

ASSEMBLY COMMITTEE ON JOBS, ECONOMIC DEVELOPMENT, AND THE ECONOMY

Draft Committee Rules for the 2013-2014 Regular Session

SCHEDULING OF COMMITTEE MEETINGS

- 1) **Scheduling Regular Committee Hearings:** Committee hearings are regularly scheduled for the 1st and 3rd Tuesday of the month according to the legislative calendar, established by the Speaker of the Assembly, commencing at 9:00 a.m., in Room 127 of the State Capitol. (Assembly Rule 56)
- 2) **Requirements of an Open Meeting:** Committee members may not meet privately in a party caucus to discuss bills before the committee, if that caucus would constitute a quorum of the committee. Any substantive discussion of how members plan to vote on bills before the committee would raise question as to the purpose of the meeting, and thus may be construed as a violation of Assembly Rules. (Assembly Rule 11.3)
- 3) **Attending Committee Hearings in a Timely Fashion:** Committee members are expected to be on time to committee meetings. If a Member has a conflict which could result in the Member being unable to attend a committee meeting, the Committee Chair (Chair) and the Speaker of the Assembly (Speaker) should be notified in advance.

SETTING OF BILLS

- 4) **Definition of a Bill:** The word "bill," as used in these rules, includes a constitutional amendment, a concurrent resolution, and a joint resolution, except as otherwise specifically exempted under the House or Joint Rules. (Assembly Rule 46 and Joint Rule 6)
- 5) **Setting of a Bill:** All bills referred to the Committee pursuant to Assembly Rule 51 will be set and heard, if requested by the author. Bills will be set by the Chair at the time convenient to the committee. Measures may be set for a special time as a "special order of business" at the discretion of the Chair. To the extent possible, bills of like subject matter will be grouped and set together on the same hearing date. (Assembly Rule 56 and 56.1)
- 6) **Public Notice of a Bill Set:** Bills shall be noticed for hearing in the Assembly Daily File for at least four (4) days prior to the hearing of the first committee of reference, unless such notice is waived by a majority vote of the Assembly. If the committee is of second or other reference of the bill, the notice will be published in the Assembly Daily File for at least two (2) days prior to the hearing. These rules may be waived by a majority vote of the Assembly. (Joint Rule 62a*)

- 7) **Application of the Three Set Rule:** A bill may be set for hearing in a committee only three (3) times. A "set" occurs when a notice for hearing has been published in the Daily File for one or more days. If a bill has been set for hearing and the committee, at its own initiative, postpones the hearing or adjourns the hearing while testimony is being taken, such a hearing will not be counted as one of the three sets. If the hearing notice in the Daily File specifically indicates that "testimony only" will be taken, that hearing is not counted as one of the three times the bill may be set. The committee, however, may not vote on a bill which has been noticed as "testimony only." If the committee adopts amendments other than those offered by the author and the bill is sent to be reprinted prior to the committee taking further action, the hearing where the amendments are taken does not count as the final set. (Joint Rule ~~62a~~ 62 (b)*)
- 8) **Failure to Return Committee Worksheet:** The Committee will forward a worksheet to the authors of bills referred to the committee within 48 hours of being logged into the Committee Actions System. The Chair may remove a bill from a scheduled hearing or refuse to set a bill, if the author fails to return a completed worksheet for the bill at least one week prior to the hearing, or within 24 hours of the bill being assigned to committee, whichever is later. Such a set shall be deemed an author's set. A completed worksheet contains, at a minimum, all requested background information, a summary statement of the bill's intent, and a summary of any amendments being considered by the author.

