

House Resolution

No. 1

Introduced by Assembly Member Gordon

December 1, 2014

House Resolution No. 1—Relative to the Standing Rules of the Assembly for the 2015–16 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 2015–16 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 **2015–16 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 Floor Leader

18 Minority Floor 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.

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Hours of Meeting

10 2. The Speaker, or, in his or her 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.

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Speaker to Call Assembly to Order

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

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Rollcall and Quorum

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.

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Organization of Assembly

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 he or she is reelected to the Assembly,
38 shall be deemed to be the senior member elect.

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II. RULES

Chula Vista Citizen for Jobs and Fair Competition v. Norris
No. 12-55726 archived on May 27, 2015

1 Adoption of Standing Rules

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

7
8 Suspension of Rules

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

18
19 Amending Standing Rules

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

24
25 Mason's Manual

26
27 10. In all cases not provided for by the California Constitution,
28 by the Assembly Rules, by the Joint Rules of the Senate and
29 Assembly, or by statute, the authority is the latest edition of
30 Mason's Manual.

31
32 III. ORGANIZATION OF COMMITTEES

33 Standing Committees

34
35 11. Thirty-one standing committees of the Assembly are hereby
36 created, upon the several subjects, and titled respectively, as
37 follows:

- 38 Accountability and Administrative Review
- 39 Aging and Long-Term Care
- 40 Agriculture

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

*Shula Vista Citizens for Jobs and Fair Competition v. Norris
 No. 12-55726 archived on May 27, 2015
 cited in*

Open Meetings

11.3. (a) Except as otherwise provided in this rule, all meetings of the Assembly or a committee thereof shall be open and public, and all persons shall be permitted to attend the meetings. As used in this rule, “meeting” means a gathering of a quorum of the Members of the Assembly or a committee in one place for the purpose of discussing legislative or other official matters within the jurisdiction of the Assembly or committee. As used in this rule, “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 Assembly and
7 Senate.

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

*cited in Ghulam Citizen for Jobs and Fair Competition v. Norris
No. 18-53728 archived in May 2015*

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

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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

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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 his or her authorized
10 representative, upon warrants drawn by the Controller upon the
11 State Treasury.

12
13 Membership of Standing Committees

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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 audio or video transmission of those meetings
29 shall be provided.

30
31 Organization of Party Caucuses

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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 shall meet for the purpose of selecting
38 their officers for the next regular session. The rules and procedures
39 of each caucus shall be determined by that caucus, but may not be
40 inconsistent with these rules.

Chula Vista Citizens for Jobs and Fair Competition v. Norris
No. 12-55726
cited in Chula Vista Citizens for Jobs and Fair Competition v. Norris
No. 12-55726
archived on May 21, 2015

1 Powers of the Committee on Rules

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

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

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

11 (3) To make studies and recommendations designed to promote,
12 improve, and expedite the business and procedure of the Assembly
13 and of the committees thereof, and to propose any amendments to
14 the Rules deemed necessary to accomplish these purposes.

15 (4) To adopt additional policies or requirements regarding the
16 use of cameras and other recording equipment at committee
17 hearings or Assembly floor sessions.

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

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

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

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

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

37 (10) To make available to and furnish to the Assembly, and to
38 Assembly investigating committees created at this session and to
39 each of the members thereof, clerical, secretarial, and stenographic
40 help as may be reasonably necessary for the Assembly to carry

*cited in Chula v. Citizens for Jobs and Fair Competition v. Norris
No. 12-55726 archived on May 27, 2015*

1 out its work, and for the committees and each of the members
2 thereof, to make and carry on the studies and investigations
3 required by or of them by the resolutions creating the committees,
4 and for these purposes to employ additional stenographic and
5 secretarial assistants as may be necessary, assign, reassign, and
6 discharge these assistants and prescribe amounts, times, and
7 methods of payment of their compensation. The committee shall
8 allocate annually an amount for the operation of each investigating
9 committee, which shall constitute the annual budget of the
10 committee.

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

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

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

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

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

36
37 Subcommittee on Sexual Harassment Prevention and Response

38
39 14.5. (a) The Subcommittee on Sexual Harassment Prevention
40 and Response is created as a subcommittee of the Committee on

*cited in Chula v. Citizens for Jobs and Fair Competition v. Norris
No. 12-55726 archived on May 27, 2015*

1 Rules. The subcommittee is composed of a total of six members,
2 with the following four members appointed by the Chairperson of
3 the Committee on Rules: two members of the Committee on Rules
4 from the political party having the greatest number of Members
5 in the Assembly and two members of the Committee on Rules
6 from the political party having the second greatest number of
7 Members. The two members from the political party having the
8 second greatest number of Members shall be appointed from a list
9 of nominees that the vice chairperson of the committee provides
10 to the chairperson. The co-chairs of the Assembly Legislative
11 Ethics Committee also shall be members of the subcommittee. The
12 Chairperson of the Committee on Rules shall designate one of the
13 members of the subcommittee to serve as chair of the
14 subcommittee.

15 (b) The subcommittee shall periodically review procedures for
16 the handling of complaints of sexual harassment lodged against a
17 Member of the Assembly or an Assembly employee and submit
18 any recommendations to the Committee on Rules for consideration.

19 (c) Following the submission of the recommendations pursuant
20 to subdivision (b), the chair of the subcommittee may cause the
21 subcommittee to convene to review and recommend further
22 changes in procedures as subsequent events may require.

23
24 Committee on Rules

25
26 15. The Committee on Rules shall continue in existence during
27 any recess of the Legislature and after final adjournment and until
28 the convening of the next regular session, and shall have the same
29 powers and duties as while the Assembly is in session. In dealing
30 with any matter within its jurisdiction, the committee and its
31 members have and may exercise all of the rights, duties, and
32 powers conferred upon investigating committees and their members
33 by the Joint Rules of the Senate and Assembly as they are adopted
34 and amended from time to time, which rules are incorporated herein
35 and made applicable to the Committee on Rules and its members.

*Chula v. Citizem for Jobs and Fair Competition v. Norris
cited in Chula v. Citizem for Jobs and Fair Competition v. Norris
no. 12-55726 archived on May 27, 2015*

Operating Fund Report

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

Independent Audit of Operating Funds

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

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

Performance Audit

15.7. In addition to the annual financial audit required by Rule 15.6, the Committee on Rules shall contract for an audit of the administrative operations of the Assembly. The administrative departments to be audited shall be determined by the Committee on Rules. An organization performing an audit pursuant to this rule shall be selected by a majority of the membership of the Committee on Rules. A contract for an audit shall be awarded through a competitive bidding procedure. Audits shall be prepared in a manner and form to be determined by the organization performing the audit, and shall be consistent with generally accepted accounting principles.

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

Chula Vito Citizens for Jobs and Fair Competition v. Norris
No. 12-53721 archived on May 17, 2015

1 Rules Committee Resolutions

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

10 Assembly Operating Fund

11
12 17. The Committee on Rules is the committee identified in
13 Section 9127 of the Government Code. The balance of all money
14 in the Assembly Operating Fund, including money now or hereafter
15 appropriated, except the sums that are made available specifically
16 for the expense of designated committees or for other purposes,
17 is hereby made available to the Committee on Rules for any
18 charges or claims it may incur in carrying out the duties imposed
19 upon it by these rules or by Assembly or concurrent resolution.
20 The money made available by this rule includes the unencumbered
21 balances of all sums heretofore made available to any Assembly
22 or joint committee by the Assembly, upon the expiration of that
23 committee, and shall be expended as provided in these rules.
24

25 Expenditures

26
27 18. A Member or committee may not incur any expense except
28 as authorized pursuant to these rules or the Joint Rules of the Senate
29 and Assembly, or as authorized by the Assembly or the Committee
30 on Rules.

31 The Committee on Rules shall provide, by rules and regulations,
32 for the manner of authorizing expenditures by Members,
33 committees, officers, and employees of the Assembly that are not
34 otherwise authorized by law, these rules, or the Joint Rules of the
35 Senate and Assembly. These rules and regulations shall incorporate
36 a provision whereby construction, alteration, improvement, repair,
37 or maintenance of real or personal property, and the purchase of
38 supplies and equipment, shall be governed by competitive bidding.
39 Further, the rules and regulations shall provide for the payment of
40 expenditures, as authorized by these rules and regulations, from

*cited to Ghulam Ishaq Khan Citizens for Jobs and Fair Competition v. Norris
No. 12-55720 archived on May 27, 2015*

1 the Assembly Operating Fund upon certification of claims therefor
2 to the Controller by the Committee on Rules or its authorized
3 representative.

4 A Member may not be reimbursed for travel outside the State
5 of California without prior approval of the Speaker or the
6 Committee on Rules.

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Rules and Regulations Governing Committees

10 20. All claims for expenses incurred by investigating
11 committees of the Assembly shall be approved by the Committee
12 on Rules, or its authorized representative, before the claims are
13 presented to the Controller.

14 All proposed expenditures, other than expenditures of the funds
15 of an investigating committee, shall be approved by the Committee
16 on Rules or its authorized representative before the expenses are
17 incurred, unless the expenditure is specifically exempted from this
18 requirement by the resolution authorizing it.

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

22 The Committee on Rules shall adopt rules and regulations
23 governing the awarding of any contract by an investigating
24 committee, and rules and regulations limiting the amount, time,
25 and place of expenses and allowances to be paid to employees of
26 Assembly investigating committees or other Assembly committees.

27 These rules may provide for allowances to committee employees
28 in lieu of actual expenses.

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

36 Copies of all rules and regulations adopted pursuant to this rule
37 shall be distributed to the chairperson of every investigating
38 committee and of any other Assembly committee that has
39 employees.

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No. 12-55716 archived on May 27, 2015

Fees for Witnesses

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3 21. Each witness summoned to appear before the Assembly or
4 any of its committees shall be reimbursed at a rate set by the
5 Committee on Rules.
6

7 Assembly General Research Committee
8

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

39 (b) The committee and its members shall have and exercise all
40 the rights, duties, and powers conferred upon investigating

1 committees and their members by the Joint Rules of the Senate
2 and Assembly and the Standing Rules of the Assembly as they are
3 adopted and amended from time to time at this session, which
4 provisions are incorporated herein and made applicable to the
5 committee and its members.

