

# Assembly California Legislature



## ASSEMBLY COMMITTEE ON TRANSPORTATION JIM FRAZIER, CHAIR

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### COMMITTEE RULES

2019-20 Session

*Adopted March 11, 2019*

The Committee will operate under the Joint Rules of the California Legislature and the Standing Rules of the Assembly. The following committee procedures and guidelines are designed to further expedite the conduct of Committee business.

Committee hearings are generally held on Mondays, at 2:30 p.m., in State Capitol Room 4202, subject to the discretion of the Speaker. Legislation will be heard in File Order.

### Bill Management

#### Worksheet

When a bill or resolution is referred to the Committee, Committee staff shall forward to the author a worksheet (Background Information Request) to be completed as part of the preparation of the Committee analysis. To allow Committee staff adequate time to analyze the bill, the completed Committee worksheet and all relevant background information, including updated support and opposition letters, must be provided to the Committee no later than 7 days after receipt of the worksheet. The Committee Chair may reschedule the bill hearing if the background worksheet is not received at least 7 days before the hearing, and the "set" will count against the author's limit of three sets.

#### Setting of Bills

- 1) Bills referred to the Committee will be scheduled for hearing at the discretion of the Chair.
- 2) No requests for setting a bill will be honored if received later than five full working days prior to the hearing. (Example: For a Monday hearing, requests must be received by 5:00 p.m. of the Friday one week prior to the hearing.)
- 3) Notice of a hearing on a bill by the Committee shall be published in the Assembly Daily File at least four days prior to the hearing, unless such notice is waived by a majority vote of the Assembly.
- 4) A bill may be set for hearing in the Committee only three times. A bill is "set" for purposes of this subsection whenever notice of the hearing has been published in the File for one or more days. If a bill is set for hearing and the Chair, at his or her discretion, or the Committee, on its own initiation and not the author's, postpones the hearing on the bill or adjourns the hearing while testimony is being taken, such hearing shall not be counted as one of the three times a bill may be set. If the hearing notice in the File specifically indicates that "testimony only" will be taken, such hearing shall not be counted as one of the three times a bill may be set.

- 5) If a bill has been set for hearing and the author or the Committee decides not to take the bill up at that time, members of the public who have come to testify may be permitted, at the Chair's discretion, to testify on the bill.

#### Amending Bills

- 1) An author may, subject to the Joint Rules, amend a bill at any time provided that:
  - a) Proposed amendments are presented to the Committee in Legislative Counsel form.
  - b) If amendments are substantive, the Chair at his or her discretion, or the Committee may require that the bill be reprinted before hearing.
- 2) Author's amendments in Legislative Counsel form (signed original plus 7 copies), along with the "in context" version of the bill, an updated worksheet, and background material, shall be submitted to the Committee no later than 12:00 p.m. on the Friday six business days prior to the Monday hearing that the bill has been set for.
- 3) If the Committee adopts amendments other than those offered by the author and orders the bill reprinted prior to its further consideration, the hearing shall not count as the bill's third and final set.
- 4) A bill may not be amended to add an urgency clause in committee unless the author of the amendment has secured prior approval of the Assembly Rules Committee. Adoption of urgency clause amendments requires a vote by the committee and cannot be done through "author's amendments" prior to the committee hearing.

#### Letters of Support and Opposition

- 1) Support and opposition letters not received by 12:00 p.m. on the Monday five business days prior to the Monday hearing that the bill has been set for are not assured of being reflected in the Committee's analysis.
- 2) Position letters must be signed, on organization letterhead where possible, and include the name and mailing address for the organization or individual expressing the position.
- 3) Position letters must reference the most current version of the bill being heard before the Committee. Individuals and organizations wishing to withdraw or update a previous position letter must communicate that information to the Committee in writing at least five business days prior to the hearing. Letters in the possession of the Committee which are not addressed to the Committee, or which reference a prior version of a bill and have not been otherwise withdrawn, may be included at the discretion of the Committee if it deems the letters to have continuing relevance.

#### Committee Analyses

- 1) Committee staff analyses of bills scheduled for hearing will be made available to the public at least one business day prior to the day of the Committee hearing. In the case of special hearings, the analyses need not be made available one business day prior to the hearing but shall be made available to the public at the time of the hearing and prior to any testimony being

taken on the bill.

