
Introduced by Senator De León

December 5, 2016

Senate Resolution No. 4—Relative to the Standing Rules of the Senate for the 2017–18 Regular Session.

1 *Resolved by the Senate of the State of California*, That the
2 following rules be, and the same are hereby adopted as, the
3 Standing Rules of the Senate for the 2017–18 Regular Session:
4

5 STANDING RULES OF THE SENATE

6
7 CONVENING AND SESSIONS

8
9 Hours of Meeting

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11 1. The Senate shall meet at 9:00 a.m. daily, except Saturdays
12 and Sundays, unless otherwise ordered by the Senate.
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14 Calling to Order

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16 2. The President pro Tempore, Vice Chair of the Committee
17 on Rules, or senior member present shall call the Senate to order
18 at the hour stated and, if a quorum is present, shall proceed with
19 the order of business.
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21 Attendance of Senators

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23 3. No Senator may absent himself or herself from attendance
24 upon the Senate without first obtaining leave. A lesser number
25 than a quorum of the Senate is authorized to send the Sergeant at

1 Arms for any and all absent Senators at the expense of the absent
 2 Senators, unless an excuse for nonattendance made to the Senate
 3 when a quorum is present shall be judged sufficient, and in that
 4 case the expense shall be paid out of the Senate Operating Fund.
 5 The President pro Tempore, or less than a quorum present, shall
 6 have the power to issue process directly to the Sergeant at Arms
 7 to compel the attendance of Senators absent without leave. Any
 8 Senator who refuses to obey that process, unless sick or unable to
 9 attend, shall be deemed guilty of contempt of the Senate, and the
 10 Sergeant at Arms shall have power to use force as may be necessary
 11 to compel the attendance of the absent Senator, and for this purpose
 12 he or she may command the force of the county, or of any county
 13 in the state.

14
 15 Order of Business

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 17 4. The order of business shall be as follows:
 18 (1) Rollcall.
 19 (2) Prayer by the Chaplain.
 20 (3) Pledge of Allegiance.
 21 (4) Privileges of the Floor.
 22 (5) Communications and Petitions.
 23 (6) Messages from the Governor.
 24 (7) Messages from the Assembly.
 25 (8) Reports of Committees.
 26 (9) Motions, Resolutions, and Notices.
 27 (10) Introduction and First Reading of Bills.
 28 (11) Consideration of Daily File:
 29 (a) Second Reading.
 30 (b) Special Orders.
 31 (c) Unfinished Business.
 32 (d) Third Reading.
 33 (12) Announcement of Committee Meetings.
 34 (13) Leaves of Absence.
 35 (14) Adjournment.

36
 37 Executive Sessions

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 39 5. When a motion is adopted to close the doors of the Senate,
 40 on the discussion of any business that may require an executive

1 session, he or she who is presiding shall require all persons, except
2 the Senators, Secretary, Minute Clerk, and Sergeant at Arms, to
3 withdraw, and during the discussion of that business the doors
4 shall remain closed. Every Senator and officer present shall keep
5 secret all matters and proceedings concerning which secrecy shall
6 be enjoined by order of the Senate.

7
8 OFFICERS OF THE SENATE

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10 The President

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12 6. The President may preside upon invitation of the Senate.

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14 The President pro Tempore

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16 7. The President pro Tempore shall take the Chair and call the
17 Senate to order at the hour of the meetings of the Senate. The
18 President pro Tempore is the Presiding Officer of the Senate.

19 It shall be the particular responsibility of the President pro
20 Tempore to secure the prompt and businesslike disposition of bills
21 and other business before the Senate. He or she shall maintain
22 order in the Senate Chamber and, in case of a disturbance or
23 disorderly conduct outside the bar or in the gallery, he or she shall
24 have the power to order the same cleared.

25 The President pro Tempore shall serve ex officio as a member
26 of all Senate and joint committees of which he or she is not a
27 regular member, with all of the rights and privileges of that
28 membership except the right to vote. In counting a quorum of any
29 of these committees, the President pro Tempore may not be counted
30 as a member.

31 The Vice Chair of the Committee on Rules shall, in the absence
32 of the President pro Tempore, perform the duties, and have all
33 powers and authority, of the President pro Tempore.

34
35 Presiding by Senators

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37 8. The President pro Tempore of the Senate may name a Senator
38 to perform the duties of the Chair in his or her absence. The Senator
39 so named shall be vested, during that time on the floor, with all

1 the powers of the President pro Tempore, and the Senator who
2 performs these duties shall be known as the Presiding Officer.

3 In the absence of the President pro Tempore or the Vice Chair
4 of the Committee on Rules, any Senator may perform the duties
5 of the Chair.

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7

Secretary of the Senate

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9 9. It shall be the duty of the Secretary of the Senate to attend
10 every session, call the roll, and read all bills, amendments, and
11 resolutions, and all papers ordered read by the Senate or the
12 Presiding Officer.

13 The Secretary of the Senate shall superintend all printing to be
14 done for the Senate.

15 The Secretary of the Senate shall certify to, and transmit to, the
16 Assembly all bills, joint and concurrent resolutions, constitutional
17 amendments, and papers requiring the concurrence of the
18 Assembly, after their passage or adoption by the Senate.

19 The Secretary of the Senate shall also keep a correct Journal of
20 the proceedings of the Senate, and shall notify the Assembly of
21 the action by the Senate on all matters originating in the Assembly
22 and requiring action on the part of the Senate.

23 The Secretary of the Senate shall have custody of all bills,
24 documents, papers, and records of the Senate and may not permit
25 any of the bills, documents, records, or papers to be taken from
26 the Desk or out of his or her custody by any person, except in the
27 regular course of the business of the Senate.

28 The Secretary of the Senate is the Executive Officer of the
29 Committee on Rules and shall act as its authorized representative
30 in all matters delegated to him or her by the committee.

31 Initiative measures received by the Secretary of the Senate in
32 accordance with Section 9034 of the Elections Code shall be
33 transmitted to the Committee on Rules and referred by the
34 Committee on Rules to the appropriate committee.

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Sergeant at Arms of the Senate

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38 10. The Sergeant at Arms shall attend the Senate during all of
39 its sittings, and shall execute the commands of the Senate from
40 time to time, together with all process issued by its authority, as

1 shall be directed to him or her by the President. The Sergeant at
2 Arms is authorized to arrest for contempt all persons outside the
3 bar, or in the gallery, found in loud conversation or otherwise
4 making a noise to the disturbance of the Senate. The actual
5 expenses for the Sergeant at Arms for every arrest and for each
6 day's custody and release, and his or her traveling expenses, shall
7 be paid out of the Senate Operating Fund.

8 The Sergeant at Arms shall place copies of all bills, joint and
9 concurrent resolutions, constitutional amendments, Journals,
10 Histories, and Files, when printed, on the desks of Senators, at
11 least one hour previous to the opening of the session. If printed
12 copies are not available, electronic copies will suffice for purposes
13 of this rule.

14
15 Elected and Appointed Officers

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17 10.5. On the first day of each session, the President pro
18 Tempore, members of the Committee on Rules, Secretary of the
19 Senate, and Sergeant at Arms shall be elected by a majority vote
20 of the duly elected and qualified Members of the Senate and shall
21 serve until their successors are elected and qualify. The Committee
22 on Rules shall appoint an Assistant Secretary, a Minute Clerk, a
23 Chaplain, and other employees with such duties as the committee
24 requires.

25
26 Officers and Employees Compensation: Approval

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28 10.6. The Controller is hereby authorized and directed to draw
29 his or her warrants in favor of officers and employees who render
30 services to the Senate, as certified by the Committee on Rules or
31 by its authorized representative, from the fund set aside for the
32 pay of officers and employees of the Senate at the rate of
33 compensation certified by the committee or its representative, and
34 the Treasurer is hereby directed to pay the same.

COMMITTEES OF THE SENATE

Appointment of Committees

11. The Committee on Rules shall consist of the President pro Tempore of the Senate, who shall be the chair of the committee, and four other Members of the Senate to be elected by the Senate. There is a vacancy on the committee in the event a member ceases to be a Member of the Senate or resigns from the Committee on Rules. Any vacancy occurring during a summer, interim study, or final recess, except in the case of the President pro Tempore, shall be filled by the remaining members of the Committee on Rules. A vacancy occurring at any other time shall be filled by election by the Senate.

The Committee on Rules shall appoint all other committees of the Senate and shall designate a chair and vice chair of each committee.

In making committee appointments, the Committee on Rules shall give consideration to seniority, preference, and experience. However, in making committee appointments, the Committee on Rules shall, as far as practicable, give equal representation to all parts of the state.

Standing Committees

12. The standing committees of the Senate and subjects to be referred to each are set out below. The provisions set forth below as to the assignment of bills are intended as a guide to the Committee on Rules, but are not binding upon the committee.

(1) Rules, 5 members. Proposed amendments to the rules and other matters relating to the business of the Legislature.

The standing committees of any regular session shall be the standing committees of concurrent special or extraordinary sessions unless otherwise ordered by the Senate.

Committee on Legislative Ethics

12.3. (a) (1) The Committee on Legislative Ethics is hereby created. The committee shall be appointed by the Committee on

1 Rules and shall consist of six Senators, at least two of whom are
2 members of the political party having the greatest number of
3 members in the Senate and at least two of whom are members of
4 the political party having the second greatest number of members
5 in the Senate. The members of the committee shall serve two-year
6 terms. The President pro Tempore and the Minority Floor Leader
7 shall serve as ex officio, nonvoting members of the committee. A
8 member of the Committee on Rules shall not be appointed to the
9 committee.

10 (2) The Committee on Rules shall select a Chair and a Vice
11 Chair, who may not be members of the same political party. The
12 Chair may not serve more than two consecutive two-year terms,
13 and the Committee on Rules shall select a successor who is not a
14 member of the same political party as the immediately previous
15 Chair.

16 (3) Vacancies in the committee shall be filled within 30 days
17 by the Committee on Rules for the remainder of a term.

18 (4) If a complaint is filed against a member of the committee,
19 the Committee on Rules shall temporarily replace the member
20 with a Senator of the same political party, who shall serve until
21 the complaint is dismissed by the committee or the Senate takes
22 action as it deems appropriate, whichever occurs earlier.

23 (5) The Committee on Rules, upon the recommendation of the
24 Committee on Legislative Ethics, may retain or appoint a Chief
25 Counsel to assist the committee in carrying out its functions. The
26 staff of the committee shall be considered permanent and
27 professional, and shall perform their duties in a nonpartisan
28 manner. Neither staff of the committee, nor persons currently
29 contracted to provide services for the committee, shall engage in
30 partisan activities regarding a Senate or Assembly election
31 campaign.

32 (6) (A) The Committee on Rules, upon the recommendation
33 of the Committee on Legislative Ethics, shall appoint an ethics
34 ombudsperson to facilitate the receipt of information about
35 potential ethical violations, and to assist the Senate in providing
36 remedies for retaliatory conduct, to ensure that an informant or
37 complainant does not suffer adverse consequences with respect to
38 his or her employment in violation of paragraph (1) of subdivision
39 (u). Remedies for retaliatory conduct pursuant to this rule may
40 include back pay and reinstatement.

