as practicable, in each even-numbered year, commence to compile a legislative

1 manual or handbook, pursuant to Section 9740 of the Government
2 Code.

3
4 Transmittal of Assembly Joint Resolutions
5

6 37.5. Whenever the Chief Clerk is directed to transmit copies
7 of an Assembly Joint Resolution to Members of the Legislature
8 or Members of Congress, the Chief Clerk may do one or both of
9 the following:

10 (a) Transmit the copies to the designated Members by electronic
11 means.

12 (b) Transmit one physical copy to the appropriate administrative
13 or legislative officer of the designated body.

14
15 V. LEGISLATIVE PROCEDURE

16 Order of Business
17

18 40. (a) The order of business of the Assembly shall be as
19 follows:

- 20 1. Rollcall
- 21 2. Prayer by the Chaplain
- 22 3. Reading of the Previous Day's Journal
- 23 4. Presentation of Petitions
- 24 5. Introduction and Reference of Bills
- 25 6. Reports of Committees
- 26 7. Messages From the Governor
- 27 8. Messages From the Senate
- 28 9. Motions and Resolutions
- 29 10. Business on the Daily File
- 30 11. Announcements
- 31 12. Adjournment

32 (b) With the exception of Special Orders of Business, the
33 Speaker may determine that a different order of business will result
34 in a more expeditious processing of the business of the Assembly
35 by ordering resolutions honoring an individual or an organization,
36 introductions, and adjournments in memory of individuals to be
37 taken up in a different order than that listed in subdivision (a).

1 Pledging of Allegiance to the Flag

2
3 41. At each session, following the prayer by the Chaplain, the
4 Members of the Assembly and its officers and employees present
5 in the Assembly Chamber shall pledge their allegiance to the Flag
6 of the United States of America. The Speaker shall invite guests
7 present in the Assembly Chamber to join in the pledge of allegiance
8 to the Flag of the United States of America.
9

10 Reading and Correcting Journals

11
12 42. (a) The reading of the Journal of the previous day may be
13 dispensed with, on motion, by a majority vote of the Members
14 present and voting.

15 (b) All journals of the Assembly shall be corrected by the Minute
16 Clerk and delivered to the Chief Clerk.

17 (c) A motion to correct any day's Journal or to print a letter in
18 the Journal shall always be in order and shall require a majority
19 vote of the Members present and voting.
20

21 Presentation of Petitions

22
23 43. Whenever petitions, memorials, or other papers are
24 presented by a Member, a brief statement of the contents thereof
25 may be made verbally by the introducer. Petitions are not debatable
26 and shall be filed, or referred to a committee as the Speaker shall
27 determine. Receipt of that presentation and its disposition shall be
28 noted in the Journal.

29 Upon receipt of a petition for the impeachment of any person
30 subject to impeachment by the Legislature, the Speaker shall,
31 without comment or debate, forthwith refer the petition to
32 committee.
33

34 Messages From the Governor

35
36 44. Messages from the Governor shall be delivered to the Chief
37 Clerk or an assistant, and shall be read and ordered printed in the
38 Journal unless otherwise ordered by an affirmative recorded vote
39 of 54 or more Members.

Messages From the Senate

45. (a) Messages from the Senate shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed in the Journal. The Committee on Rules may refer each bill to a committee, unless upon a motion the Assembly, by an affirmative recorded vote of 41 or more Members, refers it to some other committee. The action to refer a bill is not debatable. The reference shall be entered in the Journal. Assembly bills that have been passed without amendment by the Senate shall be ordered to enrollment.

An Assembly bill amended by the Senate shall be placed upon the unfinished business file but shall not be eligible to be acted upon until it is on the unfinished business file for one calendar day, except that when the Assembly bill is placed upon the unfinished business file during the last two legislative days preceding (1) the January 31 bill passage deadline specified by Section 10 of Article IV of the California Constitution, (2) the scheduled commencement of the interim study recess, or (3) the scheduled commencement of the final recess as specified by the Joint Rules of the Senate and Assembly, it may be acted upon immediately.

(b) An Assembly bill amended by the Senate shall be considered and voted upon in accordance with Rule 77.

Presentation of Guests or Memorials in the Assembly

45.5. These rules do not prohibit the Speaker or Speaker pro Tempore from permitting the introduction of a special guest or guests. A request that a session of the Assembly adjourn in memory of a person shall be made in writing. The request shall be read by the presiding officer immediately prior to adjournment.

A. Bills and Resolutions
Bills Defined

46. (a) The word “bill,” as used in these rules, includes a constitutional amendment, a concurrent resolution, and a joint resolution, except as otherwise specifically provided.

(b) A concurrent resolution and a joint resolution, other than a resolution ratifying proposed amendments to the United States Constitution and a resolution calling for a constitutional convention, shall be treated in all respects as a bill except as follows:

(1) It shall be given only one formal reading.

(2) It shall not be deemed a bill within the meaning of subdivision (a) and paragraphs (1) and (2) of subdivision (b) of Section 8 of Article IV of the California Constitution.

(c) “Final form,” as used in these rules, means the following:

(1) For an Assembly bill, the form of the bill presented on the Senate floor for a vote upon final passage.

(2) For a Senate bill, the form of the bill presented on the Assembly floor for a vote upon final passage.

Introduction and Reference of Bills

47. (a) Each bill shall be signed by each Member who is an author or coauthor of the bill before it is introduced. If any bill is introduced that does not contain the signature of its author or coauthor, the bill, on motion of the Member whose name appears thereon without that signature, shall be stricken from the file by an affirmative recorded vote of 41 or more Members.

(b) After the introduction of preprinted bills, and subject to the provisions of the Joint Rules of the Senate and Assembly, any Member desiring to introduce a bill, constitutional amendment, or concurrent or joint resolution may at any time during a session send the same to the Chief Clerk’s desk.

(c) When received at the Chief Clerk’s desk each bill shall, under the proper order of business, be numbered, read the first time, printed, and referred to a standing committee, and a copy thereof shall be placed upon the desk of each Member before final passage.

All bills and constitutional amendments introduced before the standing committees of the Assembly are appointed shall be referred to committee, the references to take effect when the committees are appointed.

(d) The Committee on Budget may introduce a bill germane to any subject within the jurisdiction of the committee in the same manner as any Member. Any other standing committee may

1 introduce a total of five bills in each year of a biennial session that
2 are germane to any subject within the proper consideration of the
3 committee.

4 (e) No committee, except the Committee on Budget, may
5 introduce or author a house resolution, concurrent resolution, or
6 joint resolution.

7 (f) A committee bill may not be introduced unless it contains
8 the signatures of a majority of all of the members, including the
9 chairperson, of the committee. If all of the members of a committee
10 sign the bill, at the option of the committee chairperson the
11 committee members' names need not appear as authors in the
12 heading of the printed bill.

13 (g) Subdivision (d) or (e) of this rule may be suspended with
14 respect to a particular bill or resolution by approval of the
15 Committee on Rules.

16 17 Bills Authored by a Former Member

18
19 47.1. Whenever the author of a bill in the Assembly is no longer
20 a Member of the Legislature, upon a request of a committee or
21 current Member of the house in which the bill was introduced, the
22 Assembly Committee on Rules may authorize that committee or
23 Member to be the author of that bill. Absent that authorization, an
24 action may not be taken by a committee or the Assembly with
25 respect to a bill authored by a former Member.

26 27 Limitation on the Introduction of Bills

28
29 49. (a) A Member may introduce not more than 50 bills in the
30 regular session. As used in this rule, "bill" includes a constitutional
31 amendment, but does not include a concurrent or joint resolution.

32 (b) This rule may be suspended with respect to a particular bill
33 by approval of the Committee on Rules.

34 35 Reference of Bills to Committee

36
37 51. Except as otherwise provided in this rule, the Committee
38 on Rules may refer each bill to a committee by a majority vote of
39 the membership of the committee, unless upon a motion the
40 Assembly, by an affirmative recorded vote of 41 or more Members,

1 refers it to some other committee. A motion to refer a bill is not
2 debatable, except as to the propriety of the motion, and it may not
3 open the main question to debate.

4 The Committee on Rules may require that, if a bill is reported
5 out of the committee to which it has been referred, it shall be
6 re-referred to another committee that shares jurisdiction of the
7 subject matter of the bill.