- 2) A copy of the analysis shall be sent to the bill's author and to members of the Committee prior to its general distribution to the public.

### **Committee Operations**

#### Quorum

- 1) A majority of the Committee membership (8 members) shall constitute a quorum. Lacking a quorum, members present may act as a subcommittee until a quorum is present.
- 2) In the absence of a quorum, the Chair may order a quorum call of the Committee and compel the attendance of absentees.
- 3) Once a meeting has been opened, the members may continue to take testimony even in the absence of a quorum.

#### Presentation of Bills and Order of Agenda

- 1) A bill shall be presented for hearing by the author, or by a staff member with a letter submitted to the Chair prior to the hearing. Staff-presented bills will then be taken up at the end of the hearing. Another member of the Legislature may present a bill in the author's absence. A letter from the bill's author must be submitted to the committee prior to a bill being presented by staff or a member other than the author.
- 2) Bills which have no apparent opposition may be placed on the Committee's Consent Calendar for action by the Committee. However, if any Committee member so objects, the bill shall be removed from the Consent Calendar and set for Committee hearing in the manner prescribed herein.
- 3) Unless otherwise determined by the Chair, bills set for hearing shall be heard in agenda order, except that all bills by one author shall immediately follow the author's lowest numbered bill. Senate bills shall follow Assembly bills. Except to expedite the business of the Committee, and at the discretion of the Chair, bills authored by members of the Committee will be taken up after all other measures are considered.
- 4) Constitutional amendments and resolutions shall be heard with any companion bills. Constitutional amendments without companion bills shall be heard in agenda order following bills. Resolutions without companion bills shall be heard in agenda order following constitutional amendments.
- 5) If an author is not present when his or her bill comes up, it shall be passed temporarily. If a member other than the author is authorized to present a bill, it loses its place and shall be heard after all other measures with authors present are taken up.
- 6) When the Chair determines that another order of business would be more expedient, measures can be taken up out of order.
- 7) The Chair may limit:

- a) Duplicative testimony on a bill;
- b) The number of witnesses appearing on behalf of or in opposition to a bill; and/or,
- c) The time allotted to authors and witnesses testifying on behalf or in opposition to a bill.

#### Voting

- 1) A majority vote of the Committee membership is required to pass a bill from the Committee. A majority of those present and voting is required to adopt amendments, provided a quorum is present.
- 2) On motions not requiring a roll call, a roll call may be taken by order of the chair. Only committee members may request a roll call vote. A request for a roll call vote must be made before the Chair calls the vote.
- 3) On a voice vote, the Chair shall rule on whether the Ayes or the Noes have the majority.
- 4) A recorded roll call shall be taken on all of the following actions of the Committee:
  - a) Final action on a bill, constitutional amendment, or resolution.  
Motions (opposed by the author) to amend a bill, constitutional amendment, or resolution in Committee.
  - b) Motions to reconsider Committee actions.
  - c) Recommendations to the Assembly floor relating to Executive Reorganization Plans.
- 5) A roll call vote on a previous bill may be substituted by unanimous consent, provided that the members whose votes are substituted are present at the time of substitution.
- 6) Prior to announcement of the vote, upon the request of the Chair or any members of the Committee, the roll may be held open until adjournment of the committee meeting to permit absent committee members to vote.
- 7) A recorded roll call vote is not required on the following actions by the Committee:
  - a) A motion to hold a bill, constitutional amendment, or resolution "under submission" or other procedural motion which does not have the effect of finally disposing of that measure.
  - b) An author's request to withdraw a measure from the Committee calendar.
  - c) The return of a measure to the House when it has not been voted upon by the Committee.
  - d) Adoption of author's amendments to a measure.
- 8) In all other respects, Committee voting will be governed by the provisions of Rule 58.5 of the Standing Rules of the Assembly.