1 (B) The ombudsperson shall be accessible to Senators, officers
2 and employees of the Senate, and members of the public who wish
3 to provide information or seek guidance about ethical standards
4 or possible violations before filing a formal complaint pursuant to
5 subdivision (c). All communications made pursuant to this
6 subparagraph shall be confidential between the informant or
7 complainant and the ombudsperson. In appropriate cases, especially
8 where repeated or systematic violations appear to have occurred,
9 the ombudsperson may refer the information to the Chair of the
10 Committee on Rules, the Chair of the Committee on Legislative
11 Ethics, the Secretary of the Senate, or all three; however, the
12 identity of the informant or complainant shall be kept confidential
13 unless that person otherwise consents.

14 (C) The Committee on Legislative Ethics shall maintain a public
15 hotline telephone number for purposes of contacting the
16 ombudsperson. Complaints received through the hotline shall be
17 considered informal complaints, and the nature and existence of
18 the complaints shall be kept confidential.

19 (b) The committee shall do all of the following:

20 (1) The committee shall formulate and recommend, for adoption
21 by the Senate, standards of conduct for Senators and officers and
22 employees of the Senate in the performance of their legislative
23 responsibilities. The Ethics Manual for Members, Officers, and
24 Employees of the United States House of Representatives, as
25 prepared by the Staff of the Committee on Standards of Official
26 Conduct, 102nd Congress Second Session (United States
27 Government Printing Office, Washington, 1992), the Code of
28 Ethics (Article 2 (commencing with Section 8920) of Chapter 1
29 of Part 1 of Division 2 of Title 2 of the Government Code), and
30 Joint Rule 44 shall serve as guides in the formulation of the
31 standards of conduct.

32 (2) At the request of any Senator or officer or employee of the
33 Senate, the committee shall provide an advisory opinion with
34 respect to the standards of conduct of the Senate on the general
35 propriety of past, current, or anticipated conduct of that Senator,
36 officer, or employee. The opinion shall be rendered within 21 days
37 unless the Chair and Vice Chair agree otherwise. The committee
38 may, with appropriate deletions to ensure the privacy of the
39 individuals concerned, publish the advisory opinions for the
40 guidance of other Senators, officers, or employees.

1 (3) The committee shall develop, issue, and annually update a
2 clear, informative, and usable manual for the Senate based on the
3 standards of conduct adopted by the Senate, including any advisory
4 opinions published pursuant to paragraph (2).

5 (4) The committee shall conduct periodic workshops, at least
6 once each calendar year, for Senators and officers and employees
7 of the Senate, including workshops specifically designed for newly
8 elected Senators and newly appointed officers and employees. At
9 least once in each biennial session, each Senator, and each officer
10 or employee of the Senate shall attend one of these workshops.
11 The workshops shall include, but not be limited to, a
12 comprehensive review of all applicable statutes and Senate rules.
13 At least once in each biennial session, each Senator shall also
14 attend an individual training or review session conducted by the
15 ombudsperson.

16 (5) After adoption by the Senate of the standards of conduct,
17 the committee shall receive and review complaints alleging
18 violations of the standards of conduct by Senators, or officers or
19 employees of the Senate, in accordance with the procedures
20 specified in this rule.

21 (6) The committee shall maintain a record of its investigations,
22 hearings, and other proceedings. All information, testimony,
23 records, complaints, documents, and reports filed with, submitted
24 to, or made by the committee, and all records and transcripts of
25 any investigations or hearings of the committee, shall be
26 confidential and shall not be open to inspection by any person
27 other than a member of the committee, the staff of the committee,
28 or any person engaged by contract or otherwise to perform services
29 for the committee, except as otherwise specifically provided for
30 in this rule. Any member of the committee or any person on the
31 staff of the committee who, during the person's tenure with the
32 committee or anytime thereafter, and without authorization,
33 discloses, by writing, verbal communication, or conduct, or reveals
34 in any way, in whole, in part, or by way of summary, any
35 information, testimony, record, complaint, document, report, or
36 transcript that is confidential shall be subject to discipline. In the
37 case of a contract for the performance of services for the
38 committee, the contract shall expressly prohibit any party to the
39 contract from, without authorization, disclosing, by writing, verbal
40 communication, or conduct, or from revealing in any way, in

1 whole, in part, or by way of summary, any information, testimony,
2 record, complaint, document, report, or transcript that is
3 confidential. The committee may, by a majority vote of the
4 membership of the committee, authorize the release of any records,
5 complaints, documents, reports, and transcripts in its possession
6 to the appropriate enforcement agency if the committee determines
7 that there is probable cause to believe that the violation or
8 violations alleged in the complaint would constitute a felony or if
9 the committee determines that the information is material to any
10 matter pending before the enforcement agency.

11 (c) (1) Any person may file a formal complaint with the
12 committee that alleges a violation of the standards of conduct. A
13 formal complaint does not include information provided to the
14 ombudsperson pursuant to paragraph (6) of subdivision (a), unless
15 the person who contacted the ombudsperson elects to file a
16 complaint that complies with this subdivision and subdivision (d).

17 (2) Except as provided in paragraphs (3) and (4), a complaint
18 shall not be filed more than 18 months after the date that the alleged
19 violation occurred.

20 (3) If the committee determines that the person filing the
21 complaint did not know, or through the exercise of reasonable
22 diligence could not have known, of the alleged violation within
23 18 months after the date that the alleged violation occurred, the
24 complaint may be filed within three years after the date that the
25 alleged violation occurred.

26 (4) If a complaint is filed within 60 days prior to an election at
27 which a Senator or officer or employee is a candidate for elective
28 office, the complaint shall be returned to the person filing the
29 complaint, and the person shall be informed that the complaint
30 may be filed with an appropriate enforcement agency and may be
31 refiled with the committee after the election. The period of time
32 for filing the complaint shall be extended for 60 days.

33 (5) A complaint shall not be filed if it alleges a violation that
34 occurred prior to the adoption of the standards of conduct.

35 (d) A formal complaint shall satisfy all of the following
36 requirements:

37 (1) It shall be in writing.

38 (2) It shall state the name and contact information of the person
39 filing the complaint.

1 (3) It shall state the name of the Senator, or the name and
2 position or title of the officer or employee of the Senate, who is
3 alleged to have committed a violation of the standards of conduct.

4 (4) It shall set forth allegations that, if true, would constitute a
5 violation of the standards of conduct. The allegations shall be
6 stated with sufficient clarity and detail to enable the committee to
7 make a finding pursuant to subdivision (h).

8 (5) It shall state the date of the alleged violation.

9 (6) It shall include a statement that the allegations are true of
10 the person's own knowledge or that the person believes them to
11 be true, and may include documents in the possession of the party
12 filing the complaint relevant to, or supportive of, his or her
13 allegations.

14 (e) The committee, on its own motion, two-thirds of the
15 membership concurring, may initiate a proceeding by filing a
16 complaint that complies with paragraphs (1) to (5), inclusive, of
17 subdivision (d).

18 (f) The committee shall promptly send a copy of a complaint
19 to the Senator, or officer or employee of the Senate, alleged to
20 have committed the violation, who shall thereafter be designated
21 as the respondent.

22 (g) If a complaint is filed by a person other than the committee,
23 the Chair and Vice Chair of the committee shall examine the
24 complaint to determine whether it was filed in accordance with
25 this rule and any rules of the committee.

26 (h) Within seven days after the complaint is filed, the Chair and
27 Vice Chair shall provide to the committee a copy of the complaint
28 and their opinion as to whether the allegations in the complaint,
29 if true, would constitute a violation of the standards of conduct. If
30 the committee, by a two-thirds vote of its membership, finds that
31 the allegations, if true, would constitute a violation of the standards
32 of conduct, the committee shall hold a hearing within 30 days to
33 conduct a preliminary inquiry. If two-thirds of the membership of
34 the committee fails to find that the allegations, if true, would
35 constitute a violation of the standards of conduct, it shall dismiss
36 the complaint and so notify the person who filed the complaint
37 and the respondent, and the complaint shall not be made public.

38 (i) At the preliminary inquiry, the respondent may respond to
39 the allegations in the complaint by written statement or oral
40 testimony. If two-thirds of the membership of the committee finds

1 that probable cause exists for believing that the respondent
2 committed a violation of the standards of conduct, the committee
3 shall issue a count-by-count statement of alleged violations. If
4 two-thirds of the membership of the committee fails to find that
5 probable cause exists, the committee shall dismiss the complaint.
6 In either event, the committee shall immediately notify the
7 respondent and the person who filed the complaint of its action.
8 If the committee finds that probable cause exists, the statement of
9 alleged violations shall be made public within seven days.

10 (j) Within 21 days after the issuance of the statement of alleged
11 violations, the respondent may file an answer that admits or denies
12 each count. Upon request of the respondent, the committee may
13 grant the respondent an additional 21 days to respond.

14 (k) Within 60 days after the issuance of the statement of alleged
15 violations, the committee shall hold a disciplinary hearing. If a
16 majority of the membership of each party on the committee fails
17 to find that the respondent committed a violation of the standards
18 of conduct, the committee shall dismiss the complaint. If a majority
19 of the membership of each party on the committee finds by clear
20 and convincing evidence that the respondent committed a violation
21 of the standards of conduct, the committee shall take the following
22 action:

23 (1) If the respondent is a Senator, it shall hold a hearing to
24 determine an appropriate sanction.

25 (2) If the respondent is an officer or employee, it shall transmit
26 its findings to the Committee on Rules for appropriate action.

27 (l) (1) At the hearing to determine an appropriate sanction,
28 two-thirds of the membership of the committee shall determine
29 whether the violation is serious or minor.

30 (2) If the committee determines that a violation is minor or fails
31 to determine that a violation is serious, two-thirds of the
32 membership of the committee (A) shall, if it determines that the
33 violation bears upon the exercise of a right or privilege, recommend
34 that the Committee on Rules deny or limit that right or privilege
35 and shall transmit its findings and recommendation to the
36 Committee on Rules, or (B) shall impose any lesser sanction,
37 including, but not limited to, issuing a private letter of
38 admonishment for an inadvertent, technical, or otherwise de
39 minimis violation, which shall not be considered discipline. Within

1 15 days after the imposition of a lesser sanction, the respondent
2 may appeal the sanction imposed to the Committee on Rules.

3 (3) If the committee determines that a violation is serious,
4 two-thirds of the membership of the committee shall recommend
5 that the Senate take one or more of the following actions and shall
6 transmit its findings and recommendation to the Senate:

7 (A) The denial or limitation of any right or privilege, if the
8 violation bears upon the exercise of that right or privilege.

9 (B) A reprimand for a serious violation.

10 (C) A censure for a more serious violation.

11 (D) A suspension or expulsion for a most serious violation.