8 9 Spot Bills

10
11 51.5. A bill that upon introduction makes no substantive change
12 in or addition to existing law, and would not otherwise affect the
13 ongoing operations of state or local government, except a bill
14 stating legislative intent to make necessary statutory changes to
15 implement the Budget Bill, may not be referred to a committee by
16 the Committee on Rules. If the author subsequently proposes to
17 the Committee on Rules to make substantive changes in the bill
18 as introduced, the Committee on Rules may refer the bill to a
19 committee, together with the proposed changes for consideration
20 as author's amendments. A vote on passage of the bill may not be
21 taken, however, until the bill with its amendments, if adopted, has
22 been in print for at least 15 days.

23 24 Delivery of Bills to State Printer

25
26 52. After introduction and first reading, all bills shall be
27 delivered to the State Printer.

28 29 Resolutions

30
31 53. All resolutions shall be numbered and may be referred to
32 the appropriate committee by the Committee on Rules.

33 Each resolution shall be signed by each Member who is an author
34 or coauthor of the resolution before it is introduced.

35 36 Resolutions by Member

37
38 54. A concurrent resolution or a house resolution may be
39 introduced relating to a present or former state or federal elected
40 official or a member of the official's immediate family. Other

1 resolutions for the purpose of commendation or congratulation of
2 any person, group, or organization, or for the purpose of expressing
3 sympathy, regret, or sorrow on the death of any person, shall be
4 prepared as a Committee on Rules Resolution and presented to the
5 committee for appropriate action.

6 The Committee on Rules may approve exceptions to this rule
7 for house resolutions. The Chief Clerk may not accept for
8 introduction any house resolution that is contrary to this rule unless
9 it is accompanied by the approval of the Committee on Rules.

10
11 B. Standing Committee Functions
12 Standing Committee Rules
13

14 55. Subject to the Joint Rules of the Senate and Assembly, the
15 Rules of the Assembly shall govern the conduct of all committee
16 and subcommittee meetings.
17

18 Meetings of Standing Committees and Subcommittees
19

20 56. All standing committees and subcommittees shall meet at
21 the hour and place provided by the schedule established by the
22 Speaker, unless permission for a different hearing time is granted
23 by the Speaker. A committee or subcommittee may not meet during
24 any session of the Assembly, nor may any Member of the
25 Assembly attend a conference committee meeting on any bill
26 during any session of the Assembly without first obtaining
27 permission from the Assembly.

28 When an unscheduled meeting of a standing committee or
29 subcommittee has been so ordered, the meeting shall convene in
30 an area that is readily accessible to the public and the Assembly
31 shall take care that every effort is made to inform the public that
32 a meeting has been called. An unscheduled meeting of a committee
33 or subcommittee may not be held in the Assembly Chamber.

34 No bill may be set for hearing, nor may any notice thereof be
35 published by any Assembly committee or subcommittee, until the
36 bill has been referred to the committee or subcommittee. Nothing
37 in this paragraph shall prevent a committee or subcommittee from
38 acting with regard to a bill referred to it where the only action
39 taken is to cause the bill to be reported to the Assembly with the
40 recommendation that amendments be adopted and the bill be

1 reprinted as amended and re-referred to the committee or
2 subcommittee.

3 The several standing committees and subcommittees and their
4 chairpersons may adopt a procedure under which bills are
5 scheduled for hearing on the basis of like subject matter groupings.

6
7 Setting and Hearing Bills in Committee
8

9 56.1. All bills referred to a standing committee pursuant to Rule
10 51 may be set and heard, if requested by the author, as specified
11 by the Joint Rules. If the analysis of an author's amendment that
12 is subsequently adopted pursuant to Rule 68 discloses that the
13 amendment makes a substantial substantive change to the original
14 bill as referred by the Committee on Rules, the bill as amended
15 shall either be set and heard by the committee having jurisdiction
16 of the bill as amended or re-referred to the Committee on Rules
17 pursuant to the Assembly Rules.

18
19 Committee Analyses
20

21 56.5. Except as otherwise provided in this rule, each standing
22 committee and subcommittee shall prepare an analysis of every
23 bill it has set for hearing, which shall be available to the public in
24 the office of the committee or subcommittee one working day prior
25 to the date on which the hearing is to be held. In the case of a
26 special meeting, or a meeting of the Committee on Appropriations
27 or the Committee on Budget, or their subcommittees, the analysis
28 shall be available to the public at the beginning of the hearing. No
29 question concerning a committee's compliance with this rule with
30 regard to any bill shall be in order following a vote on passage of
31 the bill in that committee. As used in this rule, a "working day" is
32 any day on which a house file is published.

33 A copy of each committee analysis shall be transmitted by the
34 committee secretary to the Assembly Floor Analysis Unit at the
35 same time it is made available to the public.

36
37 Committee Consultants: Floor Analyses
38

39 56.6. Except as otherwise provided in this rule, the consultants
40 of a standing committee or subcommittee are responsible for

1 monitoring bills assigned to their respective committee or
2 subcommittee throughout the entire legislative process. Except for
3 resolutions and bills on the Consent Calendar, a consultant of the
4 appropriate standing committee shall prepare, in a timely fashion,
5 an analysis of every bill on third reading or the unfinished business
6 file, and of any amendment to a bill that is on the Assembly floor,
7 as directed by the Assembly Floor Analysis Unit.

8 The committee consultant who prepares the analysis shall
9 transmit a copy of the completed analysis to the Assembly Floor
10 Analysis Unit. The Assembly Floor Analysis Unit is responsible
11 for final editing for grammar and format of all floor analyses.

12 13 Consent Calendar

14
15 56.7. If the chairperson of a committee or subcommittee, in
16 advance of a hearing, proposes to recommend any bills for
17 consideration on the Consent Calendar without hearing testimony
18 on those bills in committee, a list of those bills shall be made
19 available to the public at the same time as the committee analysis
20 required under Rule 56.5.

21 22 Committee Quorum

23
24 57. Except as otherwise provided in this rule, a majority of the
25 membership of any standing committee constitutes a quorum for
26 the transaction of its business, including the decision to recommend
27 the adoption of any amendments to any bill. A majority of the
28 membership of the committee, or a subcommittee thereof, is
29 required to report a bill out of the committee or subcommittee,
30 respectively. Any vacancy on a standing committee shall not reduce
31 the votes required to take action on a bill in that committee.

32 Whenever a member is disqualified pursuant to Joint Rule 44
33 or the Political Reform Act of 1974 (Title 9 (commencing with
34 Section 81000) of the Government Code) from voting or taking
35 any other action related to the passage, defeat, or amendment of
36 a bill in committee, that disqualification shall be treated the same
37 as a vacancy. The member shall advise the chairperson of a
38 disqualification, and the chairperson shall announce which
39 members are so disqualified at the commencement of the hearing
40 on the bill.

Reconsideration

57.1. After a committee has voted on a bill, reconsideration may be granted only one time. Pursuant to subdivision (a) of Joint Rule 62, reconsideration may be granted within 15 legislative days or prior to the interim study joint recess, whichever occurs first. A vote on reconsideration may not be taken without the same notice required to set a bill for hearing unless that vote is taken at the same meeting at which the vote to be reconsidered was taken and the author is present. An action taken by a committee may not be reconsidered except by a majority vote of the membership of the committee.

Bills Reported Back to Assembly

58. All committees shall act upon bills referred to them as soon as practicable, and when acted upon each bill shall be reported back to the Assembly forthwith; the chairperson of each committee is charged with the observance of this rule. The chairperson of each committee shall, insofar as practicable, report back bills in the same order as they were acted upon by the committee.

Appropriations Suspense File

58.2. (a) The Committee on Appropriations may maintain a suspense file, to which bills may be referred by vote of a majority of the members of the committee present and voting, pending further consideration by the committee. A bill may be taken off the suspense file and heard, upon two days' notice published in the file, by a vote of a majority of the members of the committee present and voting. A bill removed from the suspense file for the purpose of amendment only, pursuant to Rule 68, shall be re-referred to the committee and shall be placed on the suspense file pending further consideration by the committee.

(b) Notwithstanding any other rule, procedure, or practice, a committee of the Assembly other than the Committee on Appropriations shall not establish or maintain a suspense file.

Voting in Committee

1
2
3 58.5. When a standing committee or subcommittee takes action
4 on a bill, including reconsideration, the vote may be by rollcall
5 vote only. All rollcall votes taken in a standing committee or
6 subcommittee shall be recorded by the committee secretary on
7 forms provided by the Chief Clerk of the Assembly. The record
8 of a rollcall vote shall show, for each proposal voted upon: all
9 votes for and against, all members absent, and all members not
10 voting. The chairperson of each standing committee or
11 subcommittee shall promptly transmit a copy of the record of the
12 rollcall votes to the Chief Clerk of the Assembly, who shall cause
13 the votes to be published in an appendix to the Journal on a
14 monthly basis.

