

COMMITTEE RULES
SENATE COMMITTEE ON JUDICIARY
THOMAS J. UMBERG, CHAIR
2021-22 SESSION

1. The Chair shall preside at meetings when present, except when the committee is considering a bill of which the Chair is the sole or 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.
2. The committee shall meet in regular session on the day and hour designated by the Committee on Rules. With permission of the Rules Committee, special meetings may be called by the Chair by giving reasonable notice to all members of the committee and specifying the matters to be considered at the meeting. The notice provisions of Joint Rule 62(a) apply. No matters may be considered at a special meeting other than those specified in the notice.
3. (a) A majority of Committee membership constitutes a quorum. No bill may be voted out of committee except on the affirmative vote of a majority of Committee membership. An affirmative vote of a majority of Committee membership is required to table a bill, remove a bill from the table, or reconsider a vote on the bill. However, a bill may be amended by a majority of those present and voting.

(b) The committee may, with the unanimous consent of the members present, substitute a roll call from the prior bill, provided that the members whose votes are substituted are present at the time of the substitution.
4. No action may be taken on any bill outside of a duly constituted committee meeting.
5. The Chair shall set the hearing of the bills and arrange the calendar for committee hearings. Notice of hearing of bills shall be given to the author and any other persons requesting notice. A bill may not be considered in the absence of the author without their consent. However, a bill may be presented by the author's representative if the representative is authorized in writing by the author and approved by the Chair.
6. A bill may be set for hearing only three times. A bill is "set" whenever notice of the hearing has been published in the file for one or more days. If a bill is set for hearing and the hearing is postponed at the committee's initiation and not the author's, the setting for hearing of the bill does not count as one of the three times a bill may be set. If the hearing notice in the file specifically indicates that "testimony only" will be taken, the committee may not vote on the bill at that hearing.
7. Bills, including constitutional amendments and resolutions, shall be heard by the committee in file order, unless specially set by the Chair at the Chair's discretion.
8. (a) Meetings shall be open to the public, except where otherwise provided or permitted by statute or rule.

(b) Accredited press representatives may attend open committee meetings and take photographs of, televise, or record the meetings, subject to the following conditions:

(i) With permission of the Chair, supplementary lighting may be used when existing lighting is inadequate.

(ii) Every effort should be made to set up filming equipment before a meeting begins.

(iii) The Chair shall be notified, as far in advance of the meeting as possible, that recordings and television cameras will be used in the meeting.

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

(v) Photographs shall be taken in an orderly and expeditious manner so as to cause the least possible inconvenience to the committee or to the members in the chamber.

(c) Notwithstanding subdivision (b), the following apply:

(i) The Chair may request any person to relocate or remove any object, or discontinue the use of any equipment, that disrupts the proceedings or obstructs the view of members of the committee or the public.

(ii) In case any person fails to respond to such a request of the Chair to relocate, remove, or discontinue the use of such objects or equipment, the committee may, by majority vote, require the person to do so.

9. The Chair shall direct the order of presentation of the arguments for and against matters for consideration by the committee. The Chair shall permit questions to be asked by the various members of the committee in an orderly fashion and in keeping with proper decorum. The Chair shall expedite all business of the committee in an orderly and efficient manner.

10. The Chair may, or, at the request of any committee member or author of a bill, shall, order a call of the committee. If the committee adjourns while operating under a call, the call shall be dispensed with and any pending vote shall be announced.

11. Further consideration of a bill that has been voted out of the committee, held in committee, or defeated shall be by reconsideration only, as follows:

(a) Bills voted out: A motion to reconsider a vote by which a bill is voted out is in order and shall be voted upon at the same meeting. If the motion is carried by the affirmative vote of a majority of committee membership, the bill may be considered at the meeting, if the author is present, or at a subsequent meeting.

(b) Bills defeated in committee: A motion to reconsider a bill that has been defeated or held in committee may be taken up only after notice is published in the Daily File, unless the vote is taken at the same meeting in which the vote to be reconsidered is taken and the author is present.