6 (c) The committee has the following additional powers and
7 duties:

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

12 (2) To cooperate with and secure the cooperation of county,
13 city, city and county, and other local law enforcement agencies in
14 investigating any matter within the scope of this rule and to direct
15 the sheriff of any county to serve subpoenas, orders, and other
16 process issued by the committee.

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

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

22
23 Assembly Legislative Ethics Committee

24
25 22.5. (a) The Assembly Legislative Ethics Committee is hereby
26 created. The committee shall consist of six Members of the
27 Assembly, appointed by the Speaker. Notwithstanding any other
28 rule of the Assembly, three members of the committee shall be
29 from the political party having the greatest number of Members
30 in the Assembly and three members shall be from the political
31 party having the second greatest number of Members. Any
32 temporary or permanent vacancy on the committee shall be filled
33 within 10 days by a member from the same political party. All
34 appointments, including appointments to fill permanent or
35 temporary vacancies, of members from the political party having
36 the second greatest number of Members in the Assembly shall be
37 made from a list of nominees that the Minority Floor Leader
38 provides to the Speaker. The Speaker shall designate one member
39 of the committee from the political party having the greatest
40 number of Members in the Assembly and one member of the

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1 committee from the political party having the second greatest
2 number of Members to serve as co-chairs of the committee. The
3 Speaker shall designate one of the co-chairs to serve as the
4 presiding officer at any meeting or hearing conducted by the
5 committee.

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

11 (b) The provisions of this rule, and of Rule 11.5 related to
12 investigating committees, apply to the committee and govern its
13 proceedings.

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

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

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

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

35 (e) Any person may file with the committee a verified complaint
36 in writing, which shall state the name of the Member of the
37 Assembly alleged to have violated any standard of conduct, and
38 which shall set forth the particulars thereof with sufficient clarity
39 and detail to enable the committee to make a determination. The

1 person filing the complaint thereafter shall be designated the
2 complainant.

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

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

11 (f) (1) If the committee determines that the verified complaint
12 does not allege facts, directly or upon information and belief,
13 sufficient to constitute a violation of any standard of conduct, it
14 shall dismiss the complaint and so notify the complainant and
15 respondent.

16 (2) (i) If the committee determines that the verified complaint
17 does allege facts, directly or upon information and belief, sufficient
18 to constitute a violation of any standard of conduct, the committee
19 promptly shall investigate the alleged violation and if, after this
20 preliminary investigation, the committee finds that reasonable
21 cause exists for believing the allegations of the complaint, it shall
22 fix a time for a hearing in the matter, which shall be not more than
23 30 days after that finding. The committee may, however, seek an
24 extension of this period, not to exceed an additional 30 days, which
25 may be granted by a majority vote of the Committee on Rules.

26 (ii) If, after preliminary investigation, the committee does not
27 find that reasonable cause exists for believing the allegations of
28 the complaint, the committee shall dismiss the complaint. In either
29 event, the committee shall notify the complainant and the
30 respondent of its determination.

31 (3) The committee shall make its determination under paragraph
32 (1) or (2) of this subdivision, pursuant to a vote in accordance with
33 subdivision (n), not later than 90 days after first receiving a
34 complaint that satisfies subdivision (e). The committee may,
35 however, seek an extension, not to exceed 30 days, which may be
36 granted by a majority vote of the membership of the Committee
37 on Rules. If the committee has requested a law enforcement agency
38 to investigate the complaint or if the committee knows the
39 complaint is being investigated by a law enforcement agency, the

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1 time limits set forth in this subdivision shall be tolled until the
2 investigation is completed.

3 (4) The committee's determination under paragraph (1) or (2)
4 of this subdivision shall be stated in writing, with reasons given
5 therefor, and shall be provided to the Assembly, and, in any case
6 concerning an alleged violation of Article 2 (commencing with
7 Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the
8 Government Code, shall be provided to the appropriate law
9 enforcement agency. This written determination is a public record
10 and is open to public inspection.

11 (5) Any deliberations of the committee from the time of receipt
12 of a complaint until it decides to dismiss the complaint or to set a
13 hearing shall not be open to the public unless the respondent
14 requests a public meeting.

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

18 (h) If a hearing is held pursuant to subdivision (f), the
19 committee, before the hearing has commenced, shall issue
20 subpoenas and subpoenas duces tecum at the request of any party
21 in accordance with Chapter 4 (commencing with Section 9400) of
22 Part 1 of Division 2 of Title 2 of the Government Code. All of the
23 provisions of that chapter, except Section 9410 of the Government
24 Code, shall apply to the committee and the witnesses before it.

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

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

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

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

31 (j) Any official or other person whose name is mentioned at any
32 investigation or hearing of the committee, and who believes that
33 testimony has been given that adversely affects him or her, shall
34 have the right to testify or, at the discretion of the committee, to
35 testify under oath relating solely to the material relevant to the
36 testimony regarding which he or she complains.

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

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

10 (2) If the committee finds that the respondent has violated any
11 standard of conduct, it shall state its findings of fact and submit a
12 report thereon to the Assembly. This report shall be accompanied
13 by a House Resolution, authored by the committee, which shall
14 be introduced at the Chief Clerk's desk and then referred by the
15 Committee on Rules to the Ethics Committee. The House
16 Resolution shall include a statement of the committee's findings
17 and the committee's recommendation for disciplinary action.
18 Within seven days, the committee shall adopt the final form of the
19 House Resolution and report it to the Assembly for placement on
20 the Daily File. The committee also shall send a copy of those
21 findings and report to the complainant and respondent, and, in
22 cases concerning an alleged violation of Article 2 (commencing
23 with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2
24 of the Government Code, shall report thereon to the appropriate
25 law enforcement agency. The report submitted pursuant to this
26 paragraph is a public record and open to public inspection.

27 After the receipt of a copy of the committee's final report and
28 House Resolution, the Assembly expeditiously shall take
29 appropriate action with respect to the respondent.

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

34 (m) The committee shall maintain a record of its investigations,
35 inquiries, and proceedings. All records, complaints, documents,
36 and reports filed with or submitted to or made by the committee,
37 and all records and transcripts of any investigations, inquiries, or
38 hearings of the committee under this rule shall be deemed
39 confidential and shall not be open to inspection, without the express
40 permission of the committee, by any person other than a member

*cited in Chula Vista Citizens for Jobs and Fair Competition v. Norris
No. 12-557 in archives on May 27, 2015*

1 of the committee, or an employee of the committee or other state
2 employee designated to assist the committee, except as otherwise
3 specifically provided in this rule. The committee may, by adoption
4 of a resolution, authorize the release to the Attorney General or a
5 district attorney of the appropriate county of any information,
6 records, complaints, documents, reports, and transcripts in its
7 possession that are material to any matter pending before the
8 Attorney General or that district attorney. All matters presented
9 at a public hearing of the committee and all reports of the
10 committee stating a final finding of fact pursuant to subdivision
11 (k) shall be public records and open to public inspection. Any
12 employee of the committee who divulges any matter that is deemed
13 to be confidential by this subdivision shall be subject to discipline
14 by the Committee on Rules.

15 (n) The committee may take any action authorized by this rule
16 only upon the vote of not less than two members from the
17 registered political party having the greatest number of Members
18 in the Assembly and two members from the registered political
19 party having the second greatest number of Members. Any vacancy
20 on the committee does not reduce the votes required to take action.

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

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

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

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

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

*cited in Chula Vista Citizens for Jobs and Fair Competition v. Norris
No. 12-55726 archived on May 21, 2015*

Printing of Committee Reports

1
 2
 3 23. All requests for the printing of reports of Assembly
 4 committees shall be referred to the Committee on Rules. The
 5 Committee on Rules shall determine the number of copies needed,
 6 whether the report shall be printed in the Journal, and whether the
 7 report shall be distributed electronically. The Committee on Rules
 8 shall authorize the distribution of reports electronically whenever
 9 possible.

Assembly Employees

10
 11
 12
 13 24. Every employee who works for a committee of the
 14 Assembly or a subcommittee of a committee, for a Member of the
 15 Assembly, for the Chief Clerk’s office, or for the Sergeant at Arms,
 16 is an employee of the Assembly. All employees of the Assembly
 17 serve at the pleasure of the Assembly and the terms and conditions
 18 of their employment may be modified, or their employment may
 19 be terminated at will, at any time and without notice, by the
 20 Committee on Rules.

21 Every applicant for employment by the Assembly shall prepare
 22 a formal application for employment on forms prescribed by the
 23 Committee on Rules. The application shall include a statement of
 24 his or her present employment, his or her employment during the
 25 preceding two years, and other pertinent information that the
 26 Committee on Rules may require. The application shall be certified
 27 under penalty of perjury, and any willful false statement or
 28 omission of a material fact shall be punishable as perjury. If the
 29 application discloses any fact that indicates that the applicant has
 30 a personal interest that would conflict with the faithful performance
 31 of his or her duties, the applicant shall not be employed. All
 32 applications shall be retained in the records of the committee.

33 Every employee shall complete the Assembly ethics course in
 34 the first six months of his or her employment. Thereafter, every
 35 employee shall take the course in the first six months of every
 36 legislative session.

37 Every employee shall, within the first six months of every
 38 legislative session, take a course on sexual harassment prevention.
 39 The content of the course shall be determined by the Committee

*cited in Chula Vista Citizens for Jobs and Fair Competition v. Norris
 No. 12-53726 archived in May 2, 2015*

1 on Rules and shall include the Assembly’s policy on sexual
2 harassment prevention and response.

3 An employee may not engage in any outside business activity
4 or outside employment that is inconsistent, incompatible, or in
5 conflict with his or her functions or responsibilities as an employee
6 of the Assembly. Any employee who engages in any outside
7 business activity or employment that is in any way related to his
8 or her functions or responsibilities as an employee shall promptly
9 notify the Committee on Rules of that business activity or
10 employment.

11
12 Assembly Proceedings

13
14 25. Accredited press representatives may not be excluded from
15 any public legislative meeting or hearing and may not be prohibited
16 from taking photographs of, televising, or recording the committee
17 or house hearings, subject to the following conditions:

18 (1) This rule shall extend to all public legislative meetings.