15 The committee secretary of each standing committee or
16 subcommittee shall promptly transmit a copy of the record of the
17 rollcall votes to the Assembly Floor Analysis Unit.

18 A member may submit a written explanation of the member's
19 vote, absence, or failure to vote on any bill or resolution, and that
20 explanation shall be printed in the appendix to the Journal in the
21 appropriate place, provided that no explanation may exceed 50
22 words in length.

23 At the request of the author or any member of the committee,
24 the committee shall hold the roll open on any bill until the
25 adjournment of the committee meeting. At no time may a bill be
26 passed out by a committee without a quorum being present.

27 This rule does not apply to any of the following:

- 28 (a) Adoption of author's amendments to a bill.
- 29 (b) Withdrawal of a bill from a committee calendar at the request
30 of an author.
- 31 (c) Return of bills to the house where the bills have not been
32 voted on by the committee.
- 33 (d) Votes of subcommittees of the Committee on Budget when
34 considering the Budget Bill.
- 35 (e) Votes of the Committee on Rules when referring bills to
36 committees.

1 Subject Matter of Bill Recommended for Interim Study

2
3 59. Whenever it is the decision of a standing committee that a
4 bill referred to that committee shall not be given a do-pass
5 recommendation, but that the subject matter of the bill should be
6 referred for study, that standing committee shall retain the bill in
7 its possession and report its recommendation to the Assembly that
8 the subject matter of the bill be referred to the Committee on Rules
9 for that committee's assignment of the subject matter to an
10 appropriate committee.

11 Nothing in this rule shall be construed to prohibit a committee
12 from subsequently reporting the bill to the Assembly with a do-pass
13 or do-pass as amended recommendation or from reporting it out
14 of committee without further action on the final day of the session.

15
16 Committee Chairperson as Author

17
18 60. A chairperson of a standing committee may not preside at
19 a committee hearing to consider a bill of which the chairperson is
20 the sole author or the lead author, except that the Chairperson of
21 the Committee on Budget may preside at the hearing of the Budget
22 Bill by the Committee on Budget.

23
24 Reports of Committees

25
26 61. Specially prepared reports of standing and special
27 committees shall be delivered to the Chief Clerk or an assistant,
28 and shall be read and ordered printed in the Journal unless
29 otherwise ordered by the Speaker or a majority vote of the
30 Members present and voting.

31 When a report of a joint legislative committee is delivered to
32 the Assembly Desk, the Speaker shall refer it to a standing
33 committee for review and appropriate action.

34
35 Constitutional Amendments

36
37 62.5. All constitutional amendments shall be referred to the
38 policy standing committee having jurisdiction of that subject matter
39 and, upon being reported out of that committee, shall be re-referred

1 to the committee having constitutional amendments within its
2 jurisdiction.

3

4

C. Passage of Bills

5

Daily File

6

7 63. There shall be printed an Assembly Daily File for each
8 legislative day. The following listing shall constitute the order of
9 business on the Daily File:

10 1. Special Orders of the Day

11 2. Second Reading, Assembly Bills

12 3. Second Reading, Senate Bills

13 4. Unfinished Business

14 5. Third Reading, Assembly Bills

15 6. Third Reading, Senate Bills

16 All bills on the Daily File shall be called for consideration,
17 provided that Rule 58 has been complied with in the order of their
18 listing. All scheduled committee hearings, together with the list
19 of bills to be heard, shall be published in the Daily File.

20

21

Copies of Bills for Action on Floor

22

23 64. A bill may not be considered or acted upon on the floor of
24 the Assembly unless and until a copy of the bill as introduced, and
25 a copy of each amended form of the bill, has been distributed to
26 the desk of each Member in hardcopy or in portable document
27 format (PDF) via computer and, as applicable, the requirements
28 of paragraph (2) of subdivision (b) of Section 8 of Article IV of
29 the California Constitution have been complied with.

30

31

Second Reading of Bills

32

33 66. All bills shall be read by title the second time in the order
34 of their appearance upon the second reading file. Upon second
35 reading, Assembly bills reported without amendments shall be
36 ordered engrossed, and Senate bills reported without amendments
37 shall be ordered to third reading. All bills reported out of committee
38 shall be placed on the second reading file for the next legislative
39 day, and may not be read a second time until the next legislative
40 day under that order of business. As used in this rule, "bill" does

1 not include a joint or concurrent resolution, but does include a
2 constitutional amendment.

3
4 Bills Requiring General Fund Appropriation
5

6 66.6. Until the Budget Bill has been enacted, the Assembly
7 may not send to the Governor for consideration any bill
8 appropriating funds for expenditure during the fiscal year for which
9 the Budget Bill is to be enacted, except emergency bills
10 recommended by the Governor or appropriations for the salaries
11 and expenses of the Legislature.
12

13 Committee Amendments and Coauthors
14

15 67. (a) Committee amendments reported with bills shall be
16 considered upon their second reading, and the amendments may
17 be adopted by majority vote of the Members present and voting.
18 Assembly and Senate bills amended on second reading by
19 committee amendment shall be ordered reprinted and returned to
20 the second reading file. Assembly bills so amended shall be
21 engrossed after printing.

22 Committee amendments reported with bills shall be prepared,
23 or approved as to form, by the Legislative Counsel. Five copies
24 of the committee amendments to Assembly bills and five copies
25 of the committee amendments to Senate bills shall be delivered to
26 the Chief Clerk's desk.

27 The Chief Clerk shall cause to be transmitted to the Assembly
28 Floor Analysis Unit a copy of each committee report and committee
29 amendment, unless the committee report or committee amendment
30 is relative to a joint, concurrent, or house resolution.

31 Adoption of amendments to any bill in the Assembly prior to
32 third reading, other than by a rollcall, shall not preclude subsequent
33 consideration in committee, or on the third reading by the
34 Assembly, of the bill, those amendments, or any part thereof.

35 (b) Notwithstanding any other rule, the revision of a bill only
36 to add coauthors shall not be considered an amendment of the bill.
37 A request to add coauthors may be submitted to the Assembly with
38 the approval of the committee chairperson, the lead author of the
39 bill, and each proposed coauthor on a form provided by the Chief
40 Clerk. The form may be submitted to the Chief Clerk with the

1 submission of the committee report. A coauthor revision form may
2 be submitted for a bill only one time in each committee to which
3 the bill has been re-referred, except that the limit of one co-author
4 revision form per bill shall not apply to fiscal committees. Upon
5 submission of the form, the heading of the bill shall be revised to
6 reflect the additional coauthor or coauthors. Any Member added
7 as a coauthor to a bill may subsequently request in writing that the
8 Member's name be removed.

10 Author's Amendments

11
12 68. Upon request of the author of a bill, the chairperson of the
13 committee to which the bill has been referred may, by the
14 chairperson's individual action taken independently of any
15 committee meeting, cause the bill to be reported to the Assembly
16 with the recommendation that amendments submitted by the author
17 be adopted and the bill be reprinted as amended and re-referred to
18 the committee.

19 Notwithstanding any other rule, a bill to be amended pursuant
20 to this rule may not be placed on the second reading file for the
21 adoption of those amendments.

23 Rules Committee Author's Amendments

24
25 68.1 (a) If a proposed amendment to a bill on the floor is
26 submitted pursuant to Rule 69, the chairperson of the Committee
27 on Rules may, upon request of the author of the bill, re-refer the
28 bill and proposed floor amendments to the Committee on Rules
29 for further action.

30 (b) Upon re-referral, the chairperson of the Committee on Rules
31 may cause the amendments submitted by the author to be adopted
32 and the bill to be reprinted as amended and ordered returned to
33 either the second or third reading file.

35 Vote on Passage of Bill as Amended

36
37 68.5. Except as otherwise provided in this rule, a vote on
38 passage of any bill in a standing committee or subcommittee shall
39 be taken only when the bill is in print, including any previously
40 adopted amendments to the bill. A vote on passage of an amended

1 bill, when the amended form of the bill is not in print, may be
2 taken only if the sole effect of the amendment is to add coauthors
3 to the bill or if the committee determines that the effect of the
4 amendment upon the bill can be readily understood by all of the
5 members and audience present at the hearing. In that circumstance,
6 any member may require that the amendments be in writing at the
7 time of their adoption.

8
9 Bill Analysis Prior to Third Reading

10
11 68.6. A bill, concurrent resolution, or joint resolution may not
12 be considered on third reading unless and until an analysis of the
13 measure has been distributed by the Assembly Floor Analysis Unit
14 and placed upon the desks of the Members, unless otherwise
15 ordered by the Speaker.

