

COMMITTEE RULES
SENATE COMMITTEE ON BUSINESS,
PROFESSIONS AND ECONOMIC DEVELOPMENT
2021-2022
Richard D. Roth, Chair

OFFICERS

1. The officers of the Committee shall be a chair, vice-chair, and assistant (SR 21.5(a)).
2. The Chair shall preside at meetings when present except when the Committee is considering a bill of which he or she is the sole author or the lead author. Whenever the Chair is not presiding, the Vice-Chair shall assume the duties of the Chair. In the absence of both, a member designated by the Chair shall preside (SR 21.5 (b)).
3. The Committee Assistant shall keep a complete record of the meetings and actions taken by the Committee. Bills favorably acted upon shall be reported to the Senate as expeditiously as the reports can be prepared (SR 21.5 (c)).
4. Pursuant to Section 9080 of the Government Code, the Committee Assistant is the custodian of the Committee's legislative records. The Committee Assistant shall preserve the Committee's current legislative records and may store the Committee's past legislative records with the State Archives. The Committee records that are in the possession of the Committee Assistant are open to inspection and reproduction by the public in the Committee office during normal working hours. The records held in the State Archives are open to inspection and reproduction pursuant to the procedures established by the Secretary of State.

MEETINGS

1. The Committee shall meet in regular session on the day and hour designated by the Committee on Rules. Adjourned meetings or special meetings shall be held at the time fixed in the adjourning motion, or on the call of the Chair for the special meeting, provided such meeting has the approval of Rules Committee if such meeting is not in conflict with any other scheduled committee meeting (SR 21.5 (d) (e)).
2. A Special meeting may be called by the Chair, with the approval of the Committee on Rules, by giving reasonable notice to all members of the Committee, either in writing or by telephone, specifying the purpose of the meeting, the time and place thereof, and the matters to be considered at the meeting. Notice of hearing of bills as required by subdivision (a) of Joint Rule 62 may also be given in the Daily file. A matter may not be considered at the special meeting unless specified in the notice. A special meeting shall be scheduled so as to permit all members of the Committee to attend without conflict with other scheduled committee meetings (SR 21.5 (e)).
3. The Chair shall direct the order of presentation of the arguments for and against matters for consideration by the Committee, and shall permit questions to be asked by the various members of the Committee in an orderly fashion and in keeping with proper decorum (SR 21.5 (j)).

4. Every meeting of the Committee or subcommittee thereof where a vote is to be taken on a bill, or amendments to a bill, shall be public (JR 64).
5. The opportunity to record legislative meetings shall be provided to all persons in the public seating area of the hearing room. Members of the public other than accredited press representatives shall not record on the dais or in the witness testimony area of the hearing room. Supplementary lighting may be used only when existing lighting is deemed inadequate. Televising equipment shall not impede the Committee proceedings. Notice shall be provided to the Committee Chair pursuant to Senate Rule 21.8 when audio recording equipment or television cameras will be present and taping or filming.

The Chair may request any person to relocate or remove any object, or discontinue the use of any equipment, which is situated or used in such a manner as to disrupt the proceedings or obstruct the view of members of the Committee or the public. If any person fails to respond to a request of the Chair to relocate, remove, or discontinue the use of the objects or equipment, the Committee may, by majority vote of those present and voting, require it (SR 21.8 (6)).

CALENDAR

1. The Chair shall set the hearings of bills and arrange the calendar for Committee hearings. No action shall be taken on any measure outside of a duly constituted Committee meeting (SR 21.5 (g) (h)).
2. The calendar for a regular meeting shall be printed in the Senate Daily File on four consecutive calendar days prior to the date of the meeting (JR 62 (a)).

CONSENT CALENDAR

1. The following rules govern the placement of bills on the Committee's consent calendar: (JR 22.1)
 - a) The proposed consent calendar shall be sent to Committee members, authors, and the public with the Committee's regular packet of bill analyses.
 - b) Any Committee member may withdraw any bill from the consent calendar at any time prior to the vote on the consent calendar. Members may notify the Committee Assistant before the hearing or withdraw a bill at the hearing. The Committee Assistant shall notify the bill's Author.
 - c) A bill is eligible for the Committee's consent calendar if it:
 - (1) Has no recorded opposition and has received no "no" votes;
 - (2) Does not pose a major policy question; and
 - (3) Will not be amended substantively at the hearing.