19 (2) Lights shall be used only when cameras are filming, and,
20 when possible, proceedings in hearing rooms and the Chamber
21 shall be filmed without lights.

22 (3) Every effort should be made to set up filming equipment
23 before hearings or sessions begin.

24 (4) The committee chairperson or the Speaker shall be notified,
25 as far in advance of the proceedings as possible, that recordings
26 and television cameras will be present and filming.

27 (5) To the extent practical, flash cameras shall not be used.

28 (6) Photographs shall be taken in an orderly and expeditious
29 manner so as to cause the least possible inconvenience to the
30 committee or to the Members in the Chamber.

31
32 IV. ASSEMBLY FUNCTIONS

33 A. Duties of Assembly Officers

34 Duties of the Speaker

35
36 26. (a) The Speaker possesses the powers and shall perform
37 the duties prescribed as follows:

38 (1) To preserve order and decorum; he or she may speak to
39 points of order in preference to the other Members, rising from
40 his or her chair for that purpose.

- 1 (2) To decide all questions of order subject to appeal to the
- 2 Assembly by any Member. On every appeal, the Speaker shall
- 3 have the right to assign the reason for his or her decision.
- 4 (3) To name any Member to perform the duties of the Speaker,
- 5 except that any substitution may not extend beyond adjournment.
- 6 (4) To have general direction over the Assembly chamber and
- 7 rooms set aside for the use of the Assembly, including the rooms
- 8 for use by Members as private offices.
- 9 (5) To allocate funds, staffing, and other resources for the
- 10 effective operation of the Assembly.
- 11 (6) To appoint the membership of all standing and special
- 12 committees, including the Committee on Rules, and their respective
- 13 chairpersons and vice chairpersons. The Speaker has approval
- 14 power over the appointment of subcommittees of standing and
- 15 special committees, except as otherwise provided in Rule 14.5.
- 16 The Committee on Rules consists of the Chairperson, Vice
- 17 Chairperson, and other Members who shall be appointed by the
- 18 Speaker in accordance with the process for appointing the
- 19 membership of standing committees pursuant to this rule. Two
- 20 alternate members of the Committee on Rules shall be appointed
- 21 in accordance with the process for appointing members to the
- 22 Committee on Rules. Members and alternates so appointed shall
- 23 remain in office until their successors are selected as provided for
- 24 in these rules. The Speaker may designate any member in lieu of
- 25 or in addition to the alternate member to fill a temporary vacancy.
- 26 An alternate member may serve when a committee member is
- 27 absent.
- 28 (7) To establish a schedule of meetings of standing committees
- 29 or subcommittees and to approve special meetings at a time
- 30 different from the scheduled time.
- 31 (8) To have general control and direction over the Journals,
- 32 papers, and bills of the Assembly and to establish a procedure in
- 33 accordance with Rule 118 for admitting employees of the
- 34 Legislature to the Assembly Chambers, including the Lobby in
- 35 the rear of the chambers and any hallway or area of the floor that
- 36 is adjacent to the desks occupied by the assistants to the Chief
- 37 Clerk.
- 38 (9) To act as Chairperson of the Committee of the Whole.
- 39 (10) To order the Lobby and Gallery cleared whenever he or
- 40 she deems it necessary.

*cited in Ghula Vista Citizens for Jobs and Fair Competition v. Norris
No. 12-55726 archived on May 27, 2015*

1 (11) To authenticate by his or her signature, when necessary or
2 required by law, all bills, memorials, resolutions, orders,
3 proceedings, writs, warrants, and subpoenas issued by order of the
4 Assembly.

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

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

12

13 Funerals and Other Ceremonies and Events

14

15 27. The Speaker may designate any one or more of the Members
16 of the Assembly as the representatives of the Assembly to attend
17 funerals and other ceremonies and events in appropriate
18 circumstances. The Members so designated shall receive their
19 expenses as provided in Joint Rule 35.

20

21

22 Selection of Officers

23

24 28. (a) The Speaker shall appoint all nonelected officers of the
25 Assembly except the Minority Floor Leader.

26 (b) The Minority Floor Leader shall be selected by the caucus
27 of the political party having the second greatest number of
28 Members in the Assembly.

29

30 Duties of the Speaker pro Tempore

31

32 29. The Speaker pro Tempore shall perform those duties
33 assigned by the Speaker, including the responsibility of presiding
34 over sessions of the Assembly and advising the Members on
35 parliamentary procedures of the house.

36

37 Duties of the Assistant Speaker pro Tempore

38

39 29.5. The Assistant Speaker pro Tempore shall perform those
duties assigned by the Speaker or Speaker pro Tempore, including

1 the responsibility of presiding over sessions of the Assembly and
2 advising the Members on parliamentary procedures of the house.

3

4 Majority Floor Leader

5

6 30. It is the duty of the Majority Floor Leader to make those
7 appropriate motions, points of order, or other arrangements that
8 may be necessary to expedite the proceedings of the Assembly,
9 and he or she is responsible for the presentation of all matters that
10 relate to the order of business, and to the promotion of harmony
11 among the membership.

12

13 Caucus Chairpersons

14

15 31. The chairperson of the caucus of the political party having
16 the greatest number of Members in the Assembly, and the
17 chairperson of the caucus of the political party having the second
18 greatest number of Members in the Assembly, shall perform those
19 duties that are prescribed by their respective party caucuses.

20

21 Chief Clerk

22

23 32. The Chief Clerk of the Assembly has the following duties,
24 powers, and responsibilities:

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

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

30 (c) To act as Parliamentarian of the Assembly and to advise the
31 officers of the Assembly and the Committee on Rules on
32 parliamentary procedure and the Rules of the Assembly when
33 called upon to do so.

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

36 (e) To refuse to permit any bills, papers, or records to be
37 removed from his or her office or out of his or her custody, except
38 upon duly signed receipts from persons authorized.

39 (f) To send to each Member, upon the request of the Speaker
40 or the Committee on Rules, before the commencement of each

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1 regular session of the Legislature, a blank form on which the
2 Member may indicate his or her committee preferences. After the
3 receipt of the forms, all those communications shall be held by the
4 Chief Clerk of the Assembly and the information contained in the
5 forms shall be forwarded to the Speaker.

6 (g) To perform other duties that are prescribed by law or the
7 Committee on Rules.

8 (h) To make technical changes in measures and amendments
9 pending before the Assembly. The Chief Clerk shall notify the
10 Speaker and the author of the measure of any such change.

11 (i) To compare all bills, ordered or considered engrossed by the
12 Assembly, with the engrossed copies thereof; before they pass out
13 of the possession of the Assembly, to see that each engrossed bill
14 is a true copy of the original, with those amendments that may
15 have been made thereto; and to see that all engrossed bills are
16 reported back in the order in which they were ordered engrossed.

17 (j) To assist the Committee on Rules, upon its request, in
18 recommending the reference of bills to the appropriate standing
19 committee.

20 The Assistant Chief Clerk shall have the powers and perform
21 the duties of the Chief Clerk during his or her absence.

22
23 **Sergeant at Arms**
24

25 33. The Sergeant at Arms has the following duties, powers,
26 and responsibilities:

27 (a) To attend the Assembly during its session, preserve order,
28 announce all official messengers, and serve all process issued by
29 authority of the Assembly and directed by the Speaker; the Sergeant
30 at Arms shall receive actual expenses for himself or herself, or for
31 an assistant, incurred in executing any process.

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

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

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

38 (e) To perform all other duties pertaining to his or her office as
39 prescribed by law or Assembly rule.

*Cited in Chula v. Citizens for Jobs and Fair Competition v. Norris
No. 12-55720 archived on May 27, 2015*

1 The Chief Assistant Sergeant at Arms shall have the powers and
2 perform the duties of the Sergeant at Arms during his or her
3 absence.

4

5 Filling Interim Vacancies—Assembly Elected Officers

6

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

23 An affirmative recorded vote of a majority of the duly elected
24 and qualified Members is required for the selection by the
25 Assembly caucus of a person to fill a vacancy pursuant to this rule.
26 The procedure for selecting the Speaker at the caucus is the same
27 as the procedure required for the election of the Speaker at a
28 session.

*cited in Chula Vista Citizens for Jobs and Fair Competition v. Norris
No. 12-55724 archived on May 27, 2015*

29

30 B. Printing
31 Authority for Printing

32

33 35. The State Printer may not charge any printing or other work
34 to the Assembly other than as provided by law or Assembly rule,
35 except upon a written order signed by the Chief Clerk of the
36 Assembly or the Chief Administrative Officer of the Assembly.
37 All invoices for printing furnished to the Assembly shall be
38 itemized and rendered by the State Printer within 30 days after
39 completion of the printing. When necessary, the Chief Clerk of
40 the Assembly or the Chief Administrative Officer of the Assembly

1 may order certain printed matter completed in advance of its regular
2 order by the issuance of a rush order.

3

4

Ordering of Printing

5

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

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

17

18

Printing Assembly History and Legislative Handbook

19

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

28

29

30 The Chief Clerk of the Assembly shall, as soon as practicable,
31 in each even-numbered year, commence to compile a legislative
32 manual or handbook, pursuant to Section 9740 of the Government
33 Code.

32

33

Transmittal of Assembly Joint Resolutions

34

35 37.5. Whenever the Chief Clerk is directed to transmit copies
36 of an Assembly Joint Resolution to Members of the Legislature
37 or Members of Congress, the Chief Clerk may do one or both of
38 the following:

39

40

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

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

3
4 V. LEGISLATIVE PROCEDURE
5 Order of Business
6

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

- 9 1. Rollcall
- 10 2. Prayer by the Chaplain
- 11 3. Reading of the Previous Day’s Journal
- 12 4. Presentation of Petitions
- 13 5. Introduction and Reference of Bills
- 14 6. Reports of Committees
- 15 7. Messages From the Governor
- 16 8. Messages From the Senate
- 17 9. Motions and Resolutions
- 18 10. Business on the Daily File
- 19 11. Announcements
- 20 12. Adjournment

21 (b) With the exception of Special Orders of Business, the
22 Speaker may determine that a different order of business will result
23 in a more expeditious processing of the business of the Assembly
24 by ordering resolutions honoring an individual or an organization,
25 introductions, and adjournments in memory of individuals to be
26 taken up in a different order than that listed in subdivision (a).