COMMITTEE ANALYSIS

- 9) **Availability of the Committee Analysis:** Committee staff analyses of bills scheduled for hearing will be made available to the public in the committee office at least one (1) working day prior to the day of the committee hearing. In case of special hearings, the analyses will be made available to the public at the time of the hearing and prior to any testimony being taken on the bill. (Assembly Rule 56.5)
- 10) **Distribution of the Committee Analysis:** A copy of committee analyses will be provided to the authors and members of the committee prior to its general distribution to the public.
- 11) **Deadline for Support and Opposition Letters:** Letters of support and opposition must be received in the committee office by 5:00 p.m. on the Wednesday preceding the regularly scheduled Tuesday hearing in order to be listed within the analysis. The deadline for submitting letters for special hearings shall be set by the Chair. Letters of support and opposition received after the deadline may, at the discretion of the Chair, be listed on a separate document, "Late Support and Opposition."
- 12) **Requirements of an Official Letter of Support and Opposition:** Letters of support and opposition are required to be received on letterhead that includes the name, mailing address, and telephone number of the business, organization, government or individual expressing support or opposition. All letters must be signed by a person who has the authority to speak for the business, organization, government or individual. Letters may be hand-delivered,

mailed, faxed, or emailed. Only businesses, organizations and public officials will be individually listed on the bill analysis and the “Late Support and Opposition” document. Individuals will be listed collectively as to inform the Members of the level of general public interest.

- 13) **Support and Opposition Letters are Public Records:** All letters of support and opposition are a matter of public record. The public may review the committee bill files by contacting the committee office and arranging an appointment at a mutually agreeable time during regular business hours.

AMENDMENTS

- 14) **Author’s Amendments:** Author amendments to a bill may be made with the approval of the Chair if the proposed amendments are submitted to the committee in Legislative Counsel form no less than seven (7) calendar days prior to the committee hearing at which the bill is scheduled to be heard. Amendments received after 1:00 p.m. on the seventh day prior to the hearing shall only be put over the Assembly Desk with the expressed permission of the Chair. (Assembly Rule 68)
- 15) **Late Amendments:** Failure to meet the committee's amendment deadline may be cause to remove the bill from the committee hearing agenda and have the bill be placed on the agenda for the next hearing to allow adequate time for the public to review the legislative matter and for the staff to reanalyze the bill. Should there be no regularly scheduled hearing prior to a policy committee deadline, the committee is not required to request an additional hearing from the Speaker of the Assembly in order to have the bill meet the deadline.
- 16) **Amendments Proposed in Committee:** Authors may present amendments in committee to the limited extent that the amendments address issues raised in the analysis. Amendments which the author intends to present in Committee must be prepared in mock-up form and provided to the Committee at least 20 hours prior to the hearing. The Chair shall have the sole discretion for determining whether the amendments can reasonably be considered without a new analysis of the bill. If the amendments are deemed substantive or not sufficiently linked to the issues raised in the analysis so as to be reasonably understandable to the public, the Chair may put the bill over until the next hearing to allow adequate time for the public to review the bill and for the staff to reanalyze the bill. This pull will be considered a "set." Should there be no regularly scheduled hearing prior to a policy committee deadline, the committee is not required to request an additional hearing from the Speaker of the Assembly in order to have the bill meet the deadline.
- 17) **Amendments Adopted in Committee:** Committee staff are responsible for preparing the mock-up, summary, and language of all amendments adopted in committee. Authors which intend to present amendments to the Committee shall provide the language to the Committee Office at least 20 hours prior to the hearing.

18) **Urgency Clause Amendments:** No bill pending in the committee can be amended to add an urgency clause unless the author of the amendment has obtained prior approval of the Assembly Committee on Rules. (Joint Rule 58*)

COMMITTEE HEARINGS

19) **Organization of the Hearing:** Bills set for hearing will be heard in a manner and in an order most conducive to the work of the committee. (Assembly Rule 56)

20) **Definition of a Quorum:** A majority of the committee (5 members) constitutes a quorum. A quorum is required to amend a bill in committee and to report a bill out of committee. Lacking a quorum, a committee may – at the Chair's discretion – act as a subcommittee (for the purpose of taking testimony and recommending action to the full committee) until a quorum is present. A vacancy on the committee does not reduce the votes required to take action on a bill. (Assembly Rule 57)

21) **Call of the Committee and a Quorum Call:** The Chair may order a call of the committee at any time the committee is hearing a bill. At the request of the author or any committee member, the Chair is required to order a call of the committee. In the absence of a quorum, a majority of the members present may order a quorum call of the committee for any reason. Once a quorum call has been appropriately called, the Chair shall send the Sergeant of Arms for those members who are absent and not excused from the hearing by the Speaker of the Assembly. If the quorum call relates to a particular bill before the committee, only those members who have not voted on the bill are required to return to the committee to vote.