- d) At the Chair's direction, the Committee shall vote on the consent calendar during the hearing

QUORUM

1. A majority of the membership of the Committee shall constitute a quorum. A vote of a majority of the membership of the committee shall be required to table a bill, remove it from the table, or reconsider a vote on a bill (SR 21.5 (f)).
2. In the absence of a quorum, a majority of the members present may order a quorum call of the Committee and compel the attendance of absentees. The Chair shall send the Sergeant-at-Arms for those members who are absent and not excused by the Senate (JR 62 (d)).

CALLS

1. The Chair may, at any time, order a call of the Committee. Upon a request by any member of the Committee or the Author in person, the Chair shall order the call (JR 62 (d)).
2. When a call of a Committee is ordered by the Chair with respect to a particular bill, the Chair shall send the Sergeant-at-Arms or any other person appointed for that purpose for those members who have not voted on that particular bill and are not excused (JR 62 (d)).
3. A quorum call or a call of the Committee with respect to a particular bill may be dispensed with by the Chair without objection by any member of the Committee, or by a majority of the members present (JR 62 (d)).
4. If a motion is adopted to adjourn the Committee while the Committee is operating under a call, the call shall be dispensed with and any pending vote announced (JR 62 (d)).
5. The Committee Assistant shall record the vote of members answering a call (JR 62 (d)).

AMENDMENTS

1. If the Committee adopts amendments other than those offered by the Author and orders the bill reprinted prior to its further consideration, the hearing shall not be the final time a bill may be set (JR 62 (b)).
2. An amendment to any bill before the Committee shall be either rejected or accepted on a majority vote of those members present. A roll call vote on a motion to amend shall be taken only when requested by a member of the Committee or by the Author of the bill under consideration.

3. The Author may amend a bill prior to a hearing. However, Author's amendments must be submitted to the Committee Assistant, in the exact language submitted to Legislative Counsel, by 12:00 Noon, at least eleven (11) calendar days prior to the hearing at which the bill is set. The amendments, in Legislative Counsel form and signed by the Author, must be submitted to the Committee Assistant by 12:00 Noon at least seven (7) days prior to the hearing at which the bill is set. For example, for the regularly scheduled Committee hearing on Monday, these amendment deadlines would be at **12:00 Noon on Thursday, a week and a half prior to the hearing for amendments submitted to Counsel, with the final amendments in Legislative Counsel form due by 12:00 Noon on Monday, one week prior to the hearing.** This procedure will enable Committee staff to properly analyze the bill and have the amended version of the bill in print sufficiently in advance of the hearing. Bills for which amendments are submitted later than this deadline will be taken off calendar unless the Author obtains approval directly from the Committee Chair.

SETTING AND HEARING OF BILLS

1. Notice of hearing of bills shall be given to the Author and such other persons requiring notice. Bills will not be considered in the absence of the Author without his or her consent; however, bills may be presented by the Author's representative authorized in writing (SR 21.5 (h)).
2. A bill may be set for hearing no more than three times. A bill is "set" whenever notice of the bill's hearing has been published in the Senate Daily File. A bill is not considered "set" if the File specifically designates that the bill's hearing is "testimony only" (JR 62 (a)).
3. If a bill is set for hearing, and the Committee, on its own initiative and not the Author's, postpones the hearing on the bill, such hearing shall not be counted as one of the three times a bill may be set (JR 62 (a)).
4. Bills or other legislative measures will not be heard until the appropriate Committee background information worksheet(s), including copies of support and opposition letters have been completed and returned to the Committee. A general background information worksheet is required for any legislative measure that will be heard.
5. Letters of support and opposition must be received by the Committee **by 5 p.m. on Monday, one week prior to the Monday hearing** to be reflected in the comments portion of the Committee analysis. Letters may be submitted electronically via the Committee's website, via hand delivery to Room 2053 of the State Capitol, or through United States Postal Service delivery. Any position letters received after the deadline may be included in the list of positions at the end of the Committee analysis if time permits.
 - a) For measures that are heard in the Committee and recommended to the floor and measures amended in the Assembly and returned to the Senate floor for concurrence, it is the responsibility of the Author's office to provide all position letters to this Committee **2 days prior to the measures reaching the Third Reading or Unfinished Business file.** Letters may be submitted electronically via the Committee's website, via hand delivery to Room

2053 of the State Capitol, or through United States Postal Service delivery. If updated letters are not submitted, the Committee will state that updated support and opposition could not be verified and, therefore, will not be listed in the floor analysis until they are verified.

6. Prior to hearing any bill or other measure that proposes to create a new state licensing agency or a new category of licensed or regulated professional, the Author or sponsor of the legislation shall develop a plan for the establishment and operation of the agency or creation of the new licensed category in accordance with the requirements of Government Code Section 9148 et seq. The plan shall include the completion of an occupational regulation proposal review worksheet titled the “Sunrise Questionnaire” by the Author or sponsor of the legislation.