(c) A bill that has been defeated and granted reconsideration may not be heard again until a subsequent meeting of the committee, after being calendared in the Daily File and notice has been given in the manner required for its initial hearing. This requirement does not apply to a bill that has been voted out of committee, granted reconsideration, and considered at the same meeting pursuant to subdivision (a).

(d) No bill that failed passage may be granted reconsideration more than once.

12. A bill that has been laid on the table and removed from the table at a later meeting may not be heard again until a subsequent meeting of the committee after being calendared in the Daily File and after notice.

13. With permission of the Rules Committee, the Chair may appoint, from the members of the committee, a subcommittee of one or more members to consider and recommend action to the full committee on any matter assigned to the subcommittee for consideration by the Chair. The Chair may assign and reassign members of, and matters to a subcommittee. The recommendation of a subcommittee is accepted by the affirmative vote of a majority of the committee membership.

14. (a) Unless waived by the Chair upon written request and good cause stated by the author, author's amendments proposed for a bill set for hearing shall be delivered to the committee assistant no later than by 12 P.M. on the Friday two weeks prior to the scheduled hearing date of the bill. Proposed amendments shall be in Legislative Counsel Form and include the amendments in context.

(b) Author's Amendments offered during a hearing that are found by the Chair to raise substantive issues will cause the bill to be sent out to print and heard at a subsequent meeting of the committee. In extraordinary cases and in the interest of fairness, the Chair may consider the bill with the proposed author's amendments at the same hearing.

15. (a) The committee assistant shall send a background sheet to the author of any bill referred to the Judiciary Committee. The author or their representative shall complete and return the completed background sheet and information to the committee assistant within seven (7) calendar days of receipt. However, the author or their representative shall complete and return the completed background sheet and information to the committee assistant immediately if the author or their representative is made aware that their bill may be heard before the 7 calendar days would pass. If the proposed bill sets forth legislative findings or declarations, the author shall include within the provided background information all necessary records, reports, studies, and other documentation in support of the proposed findings or declarations. If the completed background sheet is not returned to the

committee assistant within the specified timeframe, that failure shall be deemed to be a request from the author to continue the bill to another hearing. In that event, the bill shall be reset for hearing at a later date unless the bill has been set for hearing on three prior occasions.

(b) A copy of any record, report, research memorandum or article, survey, statistic, study or other material cited by an author or a witness testifying before the committee shall be provided to the committee counsel assigned to analyze the bill at least seven (7) business days before the scheduled hearing date of the bill.

(i) Failure to comply with this requirement prevents the introduction and consideration of such record, report, research memorandum or article, survey, statistic, study or other material. In addition, the Chair may order the hearing on the bill postponed unless, in the interest of fairness, the Chair elects to consider the bill at the hearing with an admonishment to the offending witness that the proffered testimony is in violation of committee rules and cannot be presented to the committee. However, the Chair may, in the interest of fairness, allow the consideration of any material that would be subject to judicial notice in a court of law.

(ii) If a bill is removed from the hearing file due to non-compliance by the author or an author's witness with the provisions of this section, the bill may not be reset for hearing until compliance is achieved.

16. A bill that proposes the creation of a pilot project shall contain the following:

(a) A statement of purpose of the proposed pilot project that specifically states the goals or objectives of the project.

(b) Precise cost projections and methods by which savings, if any, may be calculated.

(c) A definitive mechanism by which the value and success, if any, of the project may be quantified. This mechanism shall include specific numerical objectives that must be met or exceeded for the project to be successful.

17. Pursuant to Section 9080 of the Government Code, the Committee shall preserve its current legislative records and may lodge its older legislative records with the State Archives. Legislative records that are in the Committee's possession are open to reasonable opportunities for inspection and copying by the public in the Committee's office, 1021 O St., Room 3240, during normal office hours. The Committee's legislative records that are lodged with the State Archives are open to inspection and copying by the public, subject to the procedures established by the Secretary of State.

18. In all cases not provided for by these rules, the Rules of the Senate, the Joint Rules, statute, or the Constitution, the authority is the latest edition of Mason's Manual.