16
17 Analysis of Conference Committee Amendments

18
19 68.7. A report of a conference committee on any bill, other
20 than the Budget Bill, that recommends the substantive amendment
21 of a bill may not be considered unless and until an analysis of the
22 proposed amendment has been distributed by the Assembly Floor
23 Analysis Unit and placed upon the desks of the Members, unless
24 otherwise ordered by the Speaker.

25
26 Printing of Conference Committee Reports

27
28 68.8. A conference report may not be heard by the Assembly
29 until it has been in print for 72 hours prior to being taken up by
30 the house.

31
32 Conference Committee: Substantial Policy Change

33
34 68.9. (a) A conference committee on any bill, other than the
35 Budget Bill or a bill that is making statutory changes to implement
36 the Budget Bill, may not approve any substantial policy change
37 in any bill if that substantial policy change has been defeated in a
38 policy committee of the Assembly within the current legislative
39 session. For purposes of this rule, the most recent action of a policy
40 committee with regard to a substantial policy change is deemed

1 the only action taken when the policy committee has taken
2 inconsistent actions with respect to a substantial policy change.

3 (b) For purposes of subdivision (d) of Joint Rule 29.5, the term
4 “heard” means that a printed bill with substantially similar language
5 was before the appropriate committee and taken up at a regular or
6 special hearing of the committee during the current legislative
7 session; or that an amendment, which was drafted and given a
8 request number or approved as to form by the Legislative Counsel,
9 was before the committee and taken up at a regular or special
10 hearing of the committee.

11 12 Amendments From the Floor and Coauthors

13
14 69. (a) Any Member may move to amend a bill during its
15 second or third reading, and that motion to amend may be adopted
16 by a majority vote of the Members present and voting.

17 Amendments to a bill offered from the floor, except committee
18 amendments reported with bills, amendments offered with a motion
19 to amend and re-refer a bill to committee, amendments deleting
20 any number of words, or amendments previously printed in the
21 Journal, are not in order unless and until a copy of the proposed
22 amendments has been placed upon the desks of the Members.

23 Notwithstanding any other rule, a bill that has been revised on
24 the Assembly Floor at the request of the lead author and on forms
25 provided by the Chief Clerk only to add coauthors to the bill shall
26 not be considered an amendment and a copy of the bill is not
27 required to be placed upon the desks of the Members if both the
28 Speaker and the Republican Leader, or a majority vote of the house,
29 approve the request. The heading of the bill shall be revised to
30 reflect the addition of the coauthor or coauthors.

31 Amendments offered from the floor during a bill’s second or
32 third reading shall be prepared, or approved as to form, by the
33 Legislative Counsel.

34 Before debate five copies of the proposed amendment to
35 Assembly bills, and five copies of the proposed amendments to
36 Senate bills, shall be delivered to the Chief Clerk’s desk. One copy
37 of the proposed amendment shall be transmitted by the Chief Clerk
38 to the Assembly Floor Analysis Unit. Bills so amended upon
39 second or third reading shall be reprinted and re-engrossed. The

1 Chief Clerk shall order printed as many copies of all amended bills
2 as the Chief Clerk may determine to be necessary.

3 (b) (1) Amendments from the floor during a bill's second or
4 third reading that would make a substantive change in the bill shall
5 be submitted to the Chief Clerk's desk by 5:00 p.m. or the time of
6 adjournment, whichever is later, the business day before the start
7 of session on the legislative day at which they are to be considered.

8 (2) Upon receipt of the proposed amendments by the Chief
9 Clerk, an analysis shall be prepared by the committee of origin in
10 conjunction with the Assembly Floor Analysis Unit, and a copy
11 of that analysis shall be distributed to each Member's desk prior
12 to the beginning of debate on adoption of the proposed
13 amendments, unless otherwise ordered by the Speaker.

14 (c) Paragraph (1) of subdivision (b) does not apply to (1)
15 amendments to a bill taken up without reference to file, (2)
16 amendments to a bill to add or delete an urgency clause, (3)
17 amendments to a bill that are identical to other amendments
18 submitted to the Chief Clerk's desk in accordance with the
19 requirements of this rule, (4) amendments to the Budget Bill or to
20 a bill that is making statutory changes necessary to implement the
21 Budget Bill, or (5) amendments to a bill to make the bill contingent
22 upon the enactment of another bill, or to incorporate one or more
23 statutory amendments proposed in another bill to avoid superseding
24 those amendments.

25 (d) Any bill amended on the second or third reading file shall
26 be ordered reprinted and returned to the third reading file, and may
27 not be acted on by the Assembly until the bill, as amended, has
28 been on the Daily File for one calendar day, and, with regard to
29 an amended Senate bill, may not be voted upon for final passage
30 until the bill complies with Rule 76. This subdivision does not
31 apply to a bill that is amended to add or delete an urgency clause
32 or to a bill that is amended to make statutory changes to implement
33 the Budget Bill.

34 (e) A motion to amend a bill on the second or third reading file,
35 other than committee amendments reported pursuant to Rule 57,
36 is not in order on (1) the last two legislative days preceding the
37 January 31 bill passage deadline specified by Section 10 of Article
38 IV of the California Constitution or (2) the last seven days
39 preceding the scheduled commencement of the interim study recess
40 or the scheduled commencement of the final recess as specified

1 by the Joint Rules of the Senate and Assembly. This subdivision
2 may be suspended temporarily by two-thirds vote of the Members
3 present and voting. This subdivision does not apply to amendments
4 to a bill pursuant to Joint Rule 23.5, amendments to a bill to add
5 or delete an urgency clause, or amendments to a bill to incorporate
6 one or more statutory amendments proposed in another bill to
7 avoid superseding those amendments.

8
9 Consideration of Political Reform Act Bills

10
11 69.1. Pursuant to Section 81012 of the Government Code, any
12 bill that would amend the Political Reform Act of 1974 (Title 9
13 (commencing with Section 81000) of the Government Code) may
14 not be passed until, 12 days prior to being considered for passage,
15 the bill in its final form has been delivered by the Chief Clerk to
16 the Fair Political Practices Commission for distribution to the news
17 media and to every person who has requested the commission to
18 send a copy of any such bill to the person.

19
20 Consideration of Bills Amending the California Stem Cell
21 Research and Cures Act

22
23 69.2. Pursuant to Section 8 of the California Stem Cell Research
24 and Cures Act (Proposition 71 of the November 2, 2004, statewide
25 general election), the following requirements apply to a bill that
26 would amend the provisions of that act:

27 (a) The bill may not be passed until, 14 days prior to the date
28 of passage, copies of the bill in its final form are made available
29 by the Chief Clerk to the public and the news media.

30 (b) Passage of the bill requires the affirmative votes of 56
31 Members.

32
33 Electronic Distribution of Bills, Conference Reports,
34 Amendments, and Analyses

35
36 69.5. Any requirement that bills, conference reports,
37 amendments, or an analysis be placed on the desks of the Members
38 is satisfied by electronic distribution of the same information in
39 portable document format (PDF) via computer to the desk of the

1 Members through the Assembly Floor System, unless otherwise
2 ordered by the Speaker.

3
4 Consideration of Bills Re-referred to Committee
5

6 70. Whenever a bill that has been amended and re-referred to
7 committee is reported out by that committee, it shall be placed on
8 the second reading file and may not be transferred therefrom to
9 the third reading file until the following day.

10
11 Uncontested Bills
12

13 71. A bill may not be placed on the Assembly Consent Calendar
14 unless it has met the requirements of Joint Rule 22.1 with respect
15 to each Assembly standing committee to which the bill has been
16 referred.

17
18 Consideration of Concurrent and Joint Resolutions
19

20 73. A concurrent or joint resolution may be amended by a
21 majority vote of the Members present and voting. The ayes and
22 noes may not be called upon the adoption of concurrent resolutions,
23 except those authorizing expenditures of money, unless regularly
24 demanded, or required by statute or the California Constitution.

25
26 Adoption of Resolutions
27

28 74. (a) Any resolution upon which a rollcall vote is demanded
29 requires an affirmative recorded vote of 41 or more Members for
30 adoption.

31 (b) The adoption of any resolution authorizing the expenditure
32 of money requires an affirmative recorded vote of 41 or more
33 Members.

34 (c) The adoption of any joint resolution requires an affirmative
35 recorded vote of 41 or more Members.

36 (d) A resolution may not be adopted on the third reading file
37 on the last seven days preceding the scheduled commencement of
38 the interim study recess or the scheduled commencement of the
39 final recess as specified by the Joint Rules of the Senate and
40 Assembly. This subdivision does not apply to the Consent Calendar

1 and may be suspended temporarily by an affirmative recorded vote
2 of 41 or more Members.

