

SENATE HEALTH COMMITTEE

RULES FOR THE 2011-2012 LEGISLATIVE SESSION

1. SETTING OF BILLS

- a. **Setting of Bills:** Pursuant to the Chairperson's authority, committee staff shall be responsible for preparing Committee hearing agendas. Bills referred to the Committee shall be set for hearing as soon as practicable and in a manner that enables the Committee to meet its workload and schedule. Bills relating to the same subject matter may be set for hearing on the same day, as deemed appropriate by the Chair.
- b. **Restriction on the Setting of Bills:** A bill shall be set for hearing in the Committee no more than three times. A bill is "set" for the purposes of this subsection whenever notice of the hearing has been published in the Senate Daily File for one or more days. An author's set is any set which is counted as one of the three times a bill may be set. (Joint Rule 62(a).)
 - (1) **What Constitutes an Author's Set:** If a bill is withdrawn at the request of the author from the hearing in which it was set, or is not heard to permit the preparation of amendments or compliance with any other Committee rules, the set shall be deemed an author's set. (Joint Rule 62(a).)
 - (2) **What Constitutes a Committee Set:** If a bill is set for hearing and the Committee postpones the hearing of the bill on its sole initiative, 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. (Joint Rule 62(a).)
- c. **Special Order of Business:** The Committee may set any bill for a special order of business so that the bill may be heard at a time certain, or as the Chairperson deems appropriate.

2. BACKGROUND INFORMATION REQUEST

- a. When a bill is referred to the Committee, the Committee shall forward to the author a background information request to aid in the preparation of the Committee analysis.
- b. The author shall return two (2) copies of the completed background information request and background materials to the Committee as expeditiously as possible. Committee background sheets and materials are due to the Committee no later than seven (7) calendar days after the background information request is initially delivered to the author's office, unless otherwise requested by the Committee. The Committee reserves the right to postpone a hearing on any bill if the background materials have not been submitted at least ten (10) days prior to the scheduled hearing.

- c. The Committee shall transmit copies of the background information request materials to the Minority Consultant upon receipt of the completed background information request from the author. Additionally, any background materials, support and/or opposition letters, and any other documentation submitted after the initial completed background information request shall be provided to both the committee and the Minority Consultant.
- d. The completed background information request shall contain the names of any person in the author's office who may be contacted regarding the bill and any sponsor(s) who may be contacted regarding the bill; the author's statement of the purpose of the bill, including the problem or deficiency in existing law which the bill seeks to remedy; any studies, reports, statistics and facts which support the conclusion that there is a problem and that the proposed legislation will properly address that problem; and a complete list of known support and opposition.
- e. A bill may not be set for its first hearing until a completed background information request has been received to the satisfaction of the Committee, along with any other supporting materials requested by the Committee, unless the Chairperson deems otherwise. If a bill has already been set, and a completed background information request and any other supporting documentation has not been received to the satisfaction of the Committee, the Committee may reset the bill for a subsequent hearing and such a set shall be deemed an author's set.

3. AMENDMENTS

- a. **Time for Submission of Amendments:** An author may, subject to the Joint Rules, amend a bill at any time prior to the hearing, provided, however, that author's amendments shall be submitted to the Committee no later than seven (7) calendar days prior to the hearing at which the bill has been set. (For example: Amendments are due by noon on the Wednesday of the week prior to a Wednesday hearing.)
- b. **Form of Amendments:** All author's amendments shall be submitted to the Committee (the original, signed by the author, plus nine (9) copies) in Legislative Counsel form.
- c. **Subsequent hearing:** The Chair reserves the right to reset for a subsequent hearing any bill for which amendments are submitted after the deadline in (a), and such a set shall be deemed an author's set.
- d. **Late Amendments or Amendments Offered at Hearing:** If an author offers substantive amendments to his or her bill later than seven (7) calendar days prior to the Committee hearing for which the bill is set, or during the hearing, the hearing may, at the discretion of the Chairperson, be postponed in order to place the amendments in print and permit appropriate analysis by Committee staff. Such a set shall be deemed an author's set.
- e. **Committee Amendments:** Amendments made to a bill during a hearing shall be drafted by Committee staff.
- f. **Mock-ups:** With permission of the Committee, an author may submit amendments after normal Committee deadlines. In such instances, the author must have a written mockup of the

bill with the proposed amendments at the Committee hearing and provide the mockup to Committee staff for review no later than two (2) calendar days prior to the hearing, unless the Chairperson deems otherwise.