27
28 Pledging of Allegiance to the Flag
29

30 41. At each session, following the prayer by the Chaplain, the
31 Members of the Assembly and its officers and employees present
32 in the Assembly Chamber shall pledge their allegiance to the Flag
33 of the United States of America. The Speaker shall invite guests
34 present in the Assembly Chamber to join in the pledge of allegiance
35 to the Flag of the United States of America.

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Reading and Correcting Journals

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

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

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

Presentation of Petitions

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

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

Messages From the Governor

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

Messages From the Senate

45. 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 shall 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

*Chula v. Citizens for Jobs and Fair Competition v. Norris
No. 12-557
cited and archived on May 27, 2015*

1 passed without amendment by the Senate shall be ordered to
2 enrollment.

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

14
15 Presentation of Guests or Memorials in the Assembly

16
17 45.5. These rules do not prohibit the Speaker or Speaker pro
18 Tempore from permitting the introduction of a special guest or
19 guests. A request that a session of the Assembly adjourn in memory
20 of a person shall be made in writing. The request shall be read by
21 the presiding officer immediately prior to adjournment.

22
23 A. Bills and Resolutions
24 Bills Defined

25
26 46. (a) The word "bill," as used in these rules, includes a
27 constitutional amendment, a concurrent resolution, and a joint
28 resolution, except as otherwise specifically provided.

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

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

35 (2) It shall not be deemed a bill within the meaning of
36 subdivision (a) of Section 8 of Article IV of the California
37 Constitution.

*cited in Chula Vista Citizens for Jobs and Fair Competition v. Norris
No. 12-55726 archived on May 27, 2015*

1 Introduction and Reference of Bills

2
3 47. (a) Each bill shall be signed by each Member who is an
4 author or coauthor of the bill before it is introduced. If any bill is
5 introduced that does not contain the signature of its author or
6 coauthor, the bill, on motion of the Member whose name appears
7 thereon without that signature, shall be stricken from the file by
8 an affirmative recorded vote of 41 or more Members.

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

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

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

23 (d) The Committee on Budget may introduce a bill germane to
24 any subject within the jurisdiction of the committee in the same
25 manner as any Member. Any other standing committee may
26 introduce a total of five bills in each year of a biennial session that
27 are germane to any subject within the proper consideration of the
28 committee.

29 (e) No committee, except the Committee on Budget, may
30 introduce or author a House Resolution, Concurrent Resolution,
31 or Joint Resolution.

32 (f) A committee bill may not be introduced unless it contains
33 the signatures of a majority of all of the members, including the
34 chairperson, of the committee. If all of the members of a committee
35 sign the bill, at the option of the committee chairperson the
36 committee members' names need not appear as authors in the
37 heading of the printed bill.

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

*cited in Chula v. Citizen for Jobs and Fair Competition v. Norris
No. 12-55748, archived on May 27, 2015*

Bills Authored by a Former Member

1
2
3 47.1. Whenever the author of a bill in the Assembly is no longer
4 a Member of the Legislature, upon a request of a committee or
5 current Member of the house in which the bill was introduced, the
6 Assembly Committee on Rules may authorize that committee or
7 Member to be the author of that bill. Absent that authorization, an
8 action may not be taken by a committee or the Assembly with
9 respect to a bill authored by a former Member.

11 Limitation on the Introduction of Bills

12
13 49. (a) A Member may introduce not more than 40 bills in the
14 regular session. As used in this rule, “bills” includes constitutional
15 amendments.

16 (b) Notwithstanding subdivision (a) of this rule, a Member may
17 introduce not more than five resolutions in the regular session. As
18 used in this rule, “resolutions” include House, Concurrent, and
19 Joint Resolutions, but do not include resolutions introduced by a
20 Member for the specific purpose of organizing a session that is
21 convened pursuant to Article IV, Section 3(a) of the State
22 Constitution or resolutions introduced by the Speaker as part of a
23 session honoring a retiring Assembly Member.

24 (c) This rule may be suspended with respect to a particular bill
25 or resolution by approval of the Committee on Rules and Fair
26 Competition v. Norris

27 Reference of Bills to Committee
28

29 51. Except as otherwise provided in this rule, the Committee
30 on Rules shall refer each bill to a committee by a majority vote of
31 the membership of the committee, unless upon a motion the
32 Assembly, by an affirmative recorded vote of 41 or more Members,
33 refers it to some other committee. A motion to refer a bill is not
34 debatable, except as to the propriety of the motion, and it may not
35 open the main question to debate.

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

Spot Bills

1
2
3 51.5. A bill that upon introduction makes no substantive change
4 in or addition to existing law, and would not otherwise affect the
5 ongoing operations of state or local government, except a bill
6 stating legislative intent to make necessary statutory changes to
7 implement the Budget Bill, may not be referred to a committee by
8 the Committee on Rules. If the author subsequently proposes to
9 the Committee on Rules to make substantive changes in the bill
10 as introduced, the Committee on Rules may refer the bill to a
11 committee, together with the proposed changes for consideration
12 as author’s amendments. A vote on passage of the bill may not be
13 taken, however, until the bill with its amendments, if adopted, has
14 been in print for at least 15 days.

Delivery of Bills to State Printer

15
16
17
18 52. After introduction and first reading, all bills shall be
19 delivered to the State Printer.

Resolutions

20
21
22
23 53. All resolutions shall be numbered and may be referred to
24 the appropriate committee by the Committee on Rules.

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

Resolutions by Member

27
28
29
30 54. A concurrent resolution or a house resolution may be
31 introduced relating to a present or former state or federal elected
32 official or a member of his or her immediate family. Other
33 resolutions for the purpose of commendation or congratulation of
34 any person, group, or organization, or for the purpose of expressing
35 sympathy, regret, or sorrow on the death of any person, shall be
36 prepared as a Rules Committee Resolution and presented to the
37 committee for appropriate action.

38 The Committee on Rules may approve exceptions to this rule
39 for house resolutions. The Chief Clerk may not accept for

*cited in Chula Vista Citizens for Jobs and Fair Competition v. Norris
No. 12-55726 archived on May 2, 2015*

1 introduction any house resolution that is contrary to this rule unless
2 it is accompanied by the approval of the Committee on Rules.

3

4 B. Standing Committee Functions
5 Standing Committee Rules
6

7 55. Subject to the Joint Rules of the Senate and Assembly, the
8 Rules of the Assembly shall govern the conduct of all committee
9 and subcommittee meetings.

10

11 Meetings of Standing Committees and Subcommittees
12

13 56. All standing committees and subcommittees shall meet at
14 the hour and place provided by the schedule established by the
15 Speaker, unless permission for a different hearing time is granted
16 by the Speaker. A committee or subcommittee may not meet during
17 any session of the Assembly, nor may any Member of the
18 Assembly attend a conference committee meeting on any bill
19 during any session of the Assembly without first obtaining
20 permission from the Assembly.

21 When an unscheduled meeting of a standing committee or
22 subcommittee has been so ordered, the meeting shall convene in
23 an area that is readily accessible to the public and the Assembly
24 shall take care that every effort is made to inform the public that
25 a meeting has been called. An unscheduled meeting of a committee
26 or subcommittee may not be held in the Assembly Chamber.

27 No bill may be set for hearing, nor may any notice thereof be
28 published by any Assembly committee or subcommittee, until the
29 bill has been referred to the committee or subcommittee. Nothing
30 in this paragraph shall prevent a committee or subcommittee from
31 acting with regard to a bill referred to it where the only action
32 taken is to cause the bill to be reported to the Assembly with the
33 recommendation that amendments be adopted and the bill be
34 reprinted as amended and re-referred to the committee or
35 subcommittee.

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

*As cited in Shulav v. Citizens for Jobs and Fair Competition v. Norris
No. 12-55126 archived on May 27, 2015*

1 Setting and Hearing Bills in Committee
2

3 56.1. All bills referred to a standing committee pursuant to Rule
4 51 shall be set and heard, if requested by the author, as specified
5 by the Joint Rules. If the analysis of an author’s amendment that
6 is subsequently adopted pursuant to Rule 68 discloses that the
7 amendment makes a substantial substantive change to the original
8 bill as referred by the Rules Committee, the bill as amended shall
9 either be set and heard by the committee having jurisdiction of the
10 bill as amended or re-referred to the Committee on Rules pursuant
11 to the Assembly Rules.
12

13 Committee Analyses
14

15 56.5. Except as otherwise provided in this rule, each standing
16 committee and subcommittee shall prepare an analysis of every
17 bill it has set for hearing, which shall be available to the public in
18 the office of the committee or subcommittee one working day prior
19 to the date on which the hearing is to be held. In the case of a
20 special meeting, or a meeting of the Committee on Appropriations
21 or the Committee on Budget, or their subcommittees, the analysis
22 shall be available to the public at the beginning of the hearing. No
23 question concerning a committee’s compliance with this rule with
24 regard to any bill shall be in order following a vote on passage of
25 the bill in that committee. As used in this rule, a “working day” is
26 any day on which a house file is published.

27 A copy of each committee analysis shall be transmitted by the
28 committee secretary to the Assembly Floor Analysis Unit at the
29 same time it is made available to the public.
30

31 Committee Consultants: Floor Analyses
32

33 56.6. Except as otherwise provided in this rule, the consultants
34 of a standing committee or subcommittee are responsible for
35 monitoring bills assigned to their respective committee or
36 subcommittee throughout the entire legislative process. Except for
37 resolutions and bills on the Consent Calendar, a consultant of the
38 appropriate standing committee shall prepare, in a timely fashion,
39 an analysis of every bill on third reading or the unfinished business

*Filed in Chula Vista Citizens for Jobs and Fair Competition v. Norris
No. 13-55726 Archived on May 27, 2015*

1 file, and of any amendment to a bill that is on the Assembly floor,
2 as directed by the Assembly Floor Analysis Unit.

3 The committee consultant who prepares the analysis shall
4 transmit a copy of the completed analysis to the Assembly Floor
5 Analysis Unit. The Assembly Floor Analysis Unit is responsible
6 for final editing for grammar and format of all floor analyses.