3
4 Printing of Resolutions
5

6 75. When any previously printed house resolution is before the
7 Assembly for adoption, it may be printed in the Journal only if
8 amendments to it have been adopted, in which case it shall be
9 printed as amended. In the absence of those amendments, house
10 resolutions before the Assembly for adoption shall be referred to
11 by day and page of the Journal as printed upon introduction. For
12 the purposes of this rule, the adding of a coauthor shall not be
13 deemed an amendment.

14
15 Internet Publication Prior to Final Passage of Senate Bill
16

17 76. (a) A Senate bill shall not be voted upon by the Assembly
18 for final passage unless the bill has been published on the Internet
19 in its final form for at least 72 hours prior to that vote.

20 (b) The requirement of subdivision (a) may be waived for a bill
21 if the Governor has submitted to the Legislature a written statement
22 that dispensing with the notice period for that bill is necessary to
23 address a state of emergency, as described in paragraph (2) of
24 subdivision (b) of Section 8 of Article IV of the California
25 Constitution.

26 (c) As used in this rule, “bill” does not include a joint or
27 concurrent resolution or a constitutional amendment.

28
29 Concurrence in Senate Amendments
30

31 77. (a) Concurrence in any Senate amendment to an Assembly
32 bill requires the same affirmative recorded vote as the vote required
33 by the California Constitution for the passage of the bill. A vote
34 on concurrence may not be taken until the bill has been on the
35 unfinished business file for one calendar day, except that when
36 the bill is placed upon the unfinished business file during the last
37 two legislative days preceding (1) the January 31 bill passage
38 deadline specified by Section 10 of Article IV of the California
39 Constitution, (2) the scheduled commencement of the interim study
40 recess, or (3) the scheduled commencement of the final recess as

1 specified by the Joint Rules of the Senate and Assembly, it may
2 be acted upon immediately. The vote on concurrence shall be
3 deemed the vote upon final passage of the bill.

4 (b) Senate amendments to Assembly bills shall not be concurred
5 in until both of the following have occurred:

6 (1) An analysis of the bill has been distributed by the Assembly
7 Floor Analysis Unit and a copy placed upon the desks of the
8 Members, unless otherwise ordered by the Speaker. As used in
9 this paragraph, “bill” includes a constitutional amendment, but
10 does not include a joint or concurrent resolution.

11 (2) The bill has been published on the Internet in its final form
12 for at least 72 hours prior to that vote. This requirement may be
13 waived for a bill if the Governor has submitted to the Legislature
14 a written statement that dispensing with this notice period for that
15 bill is necessary to address a state of emergency, as described in
16 paragraph (2) of subdivision (b) of Section 8 of Article IV of the
17 California Constitution. As used in this paragraph, “bill” does not
18 include a joint or concurrent resolution or a constitutional
19 amendment.

20 21 Digest of Bills Amended in Senate 22

23 77.1. Whenever the Senate amends and passes an Assembly
24 bill, the Legislative Counsel shall, within one day after the bill is
25 passed by the Senate, prepare and transmit to the Chief Clerk and
26 the Speaker a brief digest summarizing the effect of the Senate
27 amendment. Upon receipt from the Legislative Counsel, the Chief
28 Clerk shall cause the digest to be printed in the Daily File
29 immediately following any reference in the file to the bill covered
30 by the digest.

31 32 Substantially Amended Bills 33

34 77.2. If the analysis of an amendment adopted on the floor
35 discloses that the amendment makes a substantial substantive
36 change to a bill as passed by the last committee of reference, the
37 bill, as amended, may be referred by the Speaker to the appropriate
38 committee.

39 A bill that was previously reported from a policy or fiscal
40 committee of reference in compliance with Joint Rule 61 is not

1 subject to the deadlines in Joint Rule 61 if the bill is subsequently
2 referred to a policy or fiscal committee pursuant to this rule.

3 If the digest to an Assembly bill that has been returned to the
4 Assembly by the Senate for concurrence in Senate amendments
5 discloses that the Senate has made a substantial substantive change
6 in the bill as first passed by the Assembly, the bill may be referred
7 by the Speaker to the appropriate committee.

8 9 Inactive File

10
11 78. Whenever a bill has been passed twice on the third reading
12 file on two successive legislative days, it shall be placed forthwith
13 upon a special file to be known as the inactive file. A bill also may
14 be placed on the inactive file at the request of the author. When a
15 bill has been placed on the inactive file, it may be returned to the
16 third reading file by request of the author. Notice of the request to
17 return the bill to the third reading file shall be published one day
18 in advance in the Daily File. The bill, when returned to the third
19 reading file, shall then be placed at the foot of the third reading
20 file.

21 When a bill, placed on the inactive file from the second reading
22 file or the unfinished business file, is removed from the inactive
23 file, it shall be returned to the foot of the second reading file or
24 the unfinished business file, respectively, in the next published
25 Daily File.

26 27 Engrossing and Enrolling Bills

28
29 79. The Engrossing and Enrolling Clerk shall engross and enroll
30 all bills that come to the Engrossing and Enrolling Clerk's hands
31 for that purpose, in compliance with the provisions of Section 9503
32 of the Government Code, and in the order of time in which the
33 same shall be acted upon by the Assembly.

34 After final passage by both houses, any Assembly bill not
35 amended by the Senate shall be ordered by the Speaker forthwith
36 to be enrolled, as provided in Sections 9508 and 9509 of the
37 Government Code. The Chief Clerk shall report both the day and
38 hour each enrolled bill is presented to the Governor, which report
39 shall be entered in the Journal.

VI. PARLIAMENTARY PROCEDURE

A. Motions and Questions

Precedence of Motions During Debate

80. When a question is under debate or before the Assembly, no motions shall be received but the following, which shall take precedence in the order named:

First—To adjourn;

Second—To recess to a time certain;

Third—To lay on the table;

Fourth—For the previous question;

Fifth—To set as a special order;

Sixth—To postpone indefinitely;

Seventh—To refer to or to re-refer;

Eighth—To amend.

Questions of Order Decided Without Debate

81. All incidental questions of order, arising after a motion is made for any of the questions named in Rule 80 and pending that motion, shall be decided by the Speaker without debate, whether on appeal or otherwise.

Appeal From Decision of the Speaker

82. Any Member may appeal from a decision of the Speaker without waiting for recognition by the Speaker, even though another Member has the floor. An appeal is not in order when another is pending, or when other business has been transacted by the Assembly prior to the appeal being taken. Upon the appeal being seconded, the Speaker may give the Speaker's reasons for the decision, and the Member making the appeal may give the Member's reasons for the appeal, and the Speaker forthwith shall put one of the following questions to the Assembly:

(1) "Shall the decision of the Speaker be sustained?"

(2) "Shall the decision of the Speaker be overruled?"

An appeal may not be amended and yields only to a motion to recess or adjourn, or to lay on the table, or a question of personal privilege. If an appeal is laid on the table, that action shall have no effect on the pending question.

1 An appeal may not be debated when relating to indecorum, the
2 transgression of rules, or the priority of business. A majority vote
3 of the Members present and voting decides any appeal. In the event
4 of a tie vote, the appeal is lost.

5
6 Speaker Explains Order of Business
7

8 83. The Speaker may, on the Speaker's own motion or the
9 motion of any Member, explain the order of business when the
10 motion pending before the Assembly is not debatable. That
11 explanation may not consume more than two minutes.
12

13 To Adjourn
14

15 84. A motion to adjourn is not debatable and may not be
16 amended, and is always in order, except: (a) when another Member
17 has the floor; (b) when the Assembly is voting; or (c) during a
18 call of the Assembly. The name of any Member moving an
19 adjournment, and the hour at which the motion was made and
20 adjournment taken, shall be entered in the Journal. A motion to
21 adjourn shall be adopted by a majority vote of the Members present
22 and voting.

23 When a motion to adjourn is made and seconded, it shall be in
24 order for the Speaker, before putting the question, to permit any
25 Member to state to the Assembly any fact relating to the condition
26 of the business of the Assembly which would seem to render it
27 improper or inadvisable to adjourn. That statement may not occupy
28 more than two minutes and is not debatable.

29 An affirmative recorded vote of a majority of the duly elected
30 and qualified Members is required to adjourn any session of the
31 Assembly sine die.
32

33 To Recess to a Time Certain
34

35 85. A motion to recess to a time certain is treated the same as
36 a motion to adjourn, except that the motion is debatable when no
37 business is before the Assembly, and can be amended as to the
38 time and duration of the recess. It yields only to a motion to
39 adjourn.