- g. **Bill Returned to Committee If Substantially Amended:** Implicit in taking up a bill before this Committee is an implied agreement by the author to return the bill to the Committee upon request if the bill is significantly changed after it leaves the Committee.

4. **COMMITTEE ANALYSES**

- a. **Availability:** Committee agendas and analyses of bills scheduled for hearing shall generally be made available to the public, by the end of the day on the Monday before a Wednesday hearing, except in cases when it is not feasible due to holidays or extraordinary Committee workload. In the case of special hearings, the analyses shall be made available to the public at the time of the hearing and prior to any testimony being taken on the bill.
- b. **Distribution:** A copy of the analysis shall be sent to the bill's author and to Committee members prior to its general distribution to the public.
- c. **Notation of Support and Opposition:** Support and opposition letters received by the Committee later than noon 7 (seven) calendar days prior to a hearing on a bill are not assured of being reflected in a Committee analysis. Only those letters which clearly indicate "Support" or "Oppose" to the current version of the bill may be noted in the Committee analysis.

5. **MEETING AND QUORUM**

- a. **Commencement of Hearings:** The Chairperson shall promptly call all meetings to order at the time and place designated in the Senate Daily File. If a quorum is not present, the Chairperson may commence the hearing as a subcommittee subject to both Senate and Joint Rules, may receive testimony, and may recommend action on a bill to the majority of the Committee.
- b. **Quorum:** A majority (5) of the Committee members shall constitute a quorum. (SR 21.5(f))
- c. **Presiding:** The Chair shall preside at meetings when present except when the Committee is considering a bill of which he or she is the author. Whenever the Chair is not presiding, the Vice-Chair shall assume the duties of the Chair. In the absence of both, a member designated by the Chair shall preside.

6. **ORDER OF AGENDA**

- a. **File Order:** Bills set for hearing shall be heard in file order, except as the Chairperson otherwise deems appropriate. The Chairperson may choose to permit an author to present

all of his or her bills at one time, or may take an author out of order out of courtesy or special circumstances. The Chair will choose when to take up the consent calendar. If an author is not present when his or her bill(s) come up, the author will lose his or her place, but will generally be allowed to present upon return to the hearing room. The author will follow the member who is presenting at the time he or she returns to the hearing room.

- b. **Absence of Author:** If an author does not present his or her bill at the hearing at which it is set, the bill may be passed on file and considered an author's re-set, unless the Chairperson otherwise deems appropriate.
- c. **Committee Members:** Committee members shall generally present their bills after other authors, unless the Chairperson deems otherwise.

7. **CONSENT CALENDAR**

- a. **Preparation of Consent Calendar:** Bills without written opposition may be placed on a proposed consent calendar. All items remaining on the consent calendar shall be voted on by the Committee without testimony, unless the Chairperson deems otherwise. The Committee staff may, in consultation with the Minority Consultant, prepare a proposed consent calendar prior to a Committee hearing which may include any uncontested bill for which no opposition has been brought to the attention of the Committee. (Joint Rules 22.1 and 22.2.)
- b. **Time for Taking Up Consent Calendar:** The Chairperson may take up the consent calendar at any convenient opportunity during the Committee hearing. Authors of bills placed on the consent calendar need not be present when the consent calendar is taken up.
- c. **Removal of Items from Consent Calendar:** Any member of the Committee has the right to pull a bill off the consent calendar before the consent calendar is taken up for a vote. If a bill is removed from the consent calendar, the Chairperson shall direct the Sergeant-at-Arms to call the author's office and notify the author of the need to present the bill before the Committee. The bill either shall be taken up in the order specified in Rule 6 or at the next scheduled Committee hearing, as the Chairperson deems appropriate.
- d. **Availability of Consent Calendar:** If the Committee prepares a proposed consent calendar in advance of the Committee hearing, a list of the bills proposed for the consent calendar shall be made available to the public at the same time Committee analyses are made available to the public.
- e. **Amending a bill while on consent:** A bill may be amended while on consent provided the amendments are noncontroversial and have been approved by the Chair. At the time of the vote for the consent calendar, the Chair shall temporarily remove the bill from consent and present the amendments to the members. The author does not need to be present. The Chair shall then place the bill back on consent with the notation that the vote shall be "Do Pass as Amended on Consent." A vote shall then be taken on the full consent calendar.