- 9) Prior to announcement of the vote, upon the request of the author or any member of the Committee, the Chairperson shall announce that the bill will be placed on call. The period of time for the call shall not exceed the adjournment of the Committee meeting. The Chairperson shall announce the time or times when the roll shall be opened for a vote on any bill which is on call. When a bill is on-call, a member may vote on the bill only when the call is lifted. At the time that a call on a bill is being lifted, any member of the Committee who has previously voted on the measure may change her or his vote. However a member may not add his or her vote to any bill after the Committee has been officially adjourned. The vote shall be announced upon conclusion of a roll call vote, absent an approved motion or author's request to place a bill on call. (Assembly Rule 58.5, Joint Rules 62(c)(d) and 64.)
- 10) Once the roll is closed and the final vote on a motion is announced, any member of the Committee may change or add his or her vote to the roll prior to adjournment of the hearing, unless the change or addition would affect the outcome of the motion. (Assembly Rule 55, Assembly Rule 106.)

#### Reconsideration

- 1) After the Committee has voted on a bill, reconsideration may be granted only one time.
- 2) A motion to reconsider a vote by which a bill is voted out of Committee shall be in order and shall be voted upon at the same meeting.
- 3) When a bill fails to get the necessary votes to pass it out of Committee, reconsideration may be granted within 15 legislative days or prior to the interim study joint recess, whichever occurs first. Upon failure to receive reconsideration, the bill shall be returned to the Chief Clerk of the Assembly and may not be considered further during the session. A motion to reconsider a bill that passed must be made at the hearing at which the bill passed. [Assembly Rule 55 and Joint Rules 21 and 62(a).]
- 4) A vote on reconsideration cannot be taken without the same notice required to set a bill unless such vote is taken at the same meeting at which the vote to be reconsidered was taken and the author is present.
- 5) The procedures for reconsideration may only be suspended with respect to a particular bill by approval of the Committee on Rules and two-thirds vote of the members of the House.

#### Subcommittees

- 1) The Speaker may, pursuant to House Resolution 1, create subcommittees for the in-depth study of a particular bill or subject matter. Bills may be assigned to the subcommittees as deemed proper by the Chair.
- 2) Subcommittees shall consider assigned bills, receive testimony, recommend amendments as needed, and recommend timely action to the full Committee. A Subcommittee may take the following action in regard to bills assigned to it:
  - a) Recommend to the full Committee that the bill be passed or passed as amended;
  - b) Refer the bill to the full Committee without recommendation; or,

- c) Hold the bill in Subcommittee.

The full Committee may hear and take affirmative action recommending passage of a bill only if the bill has received a recommendation identified in either (i) or (ii) above.

- 3) At the conclusion of each Subcommittee hearing at which recommendations identified in subdivision ii) are made, a Subcommittee shall make a written report to the full Committee.
- 4) Subcommittees will operate under the same rules as the full Committee. (Assembly Rule 58.5)

#### Governor's Reorganization Plans

- 1) Governor's Reorganization Plans referred to the Committee pursuant to Section 12080 of the Government Code shall be considered in the same manner as a bill.
- 2) After consideration, and at least 10 days prior to the end of the 60-day period defined in Section 12080.5 of the Government Code, the Committee shall forward a report to the Assembly floor which may include the Committee's recommendation on whether or not to allow the plan to take effect.
- 3) Possible Committee actions with respect to a reorganization plan include the following:
  - a) Recommend that the Assembly take no action, thus permitting the plan to take effect;
  - b) Recommend that the Assembly adopt a resolution disapproving of the plan and preventing it from taking effect; or,
  - c) Make no recommendation.

#### Oversight Report Recommendations

Whenever reports submitted by the Legislative Analyst or the State Auditor are referred to the Committee, any legislative recommendations contained therein may be placed on the Committee's agenda for appropriate action.

#### Review of Administrative Regulations

- 1) Committee staff may review all proposed administrative rules and regulations contained in the Notice Supplement of the California Administrative Register which pertain to agencies and programs within the scope of the Committee's jurisdiction. (Joint Rule 37.7)
- 2) The staff may review each administrative rule or regulation for conformity with the enabling statute and with legislative intent. Rules or regulations that do not appear to be based on statutory authority or that do not appear to be consistent with legislative intent may be placed on the Committee's agenda for appropriate action. (Joint Rule 37.7)