12 (m) The Senate shall, within 15 legislative days after receiving
13 the findings and recommendation, vote on the recommendation of
14 the committee. The Senate, by 21 votes, may deny or limit any
15 right or privilege of, reprimand, or censure the Senator or, by 27
16 votes, may expel the Senator.

17 (n) The committee or Senate may defer any action required by
18 this rule if other proceedings have been commenced on the same
19 matter.

20 (o) (1) At all hearings, the Chief Counsel of the committee shall
21 present the case. All relevant and probative evidence shall be
22 admissible unless it is privileged. Witnesses may be called and
23 cross-examined by the committee and the respondent, and exhibits
24 and other documents may be entered into the record. The
25 respondent shall have the right to be represented by legal counsel
26 or any other person of his or her choosing.

27 (2) If the committee receives, at any time, any exculpatory
28 information relating to the alleged violation, the committee shall
29 make the information available to the respondent. The committee
30 and the respondent shall comply with requests for discovery
31 consistent with Sections 1054, 1054.1, and 1054.3 of the Penal
32 Code.

33 (p) If the committee determines that the complaint was filed
34 with malicious intent, it may request that the Committee on Rules
35 reimburse the expenses incurred by the respondent.

36 (q) At any time during the proceedings, the respondent may
37 admit that he or she committed a violation of the standards of
38 conduct. If the respondent admits some but not all of the violations
39 alleged in the complaint or the counts set forth in the statement of
40 alleged violations, the committee shall find that the admitted

1 violations constituted a violation of the standards of conduct and
2 may continue the proceedings to determine whether the other
3 alleged violations constituted violations of the standards of conduct.
4 If the respondent admits to all alleged violations, the committee
5 shall find that the admitted violations constituted a violation of
6 the standards of conduct, terminate the preliminary inquiry or
7 disciplinary hearing, and take the action required by paragraph (1)
8 or (2) of subdivision (k).

9 (r) Meetings of the committee shall not be open to the public
10 until the committee finds that probable cause exists for believing
11 that the respondent committed a violation of the standards of
12 conduct. Subsequent meetings of the committee or Senate shall
13 be public, and notice of any meeting shall be published in the
14 Senate File for four calendar days prior to the meeting.

15 (s) If the committee finds that probable cause exists for believing
16 that the respondent committed a violation of the standards of
17 conduct, the transcript of any testimony given, or any documents
18 admitted into evidence, at a public hearing and any report prepared
19 by the committee subsequent to that finding that states a final
20 finding or recommendation shall be open to public inspection.

21 (t) Upon request of the respondent, the committee may permit
22 the respondent to inspect, copy, or photograph books, papers,
23 documents, photographs, or other tangible objects that relate to
24 the allegations in the complaint. If the committee finds that
25 probable cause exists for believing that the respondent committed
26 a violation of the standards of conduct, the committee shall permit
27 the respondent to inspect, copy, or photograph books, papers,
28 documents, photographs, or other tangible objects that relate to
29 the statement of alleged violations.

30 (u) (1) A Senator or officer or employee of the Senate shall not
31 directly or indirectly use or attempt to use his or her official
32 authority or influence to intimidate, threaten, coerce, command,
33 or attempt to intimidate, threaten, coerce, or command any person
34 for the purpose of interfering with the right of that person to file
35 a complaint with the committee, testify before, or in any way
36 cooperate with, the committee or any panel.

37 (2) For the purpose of paragraph (1), “use of official authority
38 or influence” includes promising to confer, or conferring, any
39 benefit; effecting, or threatening to effect, any reprisal; or taking,
40 or directing others to take, or recommending, processing, or

1 approving, any personnel action, including, but not limited to,
2 appointment, promotion, transfer, assignment, performance
3 evaluation, suspension, or other disciplinary action.

4 (3) Nothing in this subdivision shall be construed to authorize
5 any person to disclose information, the disclosure of which is
6 otherwise prohibited by law.

7 (v) The committee may adopt rules governing its proceedings
8 not inconsistent with this rule. The provisions of Joint Rule 36
9 relating to investigating committees apply to the committee to the
10 extent those provisions are consistent with this rule.

11 (w) The powers and procedures set forth in subdivisions (b) to
12 (v), inclusive, confer independent authority and shall not be limited
13 or altered by Joint Rule 45.

14 (x) Where confidentiality is required pursuant to this rule,
15 confidentiality shall be maintained only to the extent that disclosure
16 of the confidential information is not otherwise required by law.

17

18

General Research Committee

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20 12.5. The General Research Committee is hereby created
21 pursuant to Section 11 of Article IV of the California Constitution,
22 which relates to legislative committees. The committee consists
23 of the 40 Senators, and the President pro Tempore is its chair. The
24 committee is allocated all subjects within the scope of legislative
25 regulation and control, but may not undertake any investigation
26 that another committee has been specifically requested or directed
27 to undertake. The General Research Committee may act through
28 subcommittees appointed by the Committee on Rules. Each
29 member of the General Research Committee is authorized and
30 directed to receive and investigate requests for legislative action
31 made by individuals or groups and to report thereon to the full
32 committee.

33 The committee and its members shall have and exercise all of
34 the rights, duties, and powers conferred upon investigating
35 committees and their members by the Senate Rules and the Joint
36 Rules of the Senate and Assembly. However, neither the committee
37 nor its members may issue a subpoena without the prior approval
38 of the Committee on Rules. The committee has the following
39 additional powers and duties:

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

5 (b) To cooperate with and secure the cooperation of county,
6 city, city and county, and other local law enforcement agencies in
7 investigating any matter within the scope established by this rule,
8 and to direct the sheriff of any county to serve subpoenas, orders,
9 and other process issued by the committee.

10 (c) To meet and act at any place within the State of California
11 and, when authorized in writing by the Committee on Rules to do
12 so, to meet and act outside the state to carry out its duties.

13 (d) To report its findings and recommendations to the
14 Legislature and the people from time to time.

15 (e) To act during sessions of the Legislature, including any
16 recess.

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

20 The Committee on Rules may allocate, from time to time, to the
21 General Research Committee from the Senate Operating Fund
22 those sums that are necessary to permit the General Research
23 Committee and the members thereof to carry out the duties imposed
24 on them. In addition, the Committee on Rules may allocate to any
25 subcommittee from the Senate Operating Fund those sums that
26 the Committee on Rules deems necessary to complete the
27 investigation or study conferred upon that subcommittee.

28 12.6. A select committee is a subcommittee of the General
29 Research Committee. Staff providing services to a select committee
30 are Senate employees assigned by the Committee on Rules to the
31 General Research Committee.

32 (a) A Senator who proposes to establish a select committee shall
33 submit to the Committee on Rules a written request that includes
34 all of the following:

35 (1) A description of the topic to be addressed by the select
36 committee and a general work plan and timetable, including
37 hearings, anticipated work product, and staffing needs and other
38 anticipated resource demands.

39 (2) A statement by the Senator proposing the select committee
40 that he or she has discussed his or her plans with the chair of the

1 standing committee having jurisdiction over the subject matter of
2 the proposed select committee. The statement shall describe any
3 objections that chair has to the establishment of the proposed select
4 committee.

5 (b) A select committee may be established only by a resolution
6 adopted by the Committee on Rules that specifies the jurisdiction
7 of the select committee. In making this decision, the Committee
8 on Rules shall consider any objections to that action raised by the
9 chair of a standing committee having jurisdiction over the subject
10 matter of the proposed select committee.

11 (c) The Committee on Rules shall appoint the members of a
12 select committee. A select committee may act only with regard to
13 the particular study or investigation assigned to it by the Committee
14 on Rules.

15 (d) A select committee is terminated automatically upon the
16 adjournment of the regular session in which it is established, or at
17 an earlier time specified in the resolution. In deciding whether to
18 reestablish a select committee established in a previous regular
19 session, the Committee on Rules shall consider the extent to which
20 the select committee successfully achieved its assigned objectives.

21

22 Additional Committee on Rules Powers

23

24 12.7. In addition to other rights, duties, and powers vested in
25 the Committee on Rules, the committee and the members thereof
26 shall have and exercise all of the rights, duties, and powers of the
27 General Research Committee and the members thereof, as provided
28 in Rule 12.5, with authority to act on any subject allocated by Rule
29 12.5 to the General Research Committee.

30

31 Committee on Rules

32

33 13. (a) The Committee on Rules is charged with the general
34 responsibility for the administrative functioning of the Senate. The
35 committee has general charge of the books, documents, and other
36 papers and property of the Senate and shall see that the same are
37 properly kept, cared for, filed, or otherwise disposed of in
38 accordance with applicable law and rules. The committee also has
39 the duties of making studies and recommendations designed to
40 promote, improve, and expedite the business and procedure of the

1 Senate and its committees, including investigating committees
2 consisting wholly or in part of Members of the Senate, and of
3 proposing any amendments to the rules deemed necessary to
4 accomplish those purposes.

5 (b) The Committee on Rules shall continue in existence during
6 any recess of the Legislature until the convening of the next regular
7 session, and shall have the same powers and duties as while the
8 Senate is in session. The committee has the authority to fill
9 vacancies in any Senate committee or in the Senate membership
10 of any joint committee.

11 (c) The committee and its members shall have and exercise all
12 of the rights, duties, and powers conferred upon investigating
13 committees and their members by the Joint Rules of the Senate
14 and Assembly as they are adopted and amended from time to time,
15 which provisions are incorporated herein and made applicable to
16 the Committee on Rules and its members.

17 (d) The committee may make available to any Senate or joint
18 committee, or any Member of the Senate, assistance in connection
19 with the duties of the committee or other legislative matters as the
20 personnel resources under the direction of the committee or its
21 other facilities permit.

22 (e) (1) All employees on the payroll of the Senate are employees
23 of the Senate and not of individual members, and they are under
24 the direct control of the Committee on Rules. The Committee on
25 Rules has general supervision over all employees of the Senate
26 and the powers and duties to suspend, discipline, or discharge any
27 employees when necessary. Any insubordination or inefficiency
28 on the part of any employee shall be reported to the Committee
29 on Rules.

30 (2) A Senator or officer or employee of the Senate shall not
31 retaliate against an employee of the Senate for reporting
32 information to the Senate Committee on Rules, the Senate
33 Committee on Legislative Ethics, or any government or law
34 enforcement agency regarding a possible violation of the Senate
35 Standards of Conduct or any state or federal law or regulation, or
36 because the Senator, officer, or employee believes that the
37 employee reported or may report such information, if the employee
38 who reported the information reasonably believed that the
39 information disclosed a violation of the Senate Standards of
40 Conduct or any state or federal law or regulation.

1 (f) The committee shall make available and furnish to the
2 Members of the Senate, and the Senate committees, personnel
3 resources as may be reasonably necessary for the Members and
4 the committees to carry out their duties.

5 (g) The Committee on Rules constitutes the Committee on
6 Introduction of Bills and has charge of the engrossment and
7 enrollment of bills, the contingent expenses of the Senate, and
8 legislative printing, except insofar as these functions are delegated
9 to the Secretary of the Senate.

