

JANET NGUYEN
VICE CHAIR

ISADORE HALL III
HOLLY J. MITCHELL
BILL MONNING
JIM NIELSEN
RICHARD PAN, M.D.
RICHARD D. ROTH
LOIS WOLK

California Legislature

SENATE COMMITTEE ON HEALTH

ED HERNANDEZ, O.D.
CHAIR



STATE CAPITOL, ROOM 2191
SACRAMENTO, CA 95814
TEL (916) 651-4111
FAX (916) 266-9438

STAFF DIRECTOR
MELANIE MORENO

CONSULTANTS
SCOTT BAIN
TERI BOUGHTON
REYES DIAZ
VINCENT D. MARCHAND

COMMITTEE ASSISTANTS
DINA LUCERO
JUAN REYES

2015-2016 COMMITTEE RULES

1. **SETTING OF BILLS**

- a. **Setting of Bills:** Pursuant to the Chair'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..
 - (1) **Author's Set:** If a bill is withdrawn at the request of the author from the hearing in which it was set, or is not heard to permit the preparation of amendments or compliance with any other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.
 - (2) **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.
- 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 Chair 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 hand deliver one hard copy of the completed background information request and background materials to the Committee. Electronic copies of the background materials shall be sent to the Committee Consultant and Committee Assistant. Committee background sheets and materials are due to the Committee no later than seven 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 10 days prior to the scheduled hearing.
- c. The author's office shall electronically transmit copies of the background information request and background materials to the Minority Consultants. Additionally, background materials, support and/or opposition letters, and any other documentation submitted after the initial completed background information request and materials shall be provided by the author to both the Committee and the Minority Consultants. The delivery of the aforementioned background request and background materials shall be in accordance with the deadlines found

in #2b.

- 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; 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. If a bill has been set for hearing, 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. Such a set shall be deemed an author's set.

3. AMENDMENTS

- a. **Timing of Submission:** An author may, subject to the Joint Rules, amend a bill at any time prior to the hearing, provided that author's amendments have been submitted to the Committee no later than noon 10 calendar days prior to the hearing at which the bill has been set.
- b. **Form of Amendments:** All author's amendments shall be submitted to the Committee (the original, signed by the author, plus 10 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 #3a. 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 10 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 Chair, 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 calendar days prior to the hearing, unless the Chair 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.
- h. **Urgency Clauses:** A bill may not be amended to add an urgency clause unless the author of the amendment has secured prior approval of the Senate Rules 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 delivered by Committee staff 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 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 Chair 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 Chair may commence the hearing as a subcommittee subject to both Senate and Joint Rules.
- b. **Quorum:** A majority (five) of the Committee members shall constitute a quorum.
- 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 Chair otherwise deems appropriate. The Chair 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. If an author is not present when his or her bill(s) come up on the agenda, the author will lose his or her place, but 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 Chair otherwise deems appropriate.
- c. **Committee Members:** Committee members shall present their bills after other authors, unless the Chair 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 Chair 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.
- b. **Taking Up Consent Calendar:** The Chair 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. In this instance, the Chair 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 Chair 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 the morning of the hearing.
- 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 Chair may, in consultation with the Vice Chair, 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 Daily 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 per a written request by the author.
- c. **Written Testimony:** The Chair 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 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.
- b. **Recorded Voting:** All actions taken on a bill by the Committee shall be by recorded roll call vote only, except as noted in #9e 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.
- 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.
- d. **Placing Measures on Call:** Prior to announcement of the vote, upon the request of the author or any member of the Committee, the Chair 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 Chair 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 his or her 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 motions that do not have the effect of disposing of a bill.
 - (2) An author's request to withdraw a bill from the Committee calendar.
 - (3) The return of a bill to the Chief Clerk where the bill has not been voted upon by the Committee.
- 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.

- 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. A request for reconsideration not made at the hearing in which the bill was defeated shall be submitted by the author to the Committee in writing.
- 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
- 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 Chair's discretion, be listed either "Reconsideration and Vote Only" or "Reconsideration and Further Hearing." Unless previously approved by the Chair, no additional testimony shall be presented on a bill granted reconsideration at a prior hearing, and the author need not be present
- e. **Amendments to Reconsidered Bills:** Defeated bills may not be amended unless and until the Committee grants reconsideration pursuant to these rules. Unless the Chair 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 Chair deems otherwise.

11. **SUBCOMMITTEES**

- a. **Study:** The Chair may, subject to the Rules of the Senate, create subcommittees for the in-depth study of a particular subject matter or bills.
- 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 Chair 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.

13. **MISCELLANEOUS PROCEDURAL RULES**

- a. **Appealing the Decision of the Chair:** Any Committee member may appeal a decision or ruling of the Chair 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 Chair.
- 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.

16. 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.
- b. If all the members of the Committee sign a bill, at the option of the Chair, 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.

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.

###