To Lay on the Table

86. A motion to lay on the table is not debatable and may not be amended.

A motion to table a bill, constitutional amendment, or concurrent or joint resolution is adopted by an affirmative recorded vote of 41 or more Members.

Any motion to lay on the table, if carried by 41 or more votes, carries with it the main question and everything that adheres to it, except that a motion to lay an amendment on the table, if adopted, does not carry with it a bill, constitutional amendment, or concurrent, joint, or house resolution.

A motion to lay an amendment on the table is adopted by a majority vote of the Members present and voting.

A motion to lay on the table may not be applied with respect to reconsideration.

The Previous Question

87. The previous question shall be put only when demanded by five Members who have not previously spoken on the question, and its effect, when sustained by a majority vote of the Members present and voting, shall be to put an end to all debate and bring the Assembly to a vote only on the question then pending, except that the proponent of the matter pending shall be allowed not more than five minutes to close the debate.

Motion to Set Special Order

88. A motion to set any matter before the Assembly as a special order of business is adopted by an affirmative recorded vote of 54 or more Members. The motion is debatable only as to the propriety of setting the main question as a special order of business, and may be amended only as to the time.

Motion to Postpone to a Time Certain

89. A motion to postpone to a time certain is deemed and treated as a motion to set as a special order.

1 Motion to Postpone Indefinitely

2
3 90. The making of a motion to postpone indefinitely any bill,
4 motion, or amendment opens the main question to debate. If the
5 motion to postpone indefinitely prevails by an affirmative recorded
6 vote of 41 or more Members, the main question may not be acted
7 upon again during the session.

8
9 Motion to Amend

10
11 91. A motion to amend may itself be amended, but an
12 “amendment to an amendment” may not be amended. A motion
13 to substitute is deemed to be a motion to amend and is considered
14 the same as an amendment.

15 Only one substitute is in order when an amendment is pending.
16 A motion to amend or to substitute is debatable, except where the
17 main question to be amended is not debatable. Any motion to
18 amend may be adopted by a majority vote of the Members present
19 and voting.

20 A motion to amend that is decided in the negative is not again
21 in order on the same day, or at the same stage of proceeding. The
22 fact that a motion to amend by striking out certain words is decided
23 in the negative does not preclude a motion to amend by adding
24 words, or a motion to amend by striking out and inserting words,
25 except that in no case may a further amendment be substantially
26 the same as the one rejected.

27 Subject to the above provisions of this rule and Rule 69, a motion
28 to amend is in order during the second or third reading of any bill.

29
30 Amendment to be Germane

31
32 92. An amendment to any bill, other than a bill stating
33 legislative intent to make necessary statutory changes to implement
34 the Budget Bill, whether reported by a committee or offered by a
35 Member, is not in order when the amendment relates to a different
36 subject than, is intended to accomplish a different purpose than,
37 or requires a title essentially different than, the original bill.

38 A motion or proposition on a subject different from that under
39 consideration may not be admitted as an amendment.

1 An amendment is not in order that changes the original number
2 of any bill.

3 A Member may not be added or deleted as an author or coauthor
4 of a bill or resolution without the Member's consent.

5
6 Consideration of Motions
7

8 93. A motion, whether oral or written, may not be adopted until
9 it is seconded and distinctly stated to the Assembly by the Speaker.

10
11 Motions in Writing
12

13 94. Upon request of the Speaker, all motions shall be reduced
14 to writing and shall be read to the Assembly by the Speaker before
15 being acted upon.

16
17 Withdrawal of Motions
18

19 95. After a motion is stated by the Speaker, or a bill, resolution,
20 or petition is read by the Chief Clerk, it is in the possession of the
21 Assembly.

22
23 Motion to Withdraw or Re-refer Bills
24

25 96. (a) A motion to withdraw a bill or resolution from
26 committee, or to re-refer a bill or resolution from one committee
27 to another committee, may be made during the regular order of
28 business. A motion to re-refer may be debated only as to the
29 propriety of the reference, and shall require an affirmative recorded
30 vote of 41 or more Members.

31 (b) A bill or resolution may not be withdrawn from committee
32 and placed upon the file, unless a motion to withdraw has been
33 heard by, and has been approved by a majority vote of, the
34 Committee on Rules. This subdivision does not apply to a bill in
35 a fiscal committee that has been amended so as not to require its
36 reference to a fiscal committee, as indicated by the Legislative
37 Counsel's Digest.

38 (c) A motion to continue a motion to withdraw a bill or
39 resolution from committee requires a majority of those Members

1 present and voting. A motion to withdraw a motion to withdraw
2 is not in order.

3
4 Re-reference of Measures on File

5
6 97. A motion to re-refer a bill or resolution that is on the Daily
7 File to committee may be made during the regular order of
8 business. The motion is debatable only as to the propriety of that
9 reference and shall require an affirmative recorded vote of 41 or
10 more Members.

11
12 Bills Stricken From File

13
14 98. A motion to strike from the file any bill or resolution
15 requires an affirmative recorded vote of 41 or more Members. That
16 bill or resolution may not be acted upon again during the session.

17
18 Motion to Rescind Action or Expunge Record

19
20 99. Previous to the approval of the Journal by the Assembly,
21 any action may be rescinded and its record ordered expunged by
22 the affirmative recorded vote sufficient to take that action
23 originally, except that an action may not be rescinded and the
24 record expunged by a vote less than an affirmative recorded vote
25 of 41 or more Members. A motion to rescind the action and
26 expunge the record may not be made twice on the same proposition.

27 A motion to rescind is not in order on any matter upon which a
28 vote to reconsider has previously been taken in the Assembly.

29 Whenever any action of the Assembly is rescinded and its record
30 ordered expunged, the record of the action expunged may not
31 appear in any form whatsoever, except that the record of the
32 proceedings on the motion to rescind and expunge shall appear in
33 the Journal as and when printed.

34
35 Reconsideration of Vote

36
37 100. (a) A motion to reconsider a vote on the next legislative
38 day shall be made on the same day the vote to be reconsidered was
39 taken. A motion to reconsider may not be adopted unless it receives

1 an affirmative recorded vote of 41 or more Members. A motion
2 to reconsider may be voted on without a second.

3 A motion to reconsider a vote shall be made by a Member voting
4 on the question, and takes precedence over all motions, except a
5 motion to adjourn. Upon that motion being made, the matter to be
6 reconsidered forthwith shall be placed upon the unfinished business
7 file, and further action may not be taken prior to the next legislative
8 day. When a motion to reconsider has once been made, the motion
9 is the property of the Assembly. When reconsideration is granted,
10 the matter to be reconsidered shall be before the Assembly in the
11 same status it had prior to the vote being reconsidered.

12 (b) (1) Interim Study Recess:

13 No motion to reconsider the vote whereby amendments are
14 concurred in on Assembly bills, the vote whereby a Senate bill is
15 passed and returned to the Senate, or the vote whereby a conference
16 committee report is adopted is in order on the last two legislative
17 days preceding the interim study recess.

18 A motion to reconsider the vote whereby amendments are refused
19 concurrence on Assembly bills, the vote whereby Senate bills are
20 refused passage, or the vote whereby a conference committee
21 report is refused adoption is in order on the last legislative day
22 preceding the interim study recess. The motion may be taken up
23 before the end of that legislative day.

24 As used in this paragraph, “bill” does not include a joint or
25 concurrent resolution.

26 (2) January 31—Even-numbered Year:

27 A motion to reconsider the vote whereby an Assembly bill is
28 passed to the Senate is not in order on the last two legislative days
29 preceding January 31 of the even-numbered year.

30 A motion to reconsider the vote whereby an Assembly bill is
31 refused passage on its third reading is in order on the last legislative
32 day preceding January 31 of the even-numbered year. The motion
33 must be taken up before the end of that legislative day.

34 As used in this paragraph, “bill” does not include a Senate bill,
35 a constitutional amendment, or a joint or concurrent resolution.

36 (3) Spring or Summer Recess:

37 A motion to reconsider the vote whereby a bill is passed is not
38 in order on the last two legislative days preceding the Spring or
39 Summer Recess as established by the Joint Rules of the Senate
40 and Assembly.

1 (4) Deadline for Passage by House:

2 A motion to reconsider the vote whereby an Assembly bill is
3 passed to the Senate is not in order on the last two legislative days
4 preceding the last day for the Assembly to pass a bill introduced
5 in the Assembly, as set forth in the Joint Rules of the Senate and
6 the Assembly.