10 (h) The rooms, passages, and buildings set apart for the use of
11 the Senate are under the direction of the Committee on Rules, and
12 the committee may assign the press desks in the Senate Chamber
13 to accredited newspaper representatives.

14 (i) Executive communication of nominations sent by the
15 Governor, or any other entity with the authority to make
16 appointments, to the Senate for confirmation shall be referred to
17 the Committee on Rules, unless otherwise ordered by the Senate,
18 without debate.

19 (j) The Committee on Rules shall, at each regular session,
20 appoint a Member of the Senate to serve on the Judicial Council
21 and has the authority during any joint recess to fill any vacancy in
22 that position that occurs during the recess.

23 (k) When a report of a joint legislative committee is delivered
24 to the Senate Desk, the Committee on Rules shall refer it to a
25 standing committee for review and appropriate action.

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28

Expenses of Senate Committees

29 13.1. All claims for expenses incurred by investigating
30 committees of the Senate, the Secretary of the Senate, and the
31 Sergeant at Arms shall be approved by the Committee on Rules
32 or its authorized representative before the claims are presented to
33 the Controller.

34 All proposed expenditures, including furniture, equipment, and
35 other property, but not including stationery supplies, shall be
36 approved by the Committee on Rules or its authorized
37 representatives before the expenses are incurred, unless the
38 expenditure is specifically exempted from the provisions of this
39 rule by the resolution authorizing it.

1 A warrant may not be drawn in payment of any claim for
2 expenses until the approval of the Committee on Rules, or its
3 authorized representative, has been obtained in accordance with
4 this rule.

5 The Committee on Rules may adopt rules and regulations
6 limiting the amount, time, and place of expenses and allowances
7 to be paid to employees of Senate investigating committees and
8 regulating the terms and conditions of employment of their
9 employees. Copies of all rules and regulations adopted pursuant
10 to this rule shall be distributed to the chair of every investigating
11 committee.

12 13 Alteration, Repair, Improvement to Senate 14

15 13.2. The Committee on Rules is authorized and directed to
16 incur and pay expenses of the Senate not otherwise provided for
17 as the committee determines are reasonably necessary, including
18 the repair, alteration, improvement, and equipping of the Senate
19 Chamber and the offices provided for the Senate in the State
20 Capitol.

21 In order to avoid unanticipated reversions of appropriations for
22 contingent expenses, the Committee on Rules may designate the
23 appropriation from which payment shall be made pursuant to
24 allocations to committees or for other purposes. If insufficient
25 money is available in any appropriation to pay all claims pursuant
26 to allocations charged against it, the committee shall designate
27 another appropriation from which the allocations shall be paid.

28 29 Rooms and Property of Senate 30

31 13.3. The Committee on Rules is responsible for the safekeeping
32 of Senate property. The Director of General Services is directed
33 to maintain the Senate Chamber and all the committee rooms and
34 other rooms used by the Senators and officers of the Senate in a
35 condition that they will be available for the use of the Senate at
36 any time. It is further directed that no persons other than the
37 Members, officers, and employees of the Senate may occupy or
38 use the offices, committee rooms, or other rooms now occupied
39 by the Senate without permission as hereinafter provided, that the
40 desks, furniture, and other equipment of the Senate shall be at the

1 disposal of the Committee on Rules, and that no person except
2 Members of the Senate may occupy any of the Senate's offices or
3 make use of Senate equipment without permission of the committee
4 or its authorized representative.

5
6 Inventory of Senate Property
7

8 13.4. The Committee on Rules is authorized and directed,
9 through its authorized representative, to make and maintain a
10 complete inventory of all property of the Senate, including all
11 property in the possession or control of any Senate committee.
12 The Committee on Rules has custody and control of all property
13 of the Senate and shall adopt rules or orders as it may determine
14 are necessary relating to the purchase, care, custody, and use or
15 disposal thereof.

16
17 Status of Standing Rules for Regular Session
18

19 13.5. The adoption of the Standing Rules for any special session
20 are not to be construed as modifying or rescinding the Standing
21 Rules of the Senate for a regular session.

22
23 Operating Expense Fund
24

25 13.6. The Committee on Rules is the committee identified in
26 Section 9126 of the Government Code. The balance of all money
27 in the Senate Operating Fund, including money now or hereafter
28 appropriated by the Legislature, except sums that are made
29 available specifically for purposes other than the expenses of
30 designated committees, is hereby made available to the Committee
31 on Rules for any charges or claims it may incur in carrying out the
32 duties imposed upon it by these rules or by Senate or concurrent
33 resolution.

34
35 Rules Committee Appointees
36

37 13.8. The Committee on Rules shall review its nonlegislator
38 appointees every two years. That review shall be completed not
39 later than the 120th calendar day of the regular session in which
40 the review is undertaken.

Schedule of Committee Meetings

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14. The Committee on Rules shall propose to the Senate such schedules for regular meetings of the standing committees as will permit all members of each committee to attend without a conflict of committee engagements.

The committee may also propose such special committee meetings or special schedules of committee meetings as will facilitate the business of the Senate. Those schedules may provide a special schedule of committee meetings upon certain days of the week or to meet any special condition that may arise.

Powers of Standing Committees

16. Each standing committee of the Senate to which a proposed law or bill is assigned has full power and authority during the session of the Legislature, or any recess thereof, to make an investigation and study concerning any proposed law or bill as the committee shall determine necessary to enable it to properly act thereon.

In the exercise of the power granted by this rule, each committee may appoint a secretary and employ clerical, legal, and technical assistants as may appear necessary when money has been made available therefor by the Senate.

Each standing committee is authorized and empowered to summon and subpoena witnesses, to require the production of papers, books, accounts, reports, documents, records, and papers of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary. However, no committee may issue a subpoena, nor may a committee require testimony under oath, without the prior approval of the Committee on Rules.

The Sergeant at Arms, or other person designated by the Sergeant at Arms or by the committee, shall serve any and all subpoenas, orders, and other process that may be issued by the committee, when directed to do so upon a vote of the majority of the membership of the committee.

Each of the members of the standing committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4 (commencing with Section 9400) of Part 1 of Division

1 2 of Title 2 of the Government Code, relating to the attendance
2 and examination of witnesses before the Legislature and the
3 committees thereof, apply to the committees.

4 All officers of this state, including the head of each department,
5 agency, and subdivision thereof, all employees of the departments,
6 agencies, and subdivisions of the state, the Legislative Counsel,
7 and all other persons, whether connected with the state government
8 or not, shall give and furnish to these committees upon request
9 such information, records, and documents as the committees deem
10 necessary or proper for the achievement of the purposes for which
11 each standing committee was created.

12 Each standing committee may meet at the State Capitol and do
13 any and all things necessary or convenient to enable it to exercise
14 the powers and perform the duties herein granted to it, and may
15 expend such money as may be made available by the Senate for
16 that purpose, except that no committee may incur any indebtedness
17 unless money has been first made available therefor.

18

19

Funerals

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21 17.5. The Chair or Vice Chair of the Committee on Rules may
22 designate any one or more of the Members of the Senate as a Senate
23 committee to attend funerals in appropriate circumstances. The
24 Members so designated may receive expenses as provided in Joint
25 Rule 35.

26 The Chair or Vice Chair of the Committee on Rules, or any
27 Member of the Senate designated by either of these officers, may
28 incur such expense as may be necessary for the purchase on behalf
29 of the Senate of suitable floral pieces for the funeral.

30 All expenses incurred pursuant to this rule shall be paid out of
31 the money allocated from the Senate Operating Fund to the
32 Committee on Rules and disbursed, after certification by the Chair
33 or Vice Chair of the committee or by the committee's disbursing
34 officer appointed and designated therefor by the committee, upon
35 warrants drawn by the Controller upon the Treasury.

Expenditures

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18. A member of a committee may not incur any expense chargeable to the Senate unless authorized by resolution of the Senate.

The Committee on Rules shall provide, by rules and regulations, for the manner of authorizing expenditures by Members, committees, and officers and employees of the Senate that are not otherwise authorized by law, these rules, or the Joint Rules of the Senate and Assembly, and for the payment of the expenditures from the Senate Operating Fund upon certification of claims therefor to the Controller by the Committee on Rules or its authorized representative.

Printing of Reports

18.5. All requests for the printing of reports of Senate committees shall be made to the Committee on Rules.

The Committee on Rules shall determine if the report is to be printed, the number of copies needed, and whether or not the report shall be printed in the Journal.

If the report is to be printed by the Office of State Publishing, it shall hold the type for each Senate committee report for a period of 90 days from the date of the first printing or for such other time as the Committee on Rules deems necessary.

PROCEDURES AND RULES

Resolutions and Constitutional Amendments

19. Joint, concurrent, and Senate resolutions, and constitutional amendments shall be treated the same as bills under these rules, except that they shall have only one official reading, which reading shall occur after they have been reported by committee.

Parliamentary Rules

20. In all cases not provided for by the Constitution, these rules, the Joint Rules of the Senate and Assembly, or statute, the authority

1 shall be the latest edition of Mason’s Manual or the custom and
2 usage of the Senate.

3
4 Suspension of Rules or Amending of Rules
5

6 21. A standing rule of the Senate may not be adopted, amended,
7 or repealed except upon an affirmative vote of a majority of the
8 membership of the Senate, one day’s notice being given, except
9 that any rule not requiring more than a majority vote may be
10 temporarily suspended without that notice by a vote of a majority
11 of the membership of the Senate. A rule requiring a two-thirds
12 vote on any question may be amended only by a two-thirds vote
13 on one day’s notice, except that a rule requiring a two-thirds vote
14 may be temporarily suspended without that notice by a two-thirds
15 vote.

16 All proposed amendments to these rules shall, upon presentation,
17 be referred to the Committee on Rules without debate.

18
19 Suspension of the Joint Rules
20

21 21.1. Pursuant to Joint Rule 33, a joint rule may not be
22 suspended by the Senate except with the concurrence of 27
23 Members unless a lower vote is prescribed by these rules or the
24 Joint Rules of the Senate and the Assembly.

25
26 Permission of Committee on Rules
27

28 21.2. Notwithstanding Rule 21 or 21.1, a Senate or Joint Rule
29 may not be suspended unless the Committee on Rules determines
30 that an extraordinary circumstance exists that justifies the
31 suspension.

32
33 Rules Governing Standing Committees
34

35 21.5. Except as otherwise provided in these rules, standing
36 committees of the Senate shall be governed as follows:

37 (a) The officers of each Senate committee shall be a chair, vice
38 chair, and secretary.

39 (b) The chair shall preside at meetings when present except
40 when the committee is considering a bill of which he or she is the

1 sole author or the lead author. Whenever the chair is not presiding,
2 the vice chair shall assume the duties of the chair. In the absence
3 of both, a member designated by the chair shall preside.