A quorum call or a call of the committee with respect to a specific bill may be dispensed with by the chair without objection by any committee members, or by a majority vote of the members present. If a motion is adopted to adjourn the committee while the committee is operating under a call, the call shall be dispensed with and any pending vote announced. (Joint Rule 62d*)

22) **Oversight of Bill Presentations:** When it is necessary, due to the number or complexity of the bills on the agenda at a hearing, to limit testimony on one or more of the bills in order to ensure that all of the bills on the agenda have a fair and reasonable opportunity to be presented by the author and heard and discussed by the Committee, the Chair, at his or her discretion, may: 1) limit duplicative testimony; 2) limit the number of witnesses appearing in support or opposition to a bill; or 3) limit the time allotted to the presentation of testimony on a bill provided that both support and opposition receive equitable time for their presentation.

23) **Presentation of Another Member's Bill:** If an author is unable to present their bill, another Member of the Legislature, or a member of the author's staff, may, with the permission of the Chair, present the bill on the behalf of the author. The request to the Chair shall be made in writing and provide authorization for a specific individual to present the bill. No lobbyist, sponsor, or supporter of the bill may present the bill before the committee under any circumstances.

24) **Committee Member Bill Presentations:** Bills authored by committee members shall be heard last, unless there are no other authors present in the room or the presentation of the bill at another time expedites the work of the Committee or Legislature.

25) **Committee Involvement after Passage of the Bill:** The Chair may require, as a condition for passage of a bill from the committee, a commitment by the author to keep the committee involved and informed in the development of the bill as it moves through the Legislature. Subsequent amendments to a bill that are contrary to the policies approved by the committee, as the measure passed the committee, shall be clearly indicated in the Assembly Floor analysis. The Chair may make a request to the Speaker of the Assembly that a bill be returned to the committee if it is substantially amended after it leaves the committee.

VOTING

26) **Action on a Bill:** A vote to pass a bill from committee may only be taken after a motion and a second to the motion has been made by members of the committee. The committee shall record who made the motion and second and make this information available, upon request, for public review after the hearing. A vote on a bill may be taken only after the author and support/opposition witnesses have been granted the opportunity to be heard, if present.

27) **Passage of a Bill:** A majority of the full committee membership is required to pass a bill from the committee. Any vacancy on the committee does not reduce the votes required to take action on the bill in committee. (Assembly Rule 57)

28) **Amendments to a Bill:** A majority of those present and voting is sufficient to adopt committee amendments, provided that a quorum is present. (Assembly Rule 57)

29) **Roll Call Vote Requirement:** A recorded roll call vote must be taken on all of the following actions of the committee or subcommittee:

- a) An action that constitutes the committee's final action on a bill, constitutional amendment, or resolution;
- b) An action to approve amendments taken up in committee, whether adopted or not;
- c) An action to reconsider a committee action, including a substitute motion proposing to amend an earlier motion; or,
- d) An action to make a recommendation to the Assembly Floor relating to Executive Reorganization plans. (Assembly Rule 58.5 and Joint Rule 62(c)*)

30) **Voice Vote Requirement:** A recorded roll call vote is **not** required on the following actions by the committee:

- a) A motion to take a bill "under submission," or "hold in committee," or other procedural motions which do not have the effect of finally disposing of the bill; or,
- b) An author's request to withdraw a bill from the committee's calendar.
(Joint Rule 62c*)

31) **Substitution of a Roll Call Vote:** With unanimous consent of the members, a roll call vote from a bill taken up previously may be substituted for the roll call vote on another bill, provided all the members whose votes are substituted are present at the time of substitution.
(Joint Rule 62c*)

32) **Open the Roll:** At the request of the author of a bill, or any committee member, and prior to announcement of the particular vote, the Chair may announce that the roll will be held open until adjournment of the meeting to permit absent committee members to vote. Upon motion to adjourn, all calls must be lifted and the votes announced. (Assembly Rule 58.5 and ~~Joint Rule 62d~~)

33) **Bill Held in Committee:** A motion to "hold in committee" requires a second, shall be put to the committee without discussion, and requires an affirmative vote by a majority of those present and voting.