7 As used in this paragraph, “bill” does not include a Senate bill,
8 a constitutional amendment, or a joint or concurrent resolution.

9 (5) Final Recess:

10 A motion to reconsider the vote whereby a bill is passed is not
11 in order on the last two legislative days preceding the final recess.

12 A motion to reconsider the vote whereby a bill is defeated is in
13 order on the day of the final recess. The motion must be taken up
14 before the end of that legislative day.

15 (c) Any Member voting on any matter may move to take up on
16 the same day the motion, previously made by another Member, to
17 reconsider the vote on that matter. A motion to take up on the same
18 day a motion to reconsider the vote on a bill requires an affirmative
19 recorded vote of at least 41 Members. A motion to take up on the
20 same day a motion to reconsider the vote on any motion,
21 amendment, Assembly resolution, or proposition other than a bill
22 requires an affirmative vote of a majority vote of the Members
23 present and voting. The motion to take up the reconsideration on
24 the same day takes precedence over the motion to reconsider and,
25 upon demand of any Member, the motion to take up the
26 reconsideration on the same day shall be put to an immediate vote.
27 If the motion to take up the reconsideration on the same day is
28 adopted, the motion to reconsider is the next order of business
29 before the Assembly.

30 (d) A second motion to reconsider the same question is not in
31 order, nor is a motion to reconsider reconsideration in order.

32 (e) A motion to continue a motion to reconsider requires a
33 majority vote of those Members present and voting.

34
35 Call of Assembly
36

37 101. After the roll has been called, and prior to the
38 announcement of the vote, any Member may move a call of the
39 Assembly. The Members present may order a call of the Assembly
40 by a majority vote of the Members present and voting, and the

1 Speaker shall immediately order the Sergeant at Arms to lock all
2 doors and direct the Chief Clerk to prepare a list of absentees as
3 disclosed by the last rollcall. The list of absentees shall be furnished
4 to the Sergeant at Arms, whereupon no Members shall be permitted
5 to leave the Assembly Chamber except by written permission of
6 the Speaker, and a person may not be permitted to enter except
7 Members, Senators, or officers, or employees of the Legislature
8 in the official performance of their duties.

9 Each Member who is found to be absent, and for whom a leave
10 of absence has not been granted, shall be forthwith taken into
11 custody wherever found by the Sergeant at Arms, the Sergeant at
12 Arms' assistants, or any person designated by the Sergeant at Arms,
13 including members of the California Highway Patrol, and sheriffs
14 or their deputies, and brought to the Assembly Chamber.

15 A recess or adjournment may not be taken during a call of the
16 Assembly. Additional business may be conducted and calls placed
17 regardless of the number of calls in effect. A call of the Assembly
18 may be dispensed with at any time upon a majority vote of the
19 Members present, that action to become effective upon the
20 completion of the rollcall and the announcement of the vote upon
21 the matter for which the call was ordered, unless, prior to the
22 announcement of the vote, the call is continued by a majority vote
23 of the Members present.

24 25 Division of Question

26
27 102. Any Member may call for a division of the question, and
28 the Speaker shall order the question divided if it comprehends
29 propositions in substance so distinct that, one being taken away,
30 a substantive proposition would remain for the decision of the
31 Assembly. This rule does not apply to an individual bill or
32 resolution.

33 34 B. Voting 35 Members Voting

36
37 104. Every Member in the Assembly Chamber when a rollcall
38 is required shall record the Member's vote openly and without
39 debate, unless the Assembly excuses that Member by a majority
40 vote of the Members present and voting.

1 A Member may not operate the voting switch of any other
2 Member, except that a Member presiding at the time of a rollcall,
3 who is not the Speaker or the Speaker pro Tempore, may direct
4 another Member on the floor to operate the voting switch of the
5 presiding Member, and any Member so presiding, including the
6 Speaker and the Speaker pro Tempore, may also operate the voting
7 switches at the rostrum of the Speaker and the Speaker pro
8 Tempore, at their direction.

9 The name of any Member who refuses to vote as required by
10 this rule, after being requested by the Speaker to do so, shall be
11 entered in the Journal, together with a statement that the Member
12 was present and did so refuse to vote. Any Member who refuses
13 so to vote may, if the Member so desires, and immediately after
14 the announcement of the vote, submit a written explanation of the
15 failure to vote and that explanation shall be printed in the Journal,
16 provided that no explanation may exceed 50 words in length.

17 In addition to the entry of the Member's name in the Journal,
18 any Member who refuses so to vote when required, and who has
19 not been excused from doing so, may, immediately after the
20 announcement of the vote, at the discretion of the Speaker or upon
21 demand of any Member, be summoned to appear before the bar
22 of the Assembly for public censure by the Speaker or by any
23 Member designated by the Speaker. Censure of a Member as
24 provided by this rule does not constitute a bar to proceedings for
25 the Member's expulsion from the Assembly pursuant to Section
26 5 of Article IV of the California Constitution.

27 A Member may submit a written explanation of the Member's
28 vote on any bill or house resolution, and that explanation shall be
29 printed in the Journal immediately following the vote, provided
30 that no explanation may exceed 50 words in length.

31 A Member, prior to adjournment on the same legislative day, in
32 the absence of any objection, may instruct the Chief Clerk to add
33 the Member's vote to any previously announced vote that had been
34 taken during the Member's absence, so long as the outcome of the
35 vote is not thereby changed. The Chief Clerk shall record any vote
36 additions or vote changes in the order signed by the Members at
37 the Chief Clerk's desk.

Ayes and Noes

105. The ayes and noes shall be recorded by the electrical voting system on the final passage of all bills, when an affirmative recorded vote of 41 Members or any vote above that number is required, when demanded by three Members, or when ordered by the Speaker. The names of the Members so voting shall be entered in the Journal.

Voting and Vote Changes

106. When once begun, voting may not be interrupted, except that, before the vote is announced, any Member may have the total pending vote flashed on the visible vote recorder. Prior to the announcement of the vote, the presiding officer shall instruct the Chief Clerk to record verbal votes from Members not at their desks. Any Member may move a call of the Assembly after the completion of the roll. A Member, prior to adjournment on the same legislative day, and in the absence of any objection, may instruct the Chief Clerk to change the Member's recorded vote after the vote is announced, so long as the outcome of the vote is not thereby changed. The Chief Clerk may record any vote change only after the Member making the change has announced it to the Assembly.

Tie Vote

107. In case of an equal division, or tie vote, the question shall be lost.

VII. MEMBERS' DECORUM AND PRIVILEGES

Order in Speaking to Questions

108. When a Member desires to address the Assembly, the Member shall rise from the Member's seat and respectfully address the presiding officer as "Mr. Speaker" or "Madame Speaker." Upon being recognized, the Member may speak, confining the Member's remarks to the question under consideration. When two or more Members rise at the same time, the Speaker shall designate the Member who is entitled to the floor.

1 A Member may not speak more than once during the
2 consideration of any one question on the same day and at the same
3 stage of proceeding, except that the author of a bill or resolution
4 or the mover of a question has the right to open and close the debate
5 thereon. A Member may not be allowed to speak more than five
6 minutes to open and five minutes to close the debate on any
7 question, including amendments, and no Member other than the
8 author or the mover of the question may be allowed to speak more
9 than five minutes thereon. A Member may not yield to any other
10 Member the time for which the Member is entitled to speak on
11 any matter.

12 Rules of Decorum

13
14
15 108.1. (a) In accordance with Rule 10, Members of the
16 Assembly shall conduct themselves in accordance with the rules
17 of decorum specified in Sections 120 to 126, inclusive, of Mason's
18 Manual of Legislative Procedure.

19 (b) Notwithstanding subdivision (a), the Committee on Rules
20 may adopt additional rules of decorum by majority vote of the
21 membership of the committee.

22 Motions

23
24
25 109. When a Member desires to make a motion, the Member
26 shall obtain recognition as provided in Rule 108. Upon being
27 recognized, the Member shall open by stating the Member's
28 motion, except in the case of a nomination, and in any other case
29 may not speak to the merits of the motion at that time, but shall
30 confine the Member's remarks to those necessary to explain the
31 motion. If the motion is in order and is seconded, it shall be stated
32 to the Assembly by the Speaker. If the motion is debated, the
33 Member who made it shall then be entitled to recognition to open
34 the debate on the motion.

35 When a Member obtains the floor during debate upon any
36 question that is pending before the Assembly and addresses the
37 Assembly regarding the merits of the pending question, the
38 Member may not be permitted to conclude the Member's debate
39 by making any motion or by demanding the previous question.