4 (c) The secretary shall keep a complete record of the meetings
5 and actions taken by the committee. Bills and other measures
6 favorably acted upon shall be reported to the Senate as
7 expeditiously as the reports can be prepared.

8 (d) The committee shall meet in regular session on the day and
9 hour designated by the Committee on Rules. Adjourned meetings
10 or special meetings shall be held at the time fixed in the adjourning
11 motion, or, for a special meeting, on the call of the chair.

12 (e) A special meeting may be called by the chair, with the
13 approval of the Committee on Rules, by giving reasonable notice
14 to all members of the committee, either in writing or by telephone,
15 specifying the purpose of the meeting, the time and place thereof,
16 and the matters to be considered at the meeting. Notice of hearing
17 of bills as required by subdivision (a) of Joint Rule 62 may also
18 be given in the Daily File. A matter may not be considered at the
19 special meeting unless specified in the notice.

20 A special meeting shall be scheduled so as to permit all members
21 of the committee to attend without conflict with other scheduled
22 committee meetings.

23 (f) A majority of the membership of the committee shall
24 constitute a quorum. A vote of a majority of the membership of
25 the committee shall be required to table a bill, remove it from the
26 table, or reconsider a vote on a bill.

27 (g) Action may not be taken on any measure outside of a duly
28 constituted committee meeting.

29 (h) The chair shall set the hearings of bills and arrange the
30 calendar for committee hearings. Notice of hearing of any bill shall
31 be given to the author and other persons requiring notice. A bill
32 may not be considered in the absence of the author without his or
33 her consent, except that a bill may be presented by the author's
34 representative who is authorized in writing.

35 (i) A committee or a subcommittee thereof, by a majority vote
36 of the membership of the committee, may meet in executive session
37 for any purpose authorized by Section 9029 of the Government
38 Code. Otherwise, all meetings shall be open and public.

39 (j) The chair shall direct the order of presentation of the
40 arguments for and against matters for consideration by the

1 committee, and shall permit questions to be asked by members of
2 the committee in an orderly fashion and in keeping with proper
3 decorum.

4 (k) Further consideration of a bill that has been voted out of a
5 committee or defeated shall be by reconsideration only, as follows:

6 (1) A motion to reconsider a vote by which a bill is voted out
7 shall be in order, and shall be voted upon at the same meeting. If
8 the motion is carried by a vote of a majority of the membership of
9 the committee, the bill may be considered at that meeting, provided
10 the author is present, or at a subsequent meeting.

11 (2) The procedure for reconsideration of a bill that has been
12 defeated shall conform to the requirements of subdivision (a) of
13 Joint Rule 62. Any bill as to which reconsideration has been
14 granted pursuant to this paragraph may not be heard again until a
15 subsequent meeting of the committee, after being calendared in
16 the Daily File.

17 (l) Any bill that has been laid on the table and is removed from
18 the table at a later meeting may not be heard again until a
19 subsequent meeting of the committee, after being calendared in
20 the Daily File and after notice.

21 (m) When a committee adopts proposed amendments to a bill,
22 the bill may be taken up for vote at that meeting or, if the
23 committee or author requests, sent out to print before final action.
24 If the amendments are not in proper form, they shall be prepared
25 and submitted to the chair for approval before being reported to
26 the Desk. Amendments submitted by the author that, in the opinion
27 of the committee chair, are major or substantial shall be submitted
28 to the committee at least two legislative days before the bill is
29 scheduled for hearing.

30 (n) A bill may not be set for hearing, nor may any notice thereof
31 be published, by a Senate committee until the bill has been referred
32 to the committee by the Committee on Rules.

33 (o) The chair may appoint, with the permission of the Committee
34 on Rules, subcommittees of one or more members to consider and
35 recommend to the full committee action on matters as may be
36 assigned to the subcommittee for consideration from time to time
37 by the chair. The chair may assign and reassign members of, and
38 matters to, the various subcommittees. The recommendation of a
39 subcommittee may be accepted by a vote of a majority of the
40 members of the committee.

1 (p) In all cases not provided for by this rule, the Senate Rules,
2 the Joint Rules of the Senate and Assembly, or statute, the authority
3 shall be the latest edition of Mason’s Manual.

4

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Additional Rules

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7 21.6. Committees may adopt additional rules that are not in
8 conflict with Rule 21.5 or other rules.

9

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Reporting Measures Out of Committee

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12 21.7. The vote of a majority of the membership of a standing
13 committee shall be required to report a bill, constitutional
14 amendment, concurrent resolution, or joint resolution out of
15 committee.

16 A vote of a majority of all members of a standing committee
17 who are present and voting shall be required to report a Senate
18 resolution out of committee.

19

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Press Participation

21

22 21.8. Accredited press representatives may not be excluded
23 from any public legislative meeting or hearing, and may not be
24 prohibited from taking photographs of, televising, or recording the
25 committee or house hearings, subject to the following conditions:

- 26 (1) This rule extends to all public legislative meetings.
- 27 (2) Lights may be used only when cameras are filming and,
28 when possible, proceedings in hearing rooms and the chamber
29 shall be filmed without lights.
- 30 (3) Every effort should be made to set up filming equipment
31 before hearings or sessions begin.
- 32 (4) The committee chair or the Committee on Rules shall be
33 notified, as far in advance of the proceedings as possible, that
34 recordings and television cameras will be present and filming.
- 35 (5) To the extent practical, flash cameras shall not be used.
- 36 (6) Photographs shall be taken in an orderly and expeditious
37 manner so as to cause the least possible inconvenience to the
38 committee or to the Members in the chamber.

39 However, the chair of a committee may request any person to
40 relocate or remove any object, or discontinue the use of any

1 equipment, that is situated or used in a manner so as to disrupt the
2 proceedings or to create a potential danger to, or substantially
3 obstruct the view of, members of the committee or the public.

4 In case any person fails to respond to a request of the chair to
5 relocate, remove, or discontinue the use of the objects or
6 equipment, the committee may, by majority vote, require it.

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INTRODUCTION AND REFERENCE OF MEASURES

10 Introduction, First Reading, and Reference of Measures

11

12 22. Any Senator desiring to introduce a bill, constitutional
13 amendment, concurrent resolution, joint resolution, or Senate
14 resolution shall send it to the Senate Desk.

15 When received at the Secretary's desk, a bill shall, under the
16 proper order of business, be numbered, read, printed, and referred
17 by the Committee on Rules to a standing committee. The
18 Committee on Rules shall check all Assembly measures before
19 reference to committee and shall designate the committee to which
20 they shall be referred.

21 All joint resolutions, concurrent resolutions, and Senate
22 resolutions shall be automatically referred to the Committee on
23 Rules upon introduction, and may be rereferred to any other
24 standing committee upon the vote of a majority of the membership
25 of the Committee on Rules.

26 Unless otherwise ordered by the Senate without debate, the
27 assignment of the measure shall then be complete and, after
28 printing, the Secretary shall deliver the measure to the committee
29 designated by the Committee on Rules.

30 Under the order of Messages from the Assembly, the Secretary
31 shall read each Assembly bill the first time and shall read the name
32 of the committee to which the bill has been assigned by the
33 Committee on Rules. Unless otherwise ordered by the Senate
34 without debate the assignment of the bill shall then be complete,
35 and the Secretary shall deliver the bill to the committee so
36 designated.

Bill Introduction Limitation

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22.5. (a) A Member of the Senate may introduce or subsequently author not more than 40 bills in the regular session.
(b) This rule may be suspended with respect to a particular bill by approval of the Committee on Rules.
(c) This rule does not apply to a constitutional amendment, any type of resolution, or a bill introduced by a committee.

Short Title

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22.6. A bill may not add a short title that names a current or former Member of the Legislature.

Bills Assigning, Requesting, or Requiring Studies

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22.7 A bill that assigns, requests, or requires a study, or is amended to assign, request, or require a study, shall be rereferred to the Committee on Rules.

Introduction of Bills by a Committee

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23. (a) A standing 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 the signatures of all of the members of the committee.
(b) A 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.

Bill Introduction Deadline

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23.5. The Senate Desk shall remain open for the introduction of bills from 9:00 a.m. to 5:00 p.m. on the days designated in subdivision (a) of Joint Rule 54 as the deadlines for the introduction of bills in the first and second years of the regular session.

1 Introduction of Bills and Resolutions at Special Sessions

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3 24. Whenever, at any special session, a bill or resolution is
4 received at the Desk, under the order of Introduction of Bills, it
5 shall be referred to the Committee on Rules, which shall decide
6 whether or not the bill or resolution can properly be considered at
7 the session. If, in the judgment of the Committee on Rules, the bill
8 or resolution can be considered, the committee shall report the bill
9 or resolution back and designate the committee to which it shall
10 be assigned. Thereafter the bill or resolution shall be assigned a
11 number by the Secretary, read the first time, and referred to the
12 committee recommended by the Committee on Rules unless
13 otherwise referred on motion without debate.

14
15 Resolutions

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17 24.5. A Senate concurrent resolution or Senate resolution may
18 be introduced relating to a present or former state or federal elected
19 official or a member of his or her immediate family. Other
20 resolutions for the purpose of commendation or congratulation of
21 any person, group, or organization, or for the purpose of expressing
22 sympathy, regret, or sorrow on the death of any person, shall be
23 prepared as Rules Committee resolutions and presented to the
24 Committee on Rules for appropriate action.

25 The Committee on Rules may approve exceptions to this rule
26 for Senate resolutions. The Secretary may not accept for
27 introduction any Senate resolution that is contrary to this rule
28 unless it is accompanied by the approval of the Committee on
29 Rules.

30
31 Senate Resolutions

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33 25. All Senate resolutions eligible to be introduced under the
34 rules, upon being presented, shall be given a number by the
35 Secretary. A Senate resolution shall be printed, and indexed in the
36 History and Journal.

Bills Authored by a Former Member

26. Whenever a bill in the Senate is authored by an individual who is no longer a Member of the Legislature, upon a request of a committee or current Member of the house in which the bill was introduced, the Senate Committee on Rules may authorize that committee or Member to be the author of that bill. Absent that authorization, action may not be taken by a committee or the Senate with respect to a bill authored by a former Member.

BILLS IN COMMITTEE

Author's Amendments

27. Upon request of the author of a bill, the chair 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 Senate with the recommendation that amendments submitted by the author be adopted and the bill be reprinted as amended and rereferred to the committee.

Withdrawing a Bill From Committee

28. A bill or resolution may not be withdrawn from committee except upon written notice being first given to the Committee on Rules and by 21 votes of the Senate.

Consent Calendar

28.3. (a) If a Senate bill or Assembly bill is amended in the Senate to create a new bill or to rewrite the bill, a standing committee may not place the bill on its consent calendar, and may not report the bill out of committee with the recommendation that it be placed on the consent calendar on the floor.

(b) For purposes of this rule, an amendment creates a new bill or rewrites the bill if the amendment (1) changes the subject of the bill to a new or different subject, or (2) adds a new subject to the bill that is different from, and not related to, the contents of the bill.