7
8
9

Consent Calendar

10 56.7. If the chairperson of a committee or subcommittee, in
11 advance of a hearing, proposes to recommend any bills for
12 consideration on the Consent Calendar without hearing testimony
13 on those bills in committee, a list of those bills shall be made
14 available to the public at the same time as the committee analysis
15 required under Rule 56.5.

16
17
18

Committee Quorum

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

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

36
37
38

Reconsideration

39 57.1. After a committee has voted on a bill, reconsideration
40 may be granted only one time. Pursuant to subdivision (a) of Joint

Chula Citizens for Jobs and Fair Competition v. Norris
cited in Chula No. 12-53725 archived on May 21, 2015

1 Rule 62, reconsideration may be granted within 15 legislative days
2 or prior to the interim study joint recess, whichever occurs first.
3 A vote on reconsideration may not be taken without the same
4 notice required to set a bill for hearing unless that vote is taken at
5 the same meeting at which the vote to be reconsidered was taken
6 and the author is present. An action taken by a committee may not
7 be reconsidered except by a majority vote of the membership of
8 the committee.

9

10 Bills Reported Back to Assembly

11

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

18

19

Appropriations Suspense File

20

21 58.2. The Committee on Appropriations may maintain a
22 suspense file, to which bills may be referred by vote of a majority
23 of the members of the committee present and voting, pending
24 further consideration by the committee. A bill may be taken off
25 the suspense file and heard, upon two days' notice published in
26 the file, by a vote of a majority of the members of the committee
27 present and voting. A bill removed from the suspense file for the
28 purpose of amendment only, pursuant to Rule 68, shall be
29 re-referred to the committee and shall be placed on the suspense
30 file pending further consideration by the committee.

31

32

Voting in Committee

33

34 58.5. When a standing committee or subcommittee takes action
35 on a bill, including reconsideration, the vote may be by rollcall
36 vote only. All rollcall votes taken in a standing committee or
37 subcommittee shall be recorded by the committee secretary on
38 forms provided by the Chief Clerk of the Assembly. The record
39 of a rollcall vote shall show, for each proposal voted upon: all
40 votes for and against, all members absent, and all members not

1 voting. The chairperson of each standing committee or
2 subcommittee shall promptly transmit a copy of the record of the
3 rollcall votes to the Chief Clerk of the Assembly, who shall cause
4 the votes to be published in an appendix to the Journal on a
5 monthly basis.

6 The committee secretary of each standing committee or
7 subcommittee shall promptly transmit a copy of the record of the
8 rollcall votes to the Assembly Floor Analysis Unit.

9 A member may submit a written explanation of his or her vote,
10 absence, or failure to vote on any bill or resolution, and that
11 explanation shall be printed in the appendix to the Journal in the
12 appropriate place, provided that no explanation may exceed 50
13 words in length.

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

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

- 19 (a) Adoption of author’s amendments to a bill.
- 20 (b) Withdrawal of a bill from a committee calendar at the request
21 of an author.
- 22 (c) Return of bills to the house where the bills have not been
23 voted on by the committee.
- 24 (d) Votes of subcommittees of the Committee on Budget when
25 considering the Budget Bill.
- 26 (e) Votes of the Committee on Rules when referring bills to
27 committees.

28
29 Subject Matter of Bill Recommended for Interim Study
30

31 59. Whenever it is the decision of a standing committee that a
32 bill referred to that committee shall not be given a do-pass
33 recommendation, but that the subject matter of the bill should be
34 referred for study, that standing committee shall retain the bill in
35 its possession and report its recommendation to the Assembly that
36 the subject matter of the bill be referred to the Committee on Rules
37 for that committee’s assignment of the subject matter to an
38 appropriate committee.

39 Nothing in this rule shall be construed to prohibit a committee
40 from subsequently reporting the bill to the Assembly with a do-pass

*cited in Chula Vista Citizens for Jobs and Fair Competition v. Norris
No. 12-55726 archived on May 27, 2015*

1 or do-pass as amended recommendation or from reporting it out
2 of committee without further action on the final day of the session.

3
4 Committee Chairperson as Author

5
6 60. A chairperson of a standing committee may not preside at
7 a committee hearing to consider a bill of which he or she is the
8 sole author or the lead author, except that the Chairperson of the
9 Committee on Budget may preside at the hearing of the Budget
10 Bill by the Committee on Budget.

11
12 Reports of Committees

13
14 61. Specially prepared reports of standing and special
15 committees shall be delivered to the Chief Clerk or an assistant,
16 and shall be read and ordered printed in the Journal unless
17 otherwise ordered by the Speaker or a majority vote of the
18 Members present and voting.

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

22
23 Constitutional Amendments

24
25 62.5. All constitutional amendments shall be referred to the
26 policy standing committee having jurisdiction of that subject matter
27 and, upon being reported out of that committee, shall be re-referred
28 to the committee having constitutional amendments within its
29 jurisdiction.

30
31 C. Passage of Bills
32 Daily File

33
34 63. There shall be printed an Assembly Daily File for each
35 legislative day. The following listing shall constitute the order of
36 business on the Daily File:

- 37 1. Special Orders of the Day
38 2. Second Reading, Assembly Bills
39 3. Second Reading, Senate Bills
40 4. Unfinished Business

1 5. Third Reading, Assembly Bills

2 6. Third Reading, Senate Bills

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

7

8

Copies of Bills for Action on Floor

9

10 64. A bill may not be considered or acted upon on the floor of
11 the Assembly unless and until a copy of the bill as introduced, and
12 a copy of each amended form of the bill, has been distributed to
13 the desk of each Member in hard copy or in portable document
14 format (PDF) via computer.

15

16

Second Reading of Bills

17

18 66. All bills shall be read by title the second time in the order
19 of their appearance upon the second reading file. Upon second
20 reading, Assembly bills reported without amendments shall be
21 ordered engrossed, and Senate bills reported without amendments
22 shall be ordered to third reading. All bills reported out of committee
23 shall be placed on the second reading file for the next legislative
24 day, and may not be read a second time until the next legislative
25 day under that order of business. As used in this rule, "bill" does
26 not include a joint or concurrent resolution, but does include a
27 constitutional amendment.

28

29

Bills Requiring General Fund Appropriation

30

31 66.6. Until the Budget Bill has been enacted, the Assembly
32 may not send to the Governor for consideration any bill
33 appropriating funds for expenditure during the fiscal year for which
34 the Budget Bill is to be enacted, except emergency bills
35 recommended by the Governor or appropriations for the salaries
36 and expenses of the Legislature.

*cited in Chula Vista Citizens for Jobs and Fair Competition v. Norris
No. 12-55726 archived on May 27, 2015*

Passage of Budget Bill

66.7. The Budget Bill may not be voted upon for final passage on the floor of the Assembly unless it complies with subdivision (g) of Section 12 of Article IV and Sections 1.3 and 20 of Article XVI of the California Constitution.

Committee Amendments

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

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

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

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

Author’s Amendments

68. Upon request of the author of a bill, the chairperson of the committee to which the bill has been referred may, by his or her individual action taken independently of any committee meeting, cause the bill to be reported to the Assembly with the recommendation that amendments submitted by the author be adopted and the bill be reprinted as amended and re-referred to the committee.

*Filed in Chula Vista, California for Jobs and Fair Competition v. Norris
Case No. 12-55726 archived on May 27, 2015*

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

4
5 Vote on Passage of Bill as Amended
6

7 68.5. Except as otherwise provided in this rule, a vote on
8 passage of any bill in a standing committee or subcommittee shall
9 be taken only when the bill is in print, including any previously
10 adopted amendments to the bill. A vote on passage of an amended
11 bill, when the amended form of the bill is not in print, may be
12 taken only if the sole effect of the amendment is to add coauthors
13 to the bill or if the committee determines that the effect of the
14 amendment upon the bill can be readily understood by all of the
15 members and audience present at the hearing. In that circumstance,
16 any member may require that the amendments be in writing at the
17 time of their adoption.

18
19 Bill Analysis Prior to Third Reading
20

21 68.6. A bill, concurrent resolution, or joint resolution may not
22 be considered on third reading unless and until an analysis of the
23 measure has been distributed by the Assembly Floor Analysis Unit
24 and placed upon the desks of the Members, unless otherwise
25 ordered by the Speaker.

26
27 Analysis of Conference Committee Amendments
28

29 68.7. A report of a conference committee on any bill, other
30 than the Budget Bill, that recommends the substantive amendment
31 of a bill may not be considered unless and until an analysis of the
32 proposed amendment has been distributed by the Assembly Floor
33 Analysis Unit and placed upon the desks of the Members, unless
34 otherwise ordered by the Speaker.

35
36 Printing of Conference Committee Reports
37

38 68.8. A conference report may not be heard by the Assembly
39 until it has been in print for two days prior to being taken up by
40 the house.

*cited in Chula v. Citizens for Jobs and Fair Competition v. Norris
No. 12-537 Doc archived on May 27, 2015*

1 Conference Committee: Substantial Policy Change

2
3 68.9. (a) A conference committee on any bill, other than the
4 Budget Bill or a bill that is making statutory changes to implement
5 the Budget Bill, may not approve any substantial policy change
6 in any bill if that substantial policy change has been defeated in a
7 policy committee of the Assembly within the current legislative
8 session. For purposes of this rule, the most recent action of a policy
9 committee with regard to a substantial policy change is deemed
10 the only action taken when the policy committee has taken
11 inconsistent actions with respect to a substantial policy change.

12 (b) For purposes of subdivision (d) of Joint Rule 29.5, the term
13 “heard” means that a printed bill with substantially similar language
14 was before the appropriate committee and taken up at a regular or
15 special hearing of the committee during the current legislative
16 session; or that an amendment, which was drafted and given a
17 request number or approved as to form by the Legislative Counsel,
18 was before the committee and taken up at a regular or special
19 hearing of the committee.

20
21 Amendments From the Floor

22
23 69. (a) Any Member may move to amend a bill during its
24 second or third reading, and that motion to amend may be adopted
25 by a majority vote of the Members present and voting.