The Author or sponsor of the legislation shall return the completed worksheet (Sunrise Questionnaire) to the Committee prior to the Committee’s first scheduled hearing of the bill, as well as providing a copy of it to any state agency in which the new regulatory program or category will be located and any known interested parties affected by the proposal.

7. Prior to hearing any bill or other measure that proposes a fee increase for any board as defined under Section 22 of the Business and Professions Code, the Author or sponsor of the legislation shall submit a “Fee Background Information Questionnaire” in order to justify any fee increases and provide background information on requested fee increases.

VOTE IN COMMITTEE

1. Voting on the disposition of a bill shall be by roll call vote only. All roll call votes taken in Committee shall be recorded by the Committee Assistant on forms provided by the Secretary of the Senate and such record shall promptly be transmitted to the Secretary of the Senate (SR 28.7).

The provisions of this rule shall not apply to:

- a) Procedural motions which do not have the effect of disposing of a bill.
 - b) Withdrawal of a bill from a Committee calendar at the request of an Author.
 - c) Return of bills to the Senate, where the bills have not been voted on by the Committee.
2. Votes may be taken once a motion has been made and recognized by the Chair.
 - a) Once the roll is open, there will be no more discussion or debate on the bill.
 - b) There may be a substitute motion to amend the bill only before the roll on the first motion has been opened.
 - c) No motion is in order, including the amendment of a bill, once the roll has been opened.

RECONSIDERATION

1. When a bill fails to get the necessary votes to pass it out of Committee or upon failure to receive reconsideration, it shall be returned to the Secretary of the Senate and may not be considered further during the session (JR 62 (a)).
2. Reconsideration may be granted only one time after the Committee has voted on a bill. Reconsideration may be granted within 15 legislative days or prior to the interim study joint recess, whichever first occurs (JR 62 (a)).
3. Further consideration of a bill which has been voted out of a Committee or defeated, shall be by reconsideration only as follows (SR 21.5 (k)):
 - a) A motion to reconsider a vote by which a bill is voted out shall be in order and shall be voted upon at the same meeting. If such a motion is carried by a vote of a majority of the Committee, the bill may be considered at that meeting, provided the Author is present, or at a subsequent meeting.
 - b) The procedure for reconsideration of a bill that has been defeated shall conform to the requirements of subdivision (a) of Joint Rule 62. Any bill, for which reconsideration has been granted pursuant to this subdivision, shall not be heard again until a subsequent meeting of the Committee after being calendared in the Daily File and notice being given in the same manner as that required to set a bill. This requirement does not apply to a bill voted out of Committee upon which reconsideration has been granted and which is considered at the same meeting.
 - c) The rules regarding reconsideration may not be suspended by the Committee.

COMMITTEE BILLS

1. The Committee may introduce a bill germane to any subject within the proper consideration of the Committee in the same manner as any Member. A committee bill shall contain all of the signatures of the members of the Committee. The Committee may amend into a bill related provisions germane to the subject and embraced within the title and, with the consent of the Author, may constitute that bill a committee bill (SR 23 (a) (b)).
 - a) All entities who submit language for consideration in a committee bill must complete a "Form for Committee Bill Proposals" that includes justification for the statutory change as well as the actual language requested for inclusion in a committee bill.
 - b) Committee staff shall review all submitted proposals and consult with the minority caucus staff and Committee member offices to determine the provisions that are suitable for inclusion in committee bills.

- c) Requesting entities will be notified of the Committee's decision regarding including the proposed language. Major and lengthy provisions will not be considered after the committee bill has left the house of origin unless there is a strong and compelling argument for the change.

SUBCOMMITTEES

1. The Chair may appoint, with the permission of the Committee on Rules, subcommittees of one or more members to consider and recommend to the full Committee action on matters as may be assigned to the subcommittee for consideration from time to time by the Chair. The Chair may assign and reassign members of, and matters to, the various subcommittees. The recommendation of a subcommittee may be accepted by the affirmative vote of a majority of the members of the Committee (SR 21.5 (o)).

OTHER RULES

1. Provisions of Committee rules may not be waived or suspended by members of the Committee.
2. The Committee may adopt additional rules, not in conflict with Senate Rule 21.5 or other rules (SR 21.6).
3. In all cases not provided for by these rules, the Senate Rules, the Joint Rules of the Senate and Assembly, or by statute, the authority shall be Mason's Manual (2010 edition) (SR 21.5 (p)).

Adopt by the Senate Business, Professions & Economic Development on March 8, 2021.



SENATOR RICHARD D. ROTH
Chair