1 Referral of Bills

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3 28.4. (a) If a Senate bill or Assembly bill is amended in the
4 Committee on Appropriations to create a new bill or to rewrite the
5 bill and the chair of the committee determines pursuant to Senate
6 Rule 28.8 that (1) any additional state costs are not significant and
7 do not and will not require the appropriation of additional state
8 funds, and (2) the bill will cause no significant reduction in
9 revenues, the bill shall be reported to the Senate with the
10 recommendation that it be placed on second reading, except that
11 the bill first shall be referred to the Committee on Rules. Upon
12 receipt of the bill, the Committee on Rules shall either refer the
13 bill to an appropriate policy committee or order that the bill be
14 placed on second reading.

15 (b) For purposes of this rule, an amendment creates a new bill
16 or rewrites the bill if the amendment (1) changes the subject of the
17 bill to a new or different subject, or (2) adds a new subject to the
18 bill that is different from, and not related to, the contents of the
19 bill.

20
21 Measures to be Authored

22
23 28.5. Each bill, constitutional amendment, or resolution shall
24 be authored by a Member or committee of the Legislature before
25 it is considered or voted on by a committee or the Senate. Each
26 amendment to a bill, constitutional amendment, or resolution shall
27 be signed by a Member or committee of the Legislature prior to
28 adoption by the Senate. A bill may be authored only by a Member
29 or committee of the house of origin. A Member other than a
30 Member of the house of origin may be a “principal coauthor” or
31 “coauthor.”

32
33 Vote in Committee

34
35 28.7. Voting on the disposition of bills, constitutional
36 amendments, concurrent resolutions, and joint resolutions by
37 committees shall be by rollcall vote only. A rollcall vote shall be
38 taken on a motion to amend only if requested by any member of
39 the committee or the author of the measure. All rollcall votes taken
40 in committees shall be promptly transmitted by their respective

1 chairs to the Secretary of the Senate, who shall cause a record of
2 the rollcall votes to be printed in the Journal.

3 This rule does not apply to:

4 (a) Procedural motions that do not have the effect of disposing
5 of a bill.

6 (b) Withdrawal of a bill from a committee calendar at the request
7 of an author.

8 (c) A committee’s return of a bill to the Senate, if the bill has
9 not been voted on by the committee.

10 (d) The assignment of bills to committee.

11 On a legislative day when the President pro Tempore or Minority
12 Floor Leader is in attendance, he or she, in the absence of any
13 objection, may instruct the committee secretary of a committee of
14 which he or she is a member to add his or her vote to any
15 previously announced vote that was taken while he or she was
16 performing the responsibilities of the office of President pro
17 Tempore or Minority Floor Leader, provided the outcome of the
18 vote is not thereby changed. This provision does not apply to any
19 rollcall after adjournment of the legislative day during which the
20 rollcall in question was taken. The intent of this paragraph is to
21 allow the President pro Tempore and the Minority Floor Leader
22 to carry out the unique and special duties of their offices without
23 losing the opportunity to vote on matters before the committees
24 of which they are members.

25

26 Appropriations Committee

27

28 28.8. Any bill referred to the Committee on Appropriations
29 pursuant to Joint Rule 10.5 that does not appropriate money may
30 not be set for hearing and shall, along with any nonsubstantive
31 amendments, promptly be reported to the Senate with the
32 recommendation it be placed on second reading if the chair of the
33 committee determines that (a) any additional state costs are not
34 significant and do not and will not require the appropriation of
35 additional state funds, and (b) the bill will cause no significant
36 reduction in revenues.

1 State-Mandated Local Program Bills

2
3 28.9. (a) Any bill having a digest that, pursuant to Section
4 17575 of the Government Code, indicates that the bill imposes a
5 state-mandated local program on local agencies or school districts
6 shall be rereferred to the Committee on Appropriations. The bill
7 may not be rereferred to the Committee on Governance and
8 Finance.

9 (b) Any bill rereferred to the Committee on Appropriations
10 pursuant to this rule that does not appropriate money and does not
11 contain a complete disclaimer of all of the provisions of Section
12 905.2 of, and Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of, the Government Code, need not be set for hearing
14 and may, along with any nonsubstantive amendments, be reported
15 to the Senate with the recommendation that it be placed on second
16 reading if the chair of the committee determines, after consideration
17 of the analyses of local costs prepared by the Legislative Analyst
18 and the Department of Finance, that (1) any additional local costs
19 are not significant and (2) the bill will cause no significant
20 reduction in local revenues.

21 For the purposes of this rule, “complete disclaimer” means a
22 provision in a bill that prohibits local agencies and school districts
23 from filing claims with the Commission on State Mandates for
24 reimbursement for the costs of unfunded mandated programs or
25 services.

26 (c) Whenever the Assembly amends and passes a Senate bill
27 and the Senate must concur in the amendments, upon the request
28 of any Senator the bill shall be rereferred to the Committee on
29 Appropriations if, based upon the Legislative Counsel’s Digest of
30 the Assembly amendments or an analysis prepared pursuant to
31 Rule 29.8, the bill (1) imposes state-mandated local costs without
32 providing adequate reimbursement, or (2) contains a complete
33 disclaimer. The Committee on Appropriations shall make a
34 recommendation to the Senate regarding whether the Senate should
35 concur in the Assembly amendments.

36 (d) Any bill referred to the Committee on Appropriations solely
37 pursuant to this rule, and that otherwise would not be rereferred
38 to the committee pursuant to Joint Rule 10.5, is not subject to
39 subparagraph (a)(1), (a)(6), (b)(3), or (b)(8) of Joint Rule 61.

Display Bills

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28.10. A display bill shall not be heard or acted on in any committee, or voted on by the Senate. For purposes of this rule, “display bill” means a bill that sets forth substantive changes in or additions to existing law but states in the text of the bill that its provisions are set forth for display purposes only, or words of like effect.

CONSIDERATION OF BILLS

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Order of Making Files

29. When bills are reported from committee they shall be placed upon the Daily File, to be kept by the Secretary as follows: All bills when reported to the Senate by the committee shall be placed at the foot of the Second Reading Senate or Assembly File, in the order in which the reports are made and, after the second reading, shall be placed at the foot of the Senate or Assembly Third Reading File, in the order of reading. Unless otherwise ordered by the Senate the File shall be taken up in the following order: Senate Second Reading File, Assembly Second Reading File, Special Orders, Unfinished Business, Senate Third Reading File, Assembly Third Reading File. The bills upon the third reading shall be considered in the order in which they appear upon the File, unless otherwise ordered by the Senate.

A Senate bill returned from the Assembly for concurrence in Assembly amendments may not be considered until it appears under Unfinished Business on the Daily File pursuant to Joint Rule 26.5 and an analysis is provided to each Senator pursuant to Senate Rule 29.8.

An inactive file shall be kept, to which bills and resolutions may be transferred at the request of the author, or on motion. Bills shall be so transferred when they have been passed on third reading file without action three successive times. Bills and resolutions may be transferred from the inactive file to the second reading file on motion and, after being read the second time, the bills shall take their place regularly on third reading file and be available for consideration and passage.

1 Bills, resolutions, and other questions may be transferred from
2 the unfinished business file to the inactive file upon request or
3 motion and may be returned to the unfinished business file by
4 request or on motion.

5 Placement of any question on the inactive file shall not prejudice
6 the question.

7
8 Strike From File
9

10 29.2. A motion to strike any bill, resolution, or other question
11 from the File shall require 21 votes. That bill, resolution, or other
12 question may not be acted upon again during the session.

13
14 Measures Amended From the Floor
15

16 29.3. (a) The consideration of a bill, constitutional amendment,
17 concurrent resolution, joint resolution, or Senate resolution that
18 has been amended by amendments offered from the floor, except
19 committee amendments reported with measures or amendments
20 offered with a motion to amend and rerefer to committee, is not
21 in order until the amended measure has been in print for not less
22 than one legislative day. Any measure so amended shall be placed
23 on the second reading file.

24 (b) A bill, constitutional amendment, concurrent resolution,
25 joint resolution, or Senate resolution shall not be recommended
26 for amendment by any committee after the last day specified in
27 the Joint Rules for the 2017–18 Regular Session to amend bills on
28 the floor, as specified in paragraph (13) of subdivision (a) of Joint
29 Rule 61 for odd-numbered years, and in paragraph (16) of
30 subdivision (b) of Joint Rule 61 for even-numbered years.

31
32 Bills Approving Memoranda of Understanding
33

34 29.4. The Senate may not pass a bill that approves a
35 memorandum of understanding, for purposes of Section 3517.5
36 and following of the Government Code, until the final version of
37 the subject memorandum of understanding is received by the
38 Secretary of the Senate and made available for review for seven
39 legislative days and its availability for review noted in the Senate
40 Daily Journal for that period.

Amended Forms of Measures

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29.5. No bill, constitutional amendment, concurrent resolution, joint resolution, or Senate resolution may be considered for passage unless and until a copy of the measure as last amended is on the desk of each Member in printed or electronic form.

Conference Reports

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29.6. (a) No conference committee on any bill, other than the Budget Bill and the budget implementation bills, may approve any substantial policy change in any bill if that substantial policy change has been defeated in a policy committee of the Senate during the current legislative session.

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

Conference Committee Meetings

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29.7. Before the adoption of a conference report by the Senate, any Senator may raise a point of order and put the following question to the chair of the Committee on Conference from the Senate: “Did the Committee on Conference meet at a public meeting attended by at least two of the Assembly Members and two of the Senate Members of the Committee on Conference and adopt the conference report by an affirmative rollcall vote of not less than two of the Assembly Members and two of the Senate Members constituting the Committee on Conference?” If the chair answers this question in the negative, the conference report shall be returned to the Committee on Conference and may not be further considered by the Senate until the committee has met at a public meeting attended by at least two of the Assembly Members and two of the Senate Members of the committee, and has adopted the conference report by an affirmative rollcall vote of not less than

1 two of the Assembly Members and two of the Senate Members
2 constituting the committee.

3

4 Analysis of Measures, Conference Reports, and Floor
5 Amendments
6

7 29.8. (a) With the exception of the Budget Bill and budget
8 implementation bills, no bill, constitutional amendment, concurrent
9 resolution, joint resolution, Senate resolution, unfinished business
10 item, or report of a conference committee may be considered unless
11 and until an analysis thereof has been prepared by the Office of
12 Senate Floor Analyses and placed upon the desks of the Senators,
13 unless otherwise ordered by the President pro Tempore.

14 (b) An amendment from the floor is not in order unless and until
15 the amendment has been reviewed by the Office of Senate Floor
16 Analyses. Upon a request by the Chair or Vice Chair of the
17 Committee on Rules, or by the lead author of the measure to which
18 a substantive amendment is proposed from the floor, an analysis
19 thereof shall be prepared by the Office of Senate Floor Analyses
20 and placed upon the desks of the Senators.