34) **Bill on Call:** When a bill is on call, a member may vote on the bill only when the call is lifted. If a bill on call has already received a majority vote of the committee membership, or has failed passage, a member shall only be allowed to add his or her vote to the roll, provided that his or her vote will not affect the passage or failure of the bill. Under no circumstances shall a member be allowed to add his or her vote to any bill after the committee has been officially adjourned.

35) **Conflicts of Interest:** Whenever a Committee member is disqualified from taking any action on a bill, pursuant to Joint Rule 44 or the Political Reform Act of 1974, that disqualification shall be treated the same as a vacancy and will have no effect on the required number of votes for passage. The member shall advise the Chair of the disqualification in writing, and the Chair shall announce the members so disqualified at the beginning of the hearing. (Assembly Rule 57)

RECONSIDERATION

36) **Reconsideration Vote:** After the final vote on a bill has been announced, reconsideration may be granted only once. A majority vote of the membership of the Committee is required for the bill to be reconsidered. (Assembly Rule 57.1 and Joint Rule 62a)

37) **Reconsideration Vote at the initial Hearing:** Notwithstanding those notice requirements in Rule 27, no notice of the reconsideration vote is required if the reconsideration vote is taken in the presence of the author during the same hearing as the vote that is being reconsidered occurred. (Assembly Rule 57.1 and Joint Rule 62a)

- 38) **Request for Reconsideration after Initial Hearing:** Reconsideration may be granted within 15 legislative days, or prior to interim study joint recess, whichever occurs first. If the author wishes to request a vote of reconsideration at a hearing other than the hearing where the vote being reconsidered occurred, the author must notify the committee in writing with adequate time to meet applicable notice requirements and legislative deadlines. The committee may only vote on reconsideration if the bill has been noticed for a reconsideration vote in the Assembly File for at least four days if the committee is the committee of first reference, or for at least two days if the committee is the committee of second reference. This rule may be suspended by Assembly Rules Committee approval and a two-thirds vote of the Assembly Floor. (Assembly Rule 57.1 and Joint Rule 62a*)
- 39) **Committee Actions after Reconsideration is Granted:** If reconsideration is granted, the committee may vote on the bill immediately, or may postpone the vote until the next regular hearing. If the motion for reconsideration fails, the bill must be immediately returned to the Chief Clerk.

CONSENT CALENDAR

- 40) **Establishment of the Consent Calendar:** The chair may place bills with no apparent opposition on a committee "consent calendar." This consent calendar list must be made available to the public at least one working day prior to the hearing. If a committee member objects to a bill being placed on the consent calendar, that bill shall be removed and heard as a regular agenda item. (Assembly Rule 56.7)
- 41) **Consent Calendar Referrals:** The committee may report an uncontested bill out of committee with a recommendation that it be placed on the Consent Calendar on the Assembly Floor. An uncontested bill means a bill that receives a do pass or a do pass as amended recommendation from the committee by unanimous vote, and for which no opposition has been expressed on the final version of the bill on which the committee voted. The author, or any member of the committee, may make the request to the chair that the bill be placed on Consent Calendar. (Joint Rule 22.2*)

SUBCOMMITTEES

- 42) **Establishment of a Subcommittee:** The Chair may request the establishment of a subcommittee from the Speaker. The Speaker may create a subcommittee for the purpose of providing an in-depth study of a particular bill or subject matter. Bills may be assigned to a subcommittee as deemed proper by the Chair.
- 43) **Rules of Operation:** Subcommittees will operate under the same rules as the full committee, subject to approval of the full committee. All actions for the subcommittee are advisory to the full committee.

INTERIM STUDY RECOMMENDATION

44) **Interim Study Referrals:** The committee may refer the subject matter of any bill not given a do pass recommendation to the Rules Committee for interim study. The committee may, however, subsequently reconsider and act on the bill. Reconsideration of bills referred to interim study are exempted from the time limitation for requesting the reconsideration vote in Committee Rule 39. (Assembly Rule 59)

*Citations for Joint Rules are based on SCR 1, Resolution Chapter 22 from 2009. No Joint Rules have been adopted in 2013. By usage and custom the last adopted Joint Rules apply.