8. TESTIMONY AT HEARINGS

- a. **Limits on Testimony:** The Chairperson may, in consultation with the Vice Chairperson, limit duplicative testimony, limit the number of witnesses appearing on behalf of or in opposition to a bill, and limit the time allotted authors and witnesses testifying on behalf of or in opposition to a bill. Notice shall be placed in the File indicating the limitations; however, if a notice has not been placed in the File and the Chair deems it necessary, the Chair may impose the limitations and shall announce them at the beginning of the hearing.
- b. **Author's absence:** A bill may not be considered in the absence of the author without his or her consent, except that a bill may be presented by the author's representative who is authorized in writing as required by Senate Rule 21.5(h) The Chair reserves the right to have the author, and not a representative, present his/her bill.
- c. **Written Testimony:** The Chairperson may require any author wishing to present written testimony on any bill before the Committee to deliver the testimony in written form to the Committee at least one (1) working day prior to the hearing.

9. VOTING

- a. **Majority Required:** A majority of the Committee membership is required to pass a bill from the Committee. A simple majority of those present and voting is sufficient to recommend the adoption of Committee amendments, provided that a quorum is present. (Joint Rule 62.)
- b. **Recorded Voting:** All actions taken on a bill by the Committee shall be by recorded roll call vote only, except as noted in Rule 9 (e) below or in the Joint Rules or the Rules of the Senate. 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. (Joint Rule 62.)
- c. **Substitute Roll Calls:** A roll call vote on a previous bill may be substituted by unanimous consent, provided the members whose votes are substituted are present at the time of substitution. (Joint Rule 62(c).)
- d. **Placing Measures on Call:** 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 vote has been announced.
- e. **When Recorded Votes Not Required:** A recorded roll call vote is not required on the following actions by the Committee:

- (1) A motion to take a bill "under submission" or other procedural motion which does not have the effect of finally disposing of the bill. (Joint Rule 62) (Senate Rule 28.7)
- (2) An author's request to withdraw a bill from the Committee calendar. (Joint Rule 62.) (Senate Rule 28.7)
- (3) The return of a bill to the Chief Clerk where the bill has not been voted upon by the Committee. (Joint Rule 62.) (Senate Rule 28.7)

f. **Tie Votes:** In the case of a tie vote, a motion fails.

10. **RECONSIDERATION**

- a. **Reconsideration of Bill Allowed Only Once:** After a bill has been defeated by the Committee, reconsideration of the bill may be granted one time. (Joint Rule 62(a).)
- b. **Reconsideration Request:** A request for reconsideration shall be made by the author either at the hearing in which the bill was defeated or within 15 legislative days of the bill's defeat, or prior to the interim joint recess, whichever occurs first. Any request for reconsideration not made at the hearing in which the bill was defeated shall be timely submitted by the author to the Committee in writing. (Joint Rule 62(a).)
- c. **Majority Vote Required for A Reconsideration Vote to Be Granted:** Following a proper request for reconsideration, the Committee may grant reconsideration of a bill by a majority, recorded roll call vote only. Absent an objection by a Committee member, the vote to reconsider the bill may be granted by unanimous consent. If the request for reconsideration fails, the bill shall be immediately returned to the Chief Clerk of the Senate. (Joint Rule 62(a).)
- d. **Reconsideration Vote At Subsequent Hearing:** If a second and final vote on the bill is scheduled by the Committee for a subsequent hearing, the vote must be properly noticed in the Senate Daily File, and shall, in the Chairperson's discretion, be listed either "Reconsideration and Vote Only" or "Reconsideration and Further Hearing." Unless previously approved by the Chairperson, no additional testimony shall be presented on a bill granted reconsideration at a prior hearing, and the author need not be present. (Joint Rule 62(a).)
- e. **Amendments to Reconsidered Bills:** Defeated bills may not be amended unless and until the Committee grants reconsideration pursuant to these rules. Unless the Chairperson approves prior to a Committee hearing, reconsidered bills shall not be amended prior to the new vote on the merits of the bill, and shall be taken up for vote only. In addition, any amendments permitted to a reconsidered bill must comply with all Committee rules, unless the Chairperson deems otherwise. (Joint Rule 62(a).)