26 Amendments to a bill offered from the floor, except committee
27 amendments reported with bills, amendments offered with a motion
28 to amend and re-refer a bill to committee, amendments deleting
29 any number of words, or amendments previously printed in the
30 Journal, are not in order unless and until a copy of the proposed
31 amendments has been placed upon the desks of the Members. A
32 copy of a bill that has been amended only to add coauthors to the
33 bill is not required to be placed upon the desks of the Members if
34 both the Speaker and Minority Leader grant an exemption.

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

38 Before debate five copies of the proposed amendment to
39 Assembly bills, and five copies of the proposed amendments to
40 Senate bills, shall be delivered to the Chief Clerk’s desk. One copy

*cited in Chula, and Citizens for Jobs and Fair Competition v. Norris
No. 12-5572, archived on May 27, 2015*

1 of the proposed amendment shall be transmitted by the Chief Clerk
2 to the Assembly Floor Analysis Unit. Bills so amended upon
3 second or third reading shall be reprinted and re-engrossed. The
4 Chief Clerk shall order printed as many copies of all amended bills
5 as he or she may determine to be necessary.

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

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

17 (3) As used in this subdivision, "bill" does not include a joint
18 or concurrent resolution, but does include a constitutional
19 amendment.

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

31 (d) Any bill amended on the second or third reading file shall
32 be ordered reprinted and returned to the third reading file, and may
33 not be acted on by the Assembly until the bill, as amended, has
34 been on the Daily File for one calendar day. This subdivision does
35 not apply to a bill that is amended to add or delete an urgency
36 clause or to a bill that is amended to make statutory changes to
37 implement the Budget Bill.

38 (e) A motion to amend a bill on the second or third reading file,
39 other than committee amendments reported pursuant to Rule 57,
40 is not in order on (1) the last two legislative days preceding the

1 January 31 bill passage deadline specified by Section 10 of Article
2 IV of the California Constitution or (2) the last seven days
3 preceding the scheduled commencement of the interim study recess
4 or the scheduled commencement of the final recess as specified
5 by the Joint Rules of the Senate and Assembly. This subdivision
6 may be suspended temporarily by two-thirds vote of the Members
7 present and voting. This subdivision does not apply to amendments
8 to a bill pursuant to Joint Rule 23.5, amendments to a bill to add
9 or delete an urgency clause, or amendments to a bill to incorporate
10 one or more statutory amendments proposed in another bill to
11 avoid superseding those amendments.

12
13 Consideration of Political Reform Act Bills

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

23
24 Consideration of Bills Amending the California Stem Cell
25 Research and Cures Act

26
27 69.2. Pursuant to Section 8 of the California Stem Cell Research
28 and Cures Act (Proposition 71 of the November 2, 2004, statewide
29 general election), the following requirements apply to a bill that
30 would amend the provisions of that act:

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

34 (b) Passage of the bill requires the affirmative votes of 56
35 Members.

1 Electronic Distribution of Bills, Conference Reports,
2 Amendments, and Analyses
3

4 69.5. Any requirement that bills, conference reports,
5 amendments, or an analysis be placed on the desks of the Members
6 is satisfied by electronic distribution of the same information in
7 portable document format (PDF) via computer to the desk of the
8 Members through the Assembly Floor System, unless otherwise
9 ordered by the Speaker.

10
11 Consideration of Bills Re-referred to Committee
12

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

17
18 Uncontested Bills
19

20 71. A bill may not be placed on the Assembly Consent Calendar
21 unless it has met the requirements of Joint Rule 22.1 with respect
22 to each Assembly standing committee to which the bill has been
23 referred.
24

25 Consideration of Concurrent and Joint Resolutions
26

27 73. A concurrent or joint resolution may be amended by a
28 majority vote of the Members present and voting. The ayes and
29 noes may not be called upon the adoption of concurrent resolutions,
30 except those authorizing expenditures of money, unless regularly
31 demanded, or required by statute or the California Constitution.
32

33 Adoption of Resolutions
34

35 74. Any resolution upon which a rollcall vote is demanded
36 requires an affirmative recorded vote of 41 or more Members for
37 adoption.

38 The adoption of any resolution authorizing the expenditure of
39 money requires an affirmative recorded vote of 41 or more
40 Members.

*Chula v. Citizens for Jobs and Fair Competition v. Norris
cited in Chula v. Citizens for Jobs and Fair Competition v. Norris
No. 12-55726 archived on May 27, 2015*

1 Printing of Resolutions

2
3 75. When any previously printed house resolution is before the
4 Assembly for adoption, it may be printed in the Journal only if
5 amendments to it have been adopted, in which case it shall be
6 printed as amended. In the absence of those amendments, house
7 resolutions before the Assembly for adoption shall be referred to
8 by day and page of the Journal as printed upon introduction. For
9 the purposes of this rule, the adding of a coauthor shall not be
10 deemed an amendment.

11
12 Concurrence in Senate Amendments

13
14 77. Concurrence in any Senate Amendment to an Assembly
15 bill requires the same affirmative recorded vote as the vote required
16 by the California Constitution for the passage of the bill. A vote
17 on concurrence may not be taken until the bill has been on the
18 unfinished business file for one calendar day, except that when
19 the bill is placed upon the unfinished business file during the last
20 two legislative days preceding (1) the January 31 bill passage
21 deadline specified by Section 10 of Article IV of the California
22 Constitution, (2) the scheduled commencement of the interim study
23 recess, or (3) the scheduled commencement of the final recess as
24 specified by the Joint Rules of the Senate and Assembly, it may
25 be acted upon immediately. The vote on concurrence shall be
26 deemed the vote upon final passage of the bill.

27 Senate amendments to Assembly bills may not be concurred in
28 unless and until an analysis of the measure has been distributed
29 by the Assembly Floor Analysis Unit and a copy placed upon the
30 desks of the Members, unless otherwise ordered by the Speaker.
31 As used in this rule, “bill” does not include a joint or concurrent
32 resolution, but does include a constitutional amendment.

33
34 Digest of Bills Amended in Senate

35
36 77.1. Whenever the Senate amends and passes an Assembly
37 bill, the Legislative Counsel shall, within one day after the bill is
38 passed by the Senate, prepare and transmit to the Chief Clerk and
39 the Speaker a brief digest summarizing the effect of the Senate
40 amendment. Upon receipt from the Legislative Counsel, the Chief

*Filed at Chula Vista, California for Jobs and Fair Competition v. Norris
Case No. 12-55724 archived on May 27, 2015*

1 Clerk shall cause the digest to be printed in the Daily File
2 immediately following any reference in the file to the bill covered
3 by the digest.

4
5 **Substantially Amended Bills**
6

7 77.2. If the analysis of an amendment adopted on the floor
8 discloses that the amendment makes a substantial substantive
9 change to a bill as passed by the last committee of reference, the
10 bill, as amended, may be referred by the Speaker to the appropriate
11 committee.

12 A bill that was previously reported from a policy or fiscal
13 committee of reference in compliance with Joint Rule 61 is not
14 subject to the deadlines in Joint Rule 61 if the bill is subsequently
15 referred to a policy or fiscal committee pursuant to this rule.

16 If the digest to an Assembly Bill that has been returned to the
17 Assembly by the Senate for concurrence in Senate amendments
18 discloses that the Senate has made a substantial substantive change
19 in the bill as first passed by the Assembly, the bill may be referred
20 by the Speaker to the appropriate committee.

21
22 **Inactive File**
23

24 78. Whenever a bill has been passed twice on the third reading
25 file on two successive legislative days, it shall be placed forthwith
26 upon a special file to be known as the inactive file. A bill also may
27 be placed on the inactive file at the request of the author. When a
28 bill has been placed on the inactive file, it may be returned to the
29 third reading file by request of the author. Notice of the request to
30 return the bill to the third reading file shall be published one day
31 in advance in the Assembly File. The bill, when returned to the
32 third reading file, shall then be placed at the foot of the third
33 reading file.

34 When a bill, placed on the inactive file from the second reading
35 file or the unfinished business file, is removed from the inactive
36 file, it shall be returned to the foot of the second reading file or
37 the unfinished business file, respectively, in the next published
38 Daily File.

*Cite in Chulavita: The Citizen's for Jobs and Fair Competition v. Norris
No. 12-55726 or archived on May 27, 2015*

1 Engrossing and Enrolling Bills

2
3 79. The Engrossing and Enrolling Clerk shall engross and enroll
4 all bills that come to his or her hands for that purpose, in
5 compliance with the provisions of Section 9503 of the Government
6 Code, and in the order of time in which the same shall be acted
7 upon by the Assembly.

8 After final passage by both houses, any Assembly bill not
9 amended by the Senate shall be ordered by the Speaker forthwith
10 to be enrolled, as provided in Sections 9508 and 9509 of the
11 Government Code. The Chief Clerk shall report both the day and
12 hour each enrolled bill is presented to the Governor, which report
13 shall be entered in the Journal.

14
15 VI. PARLIAMENTARY PROCEDURE

16 A. Motions and Questions

17 Precedence of Motions During Debate

18
19 80. When a question is under debate or before the Assembly,
20 no motions shall be received but the following, which shall take
21 precedence in the order named:

22 First—To adjourn;

23 Second—To recess to a time certain;

24 Third—To lay on the table;

25 Fourth—For the previous question;

26 Fifth—To set as a special order;

27 Sixth—To postpone indefinitely;

28 Seventh—To refer to or to re-refer;

29 Eighth—To amend.

30
31 Questions of Order Decided Without Debate

32
33 81. All incidental questions of order, arising after a motion is
34 made for any of the questions named in Rule 80 and pending that
35 motion, shall be decided by the Speaker without debate, whether
36 on appeal or otherwise.

*Chula Vista Citizens for Jobs and Fair Competition v. Norris
No. 12-55726 archived on May 27, 2015*

1 Appeal From Decision of the Speaker

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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 his or her reasons for the decision, and the Member making the appeal may give his or her 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.

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

Speaker Explains Order of Business

83. The Speaker may, on his or her own motion, or the motion of any Member, explain the order of business when the motion pending before the Assembly is not debatable. That explanation may not consume more than two minutes.

To Adjourn

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

Chura v. Citizens for Jobs and Fair Competition v. Norris
cited in No. 12-557 filed on May 27, 2015

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

7 An affirmative recorded vote of a majority of the duly elected
8 and qualified Members is required to adjourn any session of the
9 Assembly sine die.