21

22 Consideration of Conference Reports

23

24 29.9. No conference report may be adopted by the Senate until
25 it has been in print for two days prior to being taken up by the
26 Senate.

27

28

29 Referral of Bills

30

31 29.10. (a) If the analysis, prepared in accordance with
32 subdivision (b) of Rule 29.8, of proposed floor amendments to a
33 bill, other than the Budget Bill, discloses that the amendments
34 create a new bill or rewrite the current form of the bill, upon
35 adoption of the amendments the bill shall be reprinted and referred
36 to the Committee on Rules.

37 (b) When amendments adopted pursuant to subdivision (a)
38 rewrite the bill, as specified in subdivision (e), the Committee on
39 Rules shall refer the bill to a standing committee. The standing
40 committee shall meet and act upon the bill no later than the next
scheduled hearing of the committee. If the bill is referred to a

1 standing committee during a time when standing committees are
2 not meeting, the standing committee shall meet and act upon the
3 bill as directed by the Committee on Rules and, in any event, within
4 two legislative days of receipt of the bill. Upon receipt of the bill,
5 the committee by a vote of a majority of the membership may do
6 any of the following: (1) hold the bill, (2) return the bill to the
7 Senate floor for consideration, or (3) rerefer the bill to fiscal
8 committee pursuant to Joint Rule 10.5.

9 If the bill is referred to a standing committee during the time
10 when no committee may meet, the Committee on Rules shall grant
11 permission to suspend the joint rule to allow the committee to meet
12 as directed by the Committee on Rules.

13 If the bill is referred to the Committee on Rules on the last
14 legislative day preceding a joint recess, the Committee on Rules
15 and, if the bill is referred to a standing committee, the standing
16 committee, shall meet and act upon the bill before adjourning for
17 the recess. If the bill is referred to the Committee on Rules on any
18 of the three legislative days preceding February 1 or September 1
19 of an even-numbered year, the Committee on Rules and, if the bill
20 is referred to a standing committee, the standing committee, shall
21 meet and act upon the bill on the same legislative day.

22 (c) When amendments adopted pursuant to subdivision (a) create
23 a new bill, as specified in subdivision (f), the bill shall be referred
24 to the Committee on Rules. The Committee on Rules, by a vote
25 of a majority of its membership may either (1) hold the bill, or (2)
26 refer the bill to the appropriate standing committee subject to all
27 of the time and other limitations provided in these rules and the
28 Joint Rules for the hearing and passage of bills.

29 (d) If the analysis, prepared in accordance with subdivision (a)
30 of Rule 29.8, of a bill, other than the Budget Bill, that is returned
31 to the Senate for a vote on concurrence discloses that the Assembly
32 amendments create a new bill or rewrite the bill as passed by the
33 Senate, the bill shall be referred to the Committee on Rules. The
34 Committee on Rules by a vote of a majority of its membership
35 may either (1) refer the bill to an appropriate standing committee,
36 (2) recommend that the bill be taken up for consideration of the
37 Assembly amendments, or (3) hold the bill.

38 If the bill is referred to a standing committee, the committee
39 shall meet and act upon the bill no later than the next scheduled
40 hearing of the committee. If the bill is referred to a standing

1 committee during a time when standing committees are not
2 meeting, the standing committee shall meet and act upon the bill
3 as directed by the Committee on Rules and, in any event, within
4 two legislative days of receipt of the bill. Upon receipt of the bill,
5 the standing committee by a majority vote of the membership may
6 either (1) hold the bill, or (2) return the bill to the Senate floor for
7 consideration of the bill as amended in the Assembly.

8 If the bill is referred to a standing committee during the time
9 when no committee may meet, the Committee on Rules shall grant
10 permission to suspend the joint rule to allow the committee to meet
11 as directed by the Committee on Rules.

12 If the bill is referred to the Committee on Rules on the last
13 legislative day preceding a joint recess, the Committee on Rules
14 and, if the bill is referred to a standing committee, the standing
15 committee, shall meet and act upon the bill before adjourning for
16 the recess. If the bill is referred to the Committee on Rules on any
17 of the three legislative days preceding February 1 or September 1
18 of an even-numbered year, the Committee on Rules and, if the bill
19 is referred to a standing committee, the standing committee, shall
20 meet and act upon the bill on the same legislative day.

21 (e) An amendment rewrites a bill if the amendment (1) is
22 germane to the previous version of the bill but adds a new subject
23 to the bill that is different from, but related to, the contents of the
24 bill, or (2) is not described in subdivision (f) and makes a change
25 of fiscal or policy significance that may be appropriate for review
26 by a standing committee.

27 (f) An amendment creates a new bill if the amendment changes
28 the subject of the bill to a new or different subject.

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Special Order

32 30. Any measure or subject may, by vote of a majority of those
33 voting, be made a special order and, when the time fixed for its
34 consideration arrives, he or she who is presiding shall lay it before
35 the Senate.

36
37
38

Messages From the Governor or Assembly

39 31. Messages from the Governor or from the Assembly may
40 be introduced at any stage of business except while a question is

1 being put, while the ayes and noes are being called, or while a
2 Senator is addressing the Senate.

3 Messages from the Governor or from the Assembly may be
4 considered when indicated in the order of business or at any other
5 time by unanimous consent or upon motion.

6

7

Engrossing Measures

8

9 32. All Senate bills, constitutional amendments, and joint and
10 concurrent resolutions shall be engrossed after each amendment
11 and before final action is taken on them in the Senate. Engrossment
12 shall consist of comparing the printed engrossed measure with the
13 original measure introduced and any amendments adopted to
14 ascertain that it is correct, and making necessary technical
15 corrections. When a measure is reported correctly engrossed it
16 shall be substituted for the original measure.

17

18

Enrolling Measures

19

20 33. All Senate measures shall be enrolled immediately following
21 their final passage and receipt from the Assembly. An enrolled
22 copy of every bill, constitutional amendment, or resolution shall
23 be printed and examined to ascertain that it is a true and accurate
24 copy of the measure as it was passed. It shall then be authenticated
25 by the signature of the Secretary of the Senate or his or her
26 designee, and the Chief Clerk of the Assembly or his or her
27 designee, and transmitted to the Governor or Secretary of State,
28 as the case may be.

29

30

DEBATE

31

32

Statement of Motion

33

34 34. A motion may not be debated until it is distinctly announced
35 by he or she who is presiding, and it shall be reduced to writing if
36 desired by any Senator, and read by the Secretary, before it is
37 debated.

1 Regulations as to Speaking

2
3 35. (a) When a Senator desires to address the Senate, he or she
4 shall rise in his or her place, address he or she who is presiding,
5 and, when recognized, proceed to speak through the public address
6 system.

7 (b) A Senator may not speak more than twice in any one debate
8 on the same day, and at the same stage of the bill, without leave;
9 Senators who have once spoken are not again entitled to the floor
10 (except for explanation) so long as any Senator who has not spoken
11 desires to speak.

12 (c) When two or more Senators arise at the same time to address
13 the Senate, he or she who is presiding shall designate the Senator
14 who is entitled to the floor.

15 (d) A Senator may not be interrupted when speaking, and no
16 question may be asked of him or her except through he or she who
17 is presiding.

18 (e) The author of a bill, motion, or resolution shall have the
19 privilege of closing the debate.

20
21 Order in Debate

22
23 36. When a Senator is called to order he or she shall sit down
24 until he or she who is presiding has determined whether or not he
25 or she is in order. Every question of order shall be decided by he
26 or she who is presiding, subject to an appeal to the Senate by any
27 Senator. If a Senator is called to order for words spoken, the
28 objectionable language shall immediately be taken down in writing
29 by the Secretary of the Senate.

30
31 Right to Address the Senate

32
33 37. A person other than a Member of the Senate may not
34 address the Senate while it is in session, except that the Senate
35 may resolve itself into a Committee of the Whole and, while sitting
36 as a Committee of the Whole, may be addressed by persons other
37 than Members.

QUESTIONS AND MOTIONS

Amendments to Measures

38. When amendments to a measure are reported by a committee or offered from the floor, the amendments shall be submitted in writing.

Adoption of amendments to any measure in the Senate prior to third reading, other than by rollcall, shall not preclude subsequent consideration, in committee or on the third reading of the measure, of the amendments or any part thereof by the Senate.

Amendments to Be Germane

38.5. Every amendment proposed must be germane. In order to be germane, an amendment must relate to the same subject as the original bill, resolution, or other question under consideration.

A point of order may be raised that the proposed amendment or an amendment now in the bill, resolution, or other question under consideration is not germane, so long as the question is within control of the body. In that case the President pro Tempore shall decide whether the point of order is well taken. In the absence of the President pro Tempore, the Vice Chair of the Committee on Rules shall decide whether the point of order is well taken. If, in the opinion of the President pro Tempore or the Vice Chair of the Committee on Rules, the point of order is well taken, the question of germaneness shall on his or her motion be referred to the Committee on Rules for determination. The Committee on Rules shall make its determination by the following legislative day. If the point of order is raised and referral is made on the last legislative day preceding a joint recess, the Committee on Rules shall make its determination before adjourning for the recess.

The proposition shall remain on file until the determination is made. If, upon consideration of the matter, the Committee on Rules determines that the amendment is not germane, the bill, resolution, or other question shall be stricken from the file and may not be acted upon during the remainder of the session, provided that the author of a bill, resolution, or other question shall be given the opportunity to amend the bill, resolution, or other question to delete

1 the portions that are not germane, in which case the bill, resolution,
2 or other question may continue to be acted upon. If the Committee
3 on Rules determines that the amendment is germane, the bill,
4 resolution, or other question may thereafter be acted upon by the
5 house.

6 Notwithstanding Rule 21, this rule may not be suspended unless
7 the Committee on Rules determines that an extraordinary
8 circumstance and overwhelming public interest exist that justify
9 the suspension.

10

11 Amendments From the Floor

12

13 38.6. Amendments to a bill, constitutional amendment,
14 concurrent resolution, joint resolution, or Senate resolution offered
15 from the floor, except committee amendments reported with
16 measures or amendments offered with a motion to amend and
17 rerefer to committee, are not in order unless and until a copy of
18 the proposed amendments provided by the author has been placed
19 upon the desks of the Members.

20

21 Motion to Lay on the Table

22

23 39. When an amendment proposed to any pending measure is
24 laid on the table, it may not carry with it or prejudice the measure.

25

26 Division of a Question

27

28 40. If a question in debate contains more than one distinct
29 proposition, any Senator may have the same divided.

30

31 The Previous Question

32

33 41. The previous question shall be put in the following form:
34 “Shall the question be now put?” It shall require a majority vote
35 of the Senators present, and its effect shall be to put an end to all
36 the debate except that the author of the bill or the amendment shall
37 have the right to close, and the question under discussion shall
38 thereupon be immediately put to a vote.