11. **SUBCOMMITTEES**

- a. **Study:** The Chairperson may, subject to the Rules of the Senate, create subcommittees for the in-depth study of a particular subject matter or bills. (Senate Rule 21.5(n).)
- b. **Bill Assignment:** Bills may be assigned to the Subcommittee as deemed proper by the Chair. A subcommittee may not hear a bill unless it has been assigned to it by the Chair.
- c. **To Request a Hearing:** Subcommittees must submit a letter to the Chair requesting approval to have a hearing.
- d. **Rules:** Subcommittees shall operate under the same rules as the full Committee.

12. **INTERIM STUDY**

- a. The Committee may, by majority vote, refer the subject matter of a bill for interim study.
- b. The Chairperson may call the Committee to sit during an interim or recess to conduct public hearings, gather information, discuss proposed legislation, or for any other proper purpose.
- c. Informational hearings outside of Sacramento are permitted during recesses, subject to Senate Rules and the appropriate four-day file notice. However, the Committee may not act on a bill outside of Sacramento. (Joint Rule 60.)

13. **MISCELLANEOUS PROCEDURAL RULES**

- a. **Appealing the Decision of the Chairperson:** Any Committee member may appeal a decision or ruling of the Chairperson on a point of order. Such appeals shall be decided by a majority of those members present and voting. A majority of those members present and voting or a tie vote sustains the decision or ruling of the Chairperson.
- b. **Substitute Motions:** A substitute motion or substitute amendment may be offered to replace an original motion before the Committee.
 - (1) A motion to substitute shall be deemed a motion to amend, is debatable, and can be adopted by a majority of those members present and voting.
 - (2) If the substitute motion is adopted, it becomes the new "main" motion.
 - (3) A substitute motion which has been adopted is subject to the same voting requirement as if it were the original motion. If the substitute motion fails, the original motion is again before the Committee and is subject to the normal voting requirements.
- c. **Vacancies:** A vacancy on the Committee does not reduce the quorum requirement or the number of votes required to take action on a bill.

14. **BILLS RELATING TO MANDATED BENEFITS OR SERVICES**

Consistent with AB 1996 (Chapter 795, Statutes of 2002) and SB 1704 (Chapter 684, Statutes of 2006), the Chair will request that the University of California, through the California Health Benefits Review Program, review any bill proposing or repealing a health care service plan or health insurer mandated benefit or service. The committee may, at the Chair's discretion, decide to not hear a "mandate bill" until the University's assessment is received and has been reviewed by committee staff.

15. **AMENDMENT OF THESE RULES**

These rules may be changed by a majority vote of the Committee, consistent with the Joint Rules and the Rules of the Senate.

16. **PILOT PROJECTS**

Any bill that proposes the creation of a pilot project shall contain the following substantive requirements:

- a. A statement of purpose of the proposed pilot project which specifically states the goals or objectives of the project.
- b. The methodology for determining success of the pilot project, including defined outcome measures (specifying, among other things, numerical objectives which must be met or exceeded) by which the success of the project may be quantified.
- c. In the event a bill is amended into a pilot project bill during the Committee hearing, the Committee shall draft amendments in conformity with these rules. The Chairperson may, as he or she deems appropriate, put the bill over to the next scheduled hearing in order to allow sufficient time for drafting.

17. **COMMITTEE BILLS AND OMNIBUS BILLS**

- a. The Committee may introduce a bill germane to any subject within the proper consideration of such committee in the same manner as any Member. A committee bill shall contain the signatures of all members of the committee. (Senate Rule 23.)
- b. If all the members of the Committee sign a bill, at the option of the Chairperson, the Committee members' names need not appear as authors in the heading of the printed bill.

18. **LEGISLATIVE RECORDS**

The Committee Assistant is the custodian of the Committee's legislative records. Pursuant to Section 9080 of the Government Code, the Committee Assistant shall preserve the Committee's current legislative records and may lodge the Committee's older legislative records with the State Archives. The Committee's legislative records that are in the possession of the Committee Assistant are open to inspection and copying by the public in the Committee's office during the normal office hours of 9:00 a.m. to 5:00 p.m., Monday through Friday. The Committee's legislative records that are lodged with the State Archives are open to inspection and copying by the public, subject to the procedures established by the Secretary of State

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