10
11 To Recess to a Time Certain

12
13 85. A motion to recess to a time certain is treated the same as
14 a motion to adjourn, except that the motion is debatable when no
15 business is before the Assembly, and can be amended as to the
16 time and duration of the recess. It yields only to a motion to
17 adjourn.

18
19 To Lay on the Table

20
21 86. A motion to lay on the table is not debatable and may not
22 be amended.

23 A motion to table a bill, constitutional amendment, or concurrent
24 or joint resolution is adopted by an affirmative recorded vote of
25 41 or more Members.

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

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

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

35
36 The Previous Question

37
38 87. The previous question shall be put only when demanded
39 by five Members, and its effect, when sustained by a majority vote
40 of the Members present and voting, shall be to put an end to all

1 debate and bring the Assembly to a vote only on the question then
2 pending, except that the proponent of the matter pending shall be
3 allowed not more than five minutes to close the debate.

4

5

Motion to Set Special Order

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

12

13

Motion to Postpone to a Time Certain

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

17

18

Motion to Postpone Indefinitely

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20 90. The making of a motion to postpone indefinitely any bill,
21 motion, or amendment opens the main question to debate. If the
22 motion to postpone indefinitely prevails by an affirmative recorded
23 vote of 41 or more Members, the main question may not be acted
24 upon again during the session.

25

26

27

Motion to Amend

28 91. A motion to amend may itself be amended, but an
29 "amendment to an amendment" may not be amended. A motion
30 to substitute is deemed to be a motion to amend and is considered
31 the same as an amendment.

32

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

37

38 A motion to amend that is decided in the negative is not again
39 in order on the same day, or at the same stage of proceeding. The
40 fact that a motion to amend by striking out certain words is decided
in the negative does not preclude a motion to amend by adding

*cited in Chula Vista Citizens for Jobs and Fair Competition v. Norris
No. 12-55726 archived on May 27, 2015*

1 words, or a motion to amend by striking out and inserting words,
2 except that in no case may a further amendment be substantially
3 the same as the one rejected.

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

6

7

Amendment To Be Germane

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9 92. An amendment to any bill, other than a bill stating
10 legislative intent to make necessary statutory changes to implement
11 the Budget Bill, whether reported by a committee or offered by a
12 Member, is not in order when the amendment relates to a different
13 subject than, is intended to accomplish a different purpose than,
14 or requires a title essentially different than, the original bill.

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

17 An amendment is not in order that changes the original number
18 of any bill.

19 A Member may not be added or deleted as an author or coauthor
20 of a bill or resolution without his or her consent.

21

22

Consideration of Motions

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

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29 94. Upon request of the Speaker, all motions shall be reduced
30 to writing and shall be read to the Assembly by the Speaker before
31 being acted upon.

32

33

Withdrawal of Motions

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35 95. After a motion is stated by the Speaker, or a bill, resolution,
36 or petition is read by the Chief Clerk, it is in the possession of the
37 Assembly.

Motion to Withdraw or Re-refer Bills

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

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

(c) A motion to continue a motion to withdraw a bill or resolution from committee requires a majority of those members present and voting. A motion to withdraw a motion to withdraw is not in order.

Re-reference of Measures on File

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

Bills Stricken From File

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

Motion to Rescind Action or Expunge Record

99. Previous to the approval of the Journal by the Assembly, any action may be rescinded and its record ordered expunged by the affirmative recorded vote sufficient to take that action originally, except that an action may not be rescinded and the

*cited in Chula Vista Citizens for Jobs and Fair Competition v. Norris
No. 12-55726 archived on May 21, 2015*

1 record expunged by a vote less than an affirmative recorded vote
2 of 41 or more Members. A motion to rescind the action and
3 expunge the record may not be made twice on the same proposition.

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

6 Whenever any action of the Assembly is rescinded and its record
7 ordered expunged, the record of the action expunged may not
8 appear in any form whatsoever, except that the record of the
9 proceedings on the motion to rescind and expunge shall appear in
10 the Journal as and when printed.

11

12 Reconsideration of Vote

13

14 100. (a) A motion to reconsider a vote on the next legislative
15 day shall be made on the same day the vote to be reconsidered was
16 taken. A motion to reconsider may not be adopted unless it receives
17 an affirmative recorded vote of 41 or more Members. A motion
18 to reconsider may be voted on without a second.

19 A motion to reconsider a vote shall be made by a Member voting
20 on the question, and takes precedence over all motions, except a
21 motion to adjourn. Upon that motion being made, the matter to be
22 reconsidered forthwith shall be placed upon the unfinished business
23 file, and further action may not be taken prior to the next legislative
24 day. When a motion to reconsider has once been made, the motion
25 is the property of the Assembly. When reconsideration is granted,
26 the matter to be reconsidered shall be before the Assembly in the
27 same status it had prior to the vote being reconsidered.

28 (b) (1) Interim Study Recess.

29 No motion to reconsider the vote whereby amendments are
30 concurred in on Assembly bills, the vote whereby a Senate bill is
31 passed and returned to the Senate, or the vote whereby a conference
32 committee report is adopted is in order on the last two legislative
33 days preceding the interim study recess.

34 A motion to reconsider the vote whereby amendments are refused
35 concurrence on Assembly bills, the vote whereby Senate bills are
36 refused passage, or the vote whereby a conference committee
37 report is refused adoption is in order on the last legislative day
38 preceding the interim study recess. The motion may be taken up
39 before the end of that legislative day.

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

3 (2) January 31—Even-numbered Year:

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

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

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

13 (3) Spring or Summer Recess:

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

18 (4) Deadline for Passage by House:

19 A motion to reconsider the vote whereby an Assembly bill is
20 passed to the Senate is not in order on the last two legislative days
21 preceding the last day for the Assembly to pass a bill introduced
22 in the Assembly, as set forth in the Joint Rules of the Senate and
23 the Assembly.

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

26 (5) Final Recess:

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

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

32 (c) Any Member voting on any matter may move to take up on
33 the same day the motion, previously made by another Member, to
34 reconsider the vote on that matter. A motion to take up on the same
35 day a motion to reconsider the vote on a bill requires an affirmative
36 recorded vote of at least 41 Members. A motion to take up on the
37 same day a motion to reconsider the vote on any motion,
38 amendment, Assembly resolution, or proposition other than a bill
39 requires an affirmative vote of a majority vote of the Members
40 present and voting. The motion to take up the reconsideration on

*cited in Chula v. Citizens for Jobs and Fair Competition v. Norris
No. 12-55125 archived on May 27, 2015*

1 the same day takes precedence over the motion to reconsider and,
2 upon demand of any Member, the motion to take up the
3 reconsideration on the same day shall be put to an immediate vote.
4 If the motion to take up the reconsideration on the same day is
5 adopted, the motion to reconsider is the next order of business
6 before the Assembly.

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

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

11

12 Call of Assembly

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14 101. After the roll has been called, and prior to the
15 announcement of the vote, any Member may move a call of the
16 Assembly. The Members present may order a call of the Assembly
17 by a majority vote of the Members present and voting, and the
18 Speaker shall immediately order the Sergeant at Arms to lock all
19 doors and direct the Chief Clerk to prepare a list of absentees as
20 disclosed by the last rollcall. The list of absentees shall be furnished
21 to the Sergeant at Arms, whereupon no Members shall be permitted
22 to leave the Assembly Chamber except by written permission of
23 the Speaker, and a person may not be permitted to enter except
24 Members, Senators, or officers, or employees of the Legislature
25 in the official performance of their duties.

26 Each Member who is found to be absent and for whom a leave
27 of absence has not been granted, shall be forthwith taken into
28 custody wherever found by the Sergeant at Arms, his or her
29 assistants, or any person designated by the Sergeant at Arms,
30 including members of the California Highway Patrol, and sheriffs
31 or their deputies, and brought to the Assembly Chamber.

32 A recess or adjournment may not be taken during a call of the
33 Assembly. Additional business may be conducted and calls placed
34 regardless of the number of calls in effect. A call of the Assembly
35 may be dispensed with at any time upon a majority vote of the
36 Members present, that action to become effective upon the
37 completion of the rollcall and the announcement of the vote upon
38 the matter for which the call was ordered, unless, prior to the
39 announcement of the vote, the call is continued by a majority vote
40 of the Members present.

*cited in Chula Vista Citizens for Jobs and Fair Competition v. Norris
No. 12-55720 archived on May 27, 2015*

Division of Question

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

B. Voting
Members Voting

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104. Every Member in the Assembly Chamber when a rollcall is required shall record his or her vote openly and without debate, unless the Assembly excuses that member by a majority vote of the Members present and voting.

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

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

In addition to the entry of his or her name in the Journal, any Member who refuses so to vote when required, and who has not been excused from doing so, may, immediately after the announcement of the vote, at the discretion of the Speaker or upon demand of any Member, be summoned to appear before the bar of the Assembly for public censure by the Speaker or by any Member designated by the Speaker. Censure of a Member as provided by this rule does not constitute a bar to proceedings for

cited in Chula v. Citizens for Jobs and Fair Competition v. Norris No. 12-55726 archived on May 21 2015

1 his or her expulsion from the Assembly pursuant to Section 5 of
2 Article IV of the California Constitution.

3 A Member may submit a written explanation of his or her vote
4 on any bill or house resolution, and that explanation shall be printed
5 in the Journal immediately following the vote, provided that no
6 explanation may exceed 50 words in length.

7 A Member, prior to adjournment on the same legislative day, in
8 the absence of any objection, may instruct the Chief Clerk to add
9 his or her vote to any previously announced vote that had been
10 taken during his or her absence, so long as the outcome of the vote
11 is not thereby changed. The Chief Clerk shall record any vote
12 additions or vote changes in the order signed by the Members at
13 the Clerk's desk.

14
15 Ayes and Noes

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

23
24 Voting and Vote Changes

25
26 106. When once begun, voting may not be interrupted, except
27 that, before the vote is announced, any Member may have the total
28 pending vote flashed on the visible vote recorder. Prior to the
29 announcement of the vote, the presiding officer shall instruct the
30 Chief Clerk to record verbal votes from Members not at their desks.
31 Any Member may move a call of the Assembly after the
32 completion of the roll. A Member, prior to adjournment on the
33 same legislative day, and in the absence of any objection, may
34 instruct the Chief Clerk to change his or her recorded vote after
35 the vote is announced, so long as the outcome of the vote is not
36 thereby changed. The Chief Clerk may record any vote change
37 only after the Member making the change has announced it to the
38 Assembly.