1 Leave of Absence
2

3 110. A Member may not be absent from attendance at any
4 session of the Assembly without leave of the Assembly. A Member
5 may not obtain that leave of absence or be excused for
6 nonattendance except by a vote of 54 or more Members or by
7 unanimous consent. A Member who obtains a leave of absence
8 for personal business, or is excused for nonattendance for personal
9 business, thereby waives the Member's per diem allowance for
10 attendance upon any session of the Legislature for which the
11 Member secures that leave of absence or excuse. A Member may
12 not obtain a leave of absence for legislative business or be excused
13 for nonattendance for legislative business unless the Member has
14 filed with the Speaker a statement of the legislative business for
15 which the Member seeks that leave of absence or excuse. That
16 statement shall be printed in the Journal.

17 If a Member is not recorded on the attendance roll within 30
18 minutes after the scheduled start of the session, the Member shall
19 stand up before the Assembly and explain the reason the Member
20 is late before the Member is recorded on the rollcall for any vote.
21 If a Member does not explain the Member's reason for being late,
22 any other Member may raise a point of order under this rule,
23 whereupon the tardy Member's vote may not be recorded until an
24 explanation is made.

25
26 Personal Privilege
27

28 111. Any Member may rise to explain a matter of personal
29 privilege. A matter of personal privilege is a matter involving the
30 Member's integrity, dignity, or honor. Upon rising to explain such
31 a matter, the Member forthwith shall be recognized by the Speaker,
32 but may not discuss a question in that explanation. Matters of
33 personal privilege yield only to a motion to recess or adjourn.
34

35 Objection to Reading of Any Paper
36

37 112. Any Member, upon recognition by the Speaker, may object
38 to the reading of any paper before the Assembly. When that
39 objection is made, the question of reading shall be determined
40 without debate by a majority vote of the Members present and

1 voting, upon a brief statement by the Speaker of the substance of
2 the objection.

3
4 Members at Chief Clerk's Desk

5
6 113. A Member or other person may not be allowed at the Chief
7 Clerk's desk while the ayes and noes are being recorded or the
8 votes counted.

9
10 Members Called to Order for Transgressing Rules

11
12 114. If any Member transgresses the Rules of the Assembly,
13 the Speaker shall, or any Member may, call the offending Member
14 to order. The Member so called to order immediately shall take
15 the Member's seat, until the Speaker, without debate, has
16 determined whether the Member is in order. That decision by the
17 Speaker shall be subject to an appeal to the Assembly.

18 If any Member is called to order for offensive words spoken in
19 debate, the person calling the Member to order shall state to the
20 Assembly the words to which exception is taken. No Member may
21 be held to answer, or be subject to censure by the Assembly, for
22 language used in debate if other business has been transacted by
23 the Assembly prior to exception being taken to the words spoken.

24
25 VIII. MISCELLANEOUS
26 Committee of the Whole

27
28 115. The Assembly may resolve itself into a Committee of the
29 Whole at any time by a majority vote of the Members present and
30 voting. While sitting as that committee, persons other than
31 Members may address the committee. The Speaker of the
32 Assembly, or any Member named by the Speaker, shall preside as
33 Chairperson of the Committee of the Whole.

34 A motion that the Committee of the Whole "do now rise and
35 report back to the Assembly," shall always be in order and shall
36 be decided without debate. All actions of the Committee of the
37 Whole shall be reported to the Assembly by the chairperson, but
38 may not be entered in the Journal except upon motion and a
39 majority vote of the Members present and voting.

1 Use of Assembly Chamber

2
3 116. The Assembly Chamber may not be used for any public
4 or private business, other than legislative matters, except upon
5 approval of the Speaker or the Chairperson of the Committee on
6 Rules.

7
8 Use of Assembly Facilities: Smoking

9
10 117. The smoking of tobacco products is prohibited within any
11 building, or portion of a building, occupied or used by Assembly
12 Members or employees if the building or portion of the building
13 is under the jurisdiction or control of the Assembly. This smoking
14 prohibition shall apply to any outdoor area within five feet of an
15 entrance or exit to any building or portion of a building subject to
16 this rule. This smoking prohibition shall apply to the Assembly
17 Chamber, Assembly hearing rooms, and Assembly offices, and to
18 hallways, stairways, and bathrooms within any building or portion
19 of a building subject to this rule.

20
21 Telephones and Electronic Communications

22
23 117.5. While on the floor of the Assembly during any session
24 of the Assembly, or while serving on a committee during any
25 hearing of that committee, a Member may not do either of the
26 following:

- 27 (a) Use a cellular telephone to make or receive calls.
28 (b) Send electronic communications to, or receive electronic
29 communications from, any lobbyist.

30
31 Meeting of the Assembly: Firearms

32
33 117.7. A person, except a peace officer acting within the scope
34 of the peace officer's employment, may not carry or possess a
35 firearm on the floor of the Assembly during any session of the
36 Assembly or in a committee hearing room during any meeting of
37 a committee or subcommittee.

Persons Admitted to Floor of the Assembly

118. (a) A person other than Members of the Legislature, officers, employees of the Legislature, accredited members of the press, and guests may not be admitted to the floor of the Assembly during any session of the Assembly. A guest of any Member may be admitted only upon presentation of a guest card of the Member countersigned by the Speaker. A guest card is valid only on the legislative day for which it is issued.

Persons admitted to the Assembly Chamber, other than Members, may not be permitted to stand in the Lobby in the rear of the Assembly Chamber while the Assembly is in session, but shall be required to occupy the seats provided for them.

Guests may be seated only in the chairs in the back of the rail in the rear of the Assembly Chamber, and may not be permitted to sit at the desks of the Members. No person other than an accredited newspaper representative may be permitted to sit at the press desks. A special section in the balcony may be reserved for those holding guest cards. Neither any person mentioned in this rule nor any other person, except a Member of the Legislature, may engage in influencing the passage or defeat of legislation in the Assembly Chamber.

A person other than a Member of the Legislature, the Sergeant at Arms or the Sergeant at Arms' assistants, the Chief Clerk or the Chief Clerk's assistants, or the Legislative Counsel or the Legislative Counsel's representatives may not be permitted in the area of the floor of the chamber which is occupied by the desks of the Members.

(b) A lobbyist, as defined by Section 82039 of the Government Code, may not, under any circumstances, be admitted to the Assembly Chamber while the Assembly is in session.

Floor Attire

118.1. Notwithstanding any other provision of these Rules, Members of the Legislature, officers or employees of the Legislature, accredited members of the press, or any other persons may be restricted from admission to the floor of the Assembly during any session if they are inappropriately attired. The

1 Committee on Rules may, as necessary, adopt policies to
2 implement this rule.

3
4 Qualifications and Elections of Members
5

6 119. An affirmative vote of 41 or more Members shall be
7 required to determine the qualifications and election of any
8 Member pursuant to Section 5 of Article IV of the California
9 Constitution. A motion to disqualify a Member is not in order at
10 the convening of a legislative session until a Speaker has been
11 elected in accordance with Section 9023 of the Government Code.
12

13 Compensation and Expenses of Member Convicted of Felony
14

15 120. If a Member of the Assembly is convicted of a felony by
16 a superior court, the Member's right to further compensation or
17 expenses is thereupon suspended, and the Member's membership
18 on any committee is thereupon suspended. If the conviction
19 becomes final, the right of the Member to further compensation
20 or expenses shall terminate and any compensation or expenses
21 withheld shall be forfeited to the state. If the conviction is reversed
22 by an appellate court or a motion for a new trial is granted, and
23 the Member is thereafter found not guilty or the charges against
24 the Member are dismissed, the amounts of the withheld
25 compensation or expenses shall be paid to the Member and the
26 suspension of the Member's committee membership shall
27 terminate.

28 Whenever a Member is convicted of a felony in the superior
29 court, the Committee on Rules shall give written notice thereof to
30 the Controller, directing the Controller to discontinue any further
31 payments to the Member unless and until the Committee on Rules
32 notifies the Controller that the Member has been found not guilty
33 or that the charges against the Member are dismissed. The
34 Controller may not draw any warrant payable to that Member
35 except as provided in this rule.

1 The Seal of the Assembly

2
3 121. The Seal of the Assembly may be used only by or on
4 behalf of a Member of the Assembly, or when specifically
5 authorized by the Committee on Rules.

6
7 Agency Reports: Electronic Copies

8
9 122. Pursuant to Section 9795 of the Government Code, any
10 report required or requested by law to be submitted by a state or
11 local agency to the Members, or to the Legislature generally, shall
12 be submitted as an electronic copy to the Chief Clerk.

O