*quoted in Chula Vista Citizens for Jobs and Fair Competition v. Norris
No. 12-53126 archived on May 27, 2015*

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 his or her seat and respectfully address himself or herself to "Mr. Speaker" or "Madame Speaker." Upon being recognized, the Member may speak, confining himself or herself 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.

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

*cited in Ghula Vista Citizens for Jobs and Fair Competition v. Norris
Rules of Decorum 12-55726 archived on May 27, 2015*

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

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

Motions

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3 109. When a Member desires to make a motion, the Member
4 shall obtain recognition as provided in Rule 108. Upon being
5 recognized, the Member shall open by stating his or her motion,
6 except in the case of a nomination, and in any other case may not
7 speak to the merits of the motion at that time, but shall confine his
8 or her remarks to those necessary to explain the motion. If the
9 motion is in order and is seconded, it shall be stated to the
10 Assembly by the Speaker. If the motion is debated, the Member
11 who made it shall then be entitled to recognition to open the debate
12 on the motion.

13 When a Member obtains the floor during debate upon any
14 question that is pending before the Assembly and addresses the
15 Assembly regarding the merits of the pending question, the
16 Member may not be permitted to conclude his or her debate by
17 making any motion or by demanding the previous question.
18

19 Leave of Absence

20
21 110. A Member may not absent himself or herself from
22 attendance at any session of the Assembly without leave of the
23 Assembly. A Member may not obtain that leave of absence or be
24 excused for nonattendance except by a vote of 54 or more Members
25 or by unanimous consent. A Member who obtains a leave of
26 absence for personal business, or is excused for nonattendance for
27 personal business, thereby waives his or her per diem allowance
28 for attendance upon any session of the Legislature for which he
29 or she secures that leave of absence or excuse. A Member may not
30 obtain a leave of absence for legislative business or be excused
31 for nonattendance for legislative business unless the Member has
32 filed with the Speaker a statement of the legislative business for
33 which he or she seeks that leave of absence or excuse. That
34 statement shall be printed in the Journal.

35 If a Member is not recorded on the attendance roll within 30
36 minutes after the scheduled start of the session, the Member shall
37 stand up before the Assembly and explain the reason he or she is
38 late before he or she is recorded on the rollcall for any vote. If a
39 Member does not explain his or her reason for being late, any other
40 Member may raise a point of order under this rule, whereupon the

1 tardy Member’s vote may not be recorded until an explanation is
2 made.

3
4 Personal Privilege

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6 111. Any Member may rise to explain a matter of personal
7 privilege. A matter of personal privilege is a matter involving the
8 Member’s integrity, dignity, or honor. Upon rising to explain such
9 a matter, the Member forthwith shall be recognized by the Speaker,
10 but may not discuss a question in that explanation. Matters of
11 personal privilege yield only to a motion to recess or adjourn.

12
13 Objection to Reading of Any Paper

14
15 112. Any Member, upon recognition by the Speaker, may object
16 to the reading of any paper before the Assembly. When that
17 objection is made, the question of reading shall be determined
18 without debate by a majority vote of the Members present and
19 voting, upon a brief statement by the Speaker of the substance of
20 the objection.

21
22 Members at Chief Clerk’s Desk

23
24 113. A Member or other person may not be allowed at the Chief
25 Clerk’s desk while the ayes and noes are being recorded or the
26 votes counted.

27
28 Members Called to Order for Transgressing Rules

29
30 114. If any Member transgresses the Rules of the Assembly,
31 the Speaker shall, or any Member may, call the offending Member
32 to order. The Member so called to order immediately shall take
33 his or her seat, until the Speaker, without debate, has determined
34 whether the Member is in order. That decision by the Speaker shall
35 be subject to an appeal to the Assembly.

36 If any Member is called to order for offensive words spoken in
37 debate, the person calling him or her to order shall state to the
38 Assembly the words to which exception is taken. No Member may
39 be held to answer, or be subject to censure by the Assembly, for

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1 language used in debate if other business has been transacted by
2 the Assembly prior to exception being taken to the words spoken.

3
4 VIII. MISCELLANEOUS
5 Committee of the Whole
6

7 115. The Assembly may resolve itself into a Committee of the
8 Whole at any time by a majority vote of the Members present and
9 voting. While sitting as that committee, persons other than
10 Members may address the committee. The Speaker of the
11 Assembly, or any Member named by the Speaker, shall preside as
12 Chairperson of the Committee of the Whole.

13 A motion that the Committee of the Whole “do now rise and
14 report back to the Assembly,” shall always be in order and shall
15 be decided without debate. All actions of the Committee of the
16 Whole shall be reported to the Assembly by the chairperson, but
17 may not be entered in the Journal except upon motion and a
18 majority vote of the Members present and voting.

19
20 Use of Assembly Chamber
21

22 116. The Assembly Chamber may not be used for any public
23 or private business, other than legislative matters, except upon
24 approval of the Speaker or the Chair of the Committee on Rules.

25
26 Use of Assembly Facilities Smoking
27

28 117. The smoking of tobacco products is prohibited within any
29 building, or portion of a building, occupied or used by Assembly
30 Members or employees if the building or portion of the building
31 is under the jurisdiction or control of the Assembly. This smoking
32 prohibition shall apply to any outdoor area within five feet of an
33 entrance or exit to any building or portion of a building subject to
34 this rule. This smoking prohibition shall apply to the Assembly
35 Chamber, Assembly hearing rooms, and Assembly offices, and to
36 hallways, stairways, and bathrooms within any building or portion
37 of a building subject to this rule.

1 Telephones and Text Messages

2
3 117.5. While on the floor of the Assembly during any session
4 of the Assembly, or while serving on a committee during any
5 hearing of that committee, a Member may not do either of the
6 following:

- 7 (a) Use a cellular telephone to make or receive calls.
- 8 (b) Send text messages to, or receive text messages from, any
- 9 lobbyist.

10
11 Meeting of the Assembly: Firearms

12
13 117.7. A person, except a peace officer acting within the scope
14 of his or her employment, may not carry or possess a firearm on
15 the floor of the Assembly during any session of the Assembly or
16 in a committee hearing room during any meeting of a committee
17 or subcommittee.

18
19 Persons Admitted to Floor of the Assembly

20
21 118. A person other than Members of the Legislature, officers,
22 employees of the Legislature, accredited members of the press,
23 and guests may not be admitted to the floor of the Assembly during
24 any session of the Assembly. A guest of any Member may be
25 admitted only upon presentation of a guest card of the Member
26 countersigned by the Speaker. A guest card is valid only on the
27 legislative day for which it is issued. A lobbyist, as defined by
28 Section 82039 of the Government Code, may not, under any
29 circumstances, be admitted to the Assembly Chamber while the
30 Assembly is in session.

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

35 Guests may be seated only in the chairs in the back of the rail
36 in the rear of the Assembly Chamber, and may not be permitted
37 to sit at the desks of the Members. No person other than an
38 accredited newspaper representative may be permitted to sit at the
39 press desks. A special section in the balcony may be reserved for
40 those holding guest cards. Neither any person mentioned in this

*cited in Chula Vista Citizens for Jobs and Fair Competition v. Norris
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1 rule nor any other person, except a Member of the Legislature,
2 may engage in influencing the passage or defeat of legislation in
3 the Assembly Chamber.

4 A person other than a Member of the Legislature, the Sergeant
5 at Arms or his or her assistants, the Chief Clerk or his or her
6 assistants, or the Legislative Counsel or his or her representatives,
7 may not be permitted in the area of the floor of the chamber which
8 is occupied by the desks of the Members.

9
10 Floor Attire

11
12 118.1. Notwithstanding any other provision of these Rules,
13 Members of the Legislature, officers or employees of the
14 Legislature, accredited members of the press, or any other persons
15 may be restricted from admission to the floor of the Assembly
16 during any session if they are inappropriately attired. The
17 Committee on Rules may, as necessary, adopt policies to
18 implement this rule.

19
20 Qualifications and Elections of Members

21
22 119. An affirmative vote of 41 or more Members shall be
23 required to determine the qualifications and election of any
24 Member pursuant to Section 5 of Article IV of the California
25 Constitution. A motion to disqualify a Member is not in order at
26 the convening of a legislative session until a Speaker has been
27 elected in accordance with Section 9023 of the Government Code.

28
29 Compensation and Expenses of Member Convicted of Felony

30
31 120. If a Member of the Assembly is convicted of a felony by
32 a superior court, his or her right to further compensation or
33 expenses is thereupon suspended, and his or her membership on
34 any committee is thereupon suspended. If the conviction becomes
35 final, the right of the Member to further compensation or expenses
36 shall terminate and any compensation or expenses withheld shall
37 be forfeited to the state. If the conviction is reversed by an appellate
38 court or a motion for a new trial is granted, and the Member is
39 thereafter found not guilty or the charges against him or her are
40 dismissed, the amounts of the withheld compensation or expenses

1 shall be paid to the Member and the suspension of his or her
2 committee membership shall terminate.

3 Whenever a Member is convicted of a felony in the superior
4 court, the Committee on Rules shall give written notice thereof to
5 the Controller, directing him or her to discontinue any further
6 payments to the Member unless and until the Committee on Rules
7 notifies the Controller that the Member has been found not guilty
8 or that the charges against him or her are dismissed. The Controller
9 may not draw any warrant payable to that Member except as
10 provided in this rule.

11
12 The Seal of the Assembly

13
14 121. The Seal of the Assembly may be used only by or on
15 behalf of a Member of the Assembly, or when specifically
16 authorized by the Committee on Rules.

17
18 Agency Reports: Electronic Copies

19
20 122. Pursuant to Section 9795 of the Government Code, any
21 report required or requested by law to be submitted by a state or
22 local agency to the Members, or to the Legislature generally, shall
23 be submitted as an electronic copy to the Chief Clerk.

*cited in Chula Vista Citizens for Jobs and Fair Competition v. Norris
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