Call of the Senate

- 1
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3 42. Upon a motion being carried for a call of the Senate, he or
4 she who is presiding shall immediately order the doors to be closed,
5 and shall direct the Secretary to call the names of the absentees as
6 disclosed by the last previous rollcall. Thereupon, a Member may
7 not be permitted to leave the Senate Chamber except by written
8 permission of the President pro Tempore or, in his or her absence,
9 the Vice Chair of the Committee on Rules, or, in his or her absence,
10 another member of the Committee on Rules designated for that
11 purpose by the President pro Tempore or the Vice Chair of the
12 Committee on Rules. Those Members who are found to be absent
13 and for whom no excuse or insufficient excuses are made may, by
14 order of those present, be taken into custody, as they appear, or
15 may be sent for and then taken into custody by the Sergeant at
16 Arms whenever found, or by special messenger to be appointed
17 for that purpose. In the absence of a quorum, a majority of the
18 Members present may order a rollcall of the Senate and compel
19 the attendance of absentees in the manner above provided.
- 20 A call of the Senate may be ordered after the roll has been called
21 and prior to the announcement of the vote. A call of the Senate
22 may be dispensed with at any time upon a majority vote of the
23 Senators present, that action to become effective upon completion
24 of the rollcall and the announcement of the vote upon the matter
25 for which the call was ordered.
- 26 A recess may not be taken during a call of the Senate. During
27 any call, the call may be made to apply also to other items of
28 business by a motion made and adopted by a majority vote of the
29 Members present. Under those circumstances, when the call of the
30 Senate is dispensed with as to any item of business, the call is
31 deemed to be continued in effect until other items of business that
32 have been made subject to the call by a majority of the Members
33 present have been acted upon. When a call of the Senate is ordered,
34 pending the announcement of the vote upon the completion of a
35 rollcall, the pending rollcall shall become unfinished business, the
36 consideration of which shall be continued until further proceedings
37 under the call of the Senate are dispensed with, when it will
38 forthwith become the order of business before the Senate.
- 39 A motion to adjourn is not in order during a call of the Senate.

1 Reconsideration

2
3 43. On the day on which a vote has been taken on any question,
4 a motion to reconsider the vote may be made by any Member.
5 Reconsideration may be granted only once.

6 The motion may be considered on the day made or on the
7 succeeding legislative day, but may not be further postponed
8 without the concurrence of 30 Members.

9 A vote by which a bill was passed may not be reconsidered on
10 the last legislative day preceding the interim study joint recess or
11 the final recess, and a vote by which the bill was passed may not
12 be reconsidered on a Senate bill introduced during the first year
13 of the biennium of the legislative session on January 31, or on the
14 last legislative day immediately preceding January 31, of an
15 even-numbered year.

16 When reconsideration of the vote by which any bill has passed
17 has been demanded, the Secretary may not transmit it to the
18 Assembly until the demand has been disposed of or the time for
19 reconsideration has expired, but if the bill has already been
20 transmitted to the Assembly the demand for reconsideration shall
21 be preceded by a motion to request the Assembly to return the bill.
22 The motion shall be put to a vote immediately without debate and,
23 if not adopted, shall preclude a demand for reconsideration.

24 A demand to reconsider the vote on any debatable question opens
25 the main question to debate, and the vote on the reconsideration
26 shall be on the merits of the main question.

27
28 VOTING BY SENATE

29
30 Rescinding

31
32 43.5. An action whereby a bill has been passed or defeated may
33 not be rescinded without the concurrence of 27 Members.

34
35 Voting on Rollcall

36
37 44. Whenever a rollcall is required by the Constitution or rules,
38 or is ordered by the Senate or demanded by three Members, every
39 Member within the Senate shall without debate answer “Aye” or
40 “No” when his or her name is called.

1 The names of Members shall be called alphabetically.
 2 A Senator may not vote or change his or her vote after the
 3 announcement of the vote by the presiding officer.
 4 On a legislative day when the President pro Tempore or Minority
 5 Floor Leader is in attendance throughout a session, he or she, in
 6 the absence of any objection, may instruct the Secretary of the
 7 Senate to add his or her vote to any previously announced vote
 8 that was taken while he or she was performing the responsibilities
 9 of the office of President pro Tempore or Minority Floor Leader,
 10 provided the outcome of the vote is not thereby changed. This
 11 provision does not apply to any rollcall after adjournment of the
 12 legislative day during which the rollcall in question was taken.
 13 The intent of this paragraph is to allow the President pro Tempore
 14 and the Minority Floor Leader to carry out the unique and special
 15 duties of their offices without losing the opportunity to vote on
 16 matters before the Senate.

17
18 Excused From Voting

19
20 45. When a Senator declines or fails to vote on call of his or
 21 her name, he or she may, after completion of the rollcall and before
 22 the announcement of the vote, be required to assign his or her
 23 reasons therefor and, the Senator having assigned them, the
 24 presiding officer shall submit the question to the Senate: "Shall
 25 the Senator, for the reasons assigned by him or her, be excused
 26 from voting?" which question shall be decided without debate.
 27 Unless the Senator is excused from voting he or she shall be
 28 required to vote.

29
30 Voting by Presiding Senator

31
32 46. When any Member is presiding over the Senate, he or she
 33 shall vote on rollcall the same as though he or she were not
 34 presiding.

35
36 Vote Required

37
38 47. Unless otherwise required by the Constitution, the Joint
 39 Rules of the Senate and Assembly, or these rules, any action that

1 can be taken by the Senate requires only a majority vote of the
2 Senate, a quorum being present.

3 The following actions require 32 votes:

4 (1) To pass a bill amending specified provisions of the Tobacco
5 Tax and Health Protection Act of 1988 (Prop. 99, Nov. 8, 1988;
6 Sec. 30130, R.& T.C.).

7 (2) To pass a bill amending the Clean Air and Transportation
8 Improvement Act of 1990 (Prop. 116, June 5, 1990; Sec. 99605,
9 P.U.C.).

10 (3) To pass a bill amending the California Wildlife Protection
11 Act of 1990 (Sec. 8, Prop. 117, June 5, 1990).

12 (4) To pass a bill amending specified provisions of the California
13 Healthcare, Research and Prevention Tobacco Tax Act of 2016
14 (Sec. 9(c), Prop. 56, Nov. 8, 2016).

15 The following actions require 30 votes:

16 (5) To dispense with the constitutional provision requiring a
17 30-calendar-day delay after introduction before a bill may be heard
18 by any committee or acted upon by either house (Constitution,
19 Art. IV, Sec. 8(a)).

20 (6) To postpone the reconsideration of a vote beyond the first
21 legislative day succeeding the day the motion was made.

22 (7) To pass a bill amending the Death Penalty Reform and
23 Savings Act of 2016 (Sec. 20, Prop. 66, Nov. 8, 2016).

24 The following action requires 28 votes:

25 (8) To pass a bill amending the statutory provisions, other than
26 the bond provisions, of the California Stem Cell Research and
27 Cures Act (Sec. 8, Prop. 71, Nov. 2, 2004).

28 (9) To pass a bill amending the statutory provisions of the
29 Victims' Bill of Rights Act (Sec. 9, Prop. 9, Nov. 4, 2008).

30 The following actions require 27 votes:

31 (10) To pass an urgency clause and urgency statute
32 (Constitution, Art. IV, Sec. 8(d)).

33 (11) To dispense with the constitutional provision requiring the
34 reading of bills on three several days (Constitution, Art. IV, Sec.
35 8(b)(1)).

36 (12) To waive the 72-hour notice period for a bill if the Governor
37 has submitted to the Legislature a written statement that dispensing
38 with the notice period for that bill is necessary to address a state
39 of emergency (Constitution, Art. IV, Sec. 8(b)(2)).

- 1 (13) To pass a bill over the Governor’s veto (Constitution, Art.
- 2 IV, Sec. 10).
- 3 (14) To prescribe compensation and reimbursement for travel
- 4 and living expenses of the Members of the Legislature
- 5 (Constitution, Art. IV, Sec. 4).
- 6 (15) To propose an amendment to or revision of the Constitution
- 7 (Constitution, Art. XVIII, Secs. 1, 2).
- 8 (16) To amend or withdraw a proposed legislative constitutional
- 9 amendment or revision (Constitution, Art. XVIII, Sec. 1).
- 10 (17) To classify or exempt personal property for property
- 11 taxation purposes (Constitution, Art. XIII, Sec. 2).
- 12 (18) To permit an exemption of real property from taxation
- 13 (Constitution, Art. XIII, Sec. 7).
- 14 (19) To remove a member of the Public Utilities Commission
- 15 (Constitution, Art. XII, Sec. 1).
- 16 (20) To reconsider the vote by which a concurrent resolution
- 17 proposing a constitutional amendment is defeated.
- 18 (21) To rescind the action whereby a bill has been passed or
- 19 defeated.
- 20 (22) To suspend the rule against lobbying in the Senate
- 21 Chamber.
- 22 (23) To concur in Assembly amendments to, or adopt a report
- 23 of a committee on conference concerning, a constitutional
- 24 amendment or bill that requires 27 votes for passage.
- 25 (24) To concur in Assembly amendments to, or adopt a report
- 26 of a committee on conference concerning, a Senate bill that
- 27 contains an item or items of appropriation subject to Section 12(d)
- 28 of Article IV of the Constitution.
- 29 (25) To amend an initiative statute that permits that action and
- 30 requires 27 votes for passage.
- 31 The following action requires 22 votes:
- 32 (26) To pass a bill amending the Safety for All Act of 2016
- 33 (Sec. 13, Prop. 63, Nov. 8, 2016).
- 34 The following actions require 21 votes:
- 35 (27) To adopt, amend, or suspend the rules, except as provided
- 36 in Rule 21.
- 37 (28) To pass a bill, unless under other rules a greater vote is
- 38 required (Constitution, Art. IV, Sec. 8(b)).
- 39 (29) To adopt a joint or concurrent resolution.
- 40 (30) To reconsider a bill, or a joint or concurrent resolution.

1 (31) To confirm an appointment by the Governor, unless a
2 greater vote is required by statute, or to reconsider the same.

3 (32) To recall a bill from committee.

4 (33) To concur in Assembly amendments to, or adopt a report
5 of a committee on conference concerning, a joint or concurrent
6 resolution or bill that requires 21 votes for passage.

7 (34) To change a rate of bank and corporation taxation, or tax
8 on insurers, for state purposes (Constitution, Art. XIII, Secs. 27,
9 28).

10 (35) To strike from file.

11 (36) To adopt a resolution that does not favor a Governor's
12 Reorganization Plan (Sec. 12080.5, Gov. Code).

13 Actions requiring 14 votes:

14 (37) To reconsider a vote by which a concurrent resolution
15 proposing a constitutional amendment was adopted.

16

17 Vote Required for Amendments

18

19 48. A constitutional amendment or bill requiring a vote of
20 two-thirds of the Members elected to the Senate for final adoption
21 or passage may be amended by a majority of those voting.

22

23 CONTENTS OF SENATE JOURNAL

24

25 Proceedings to Be Printed

26

27 49. The proceedings of the Senate, when not acting as a
28 Committee of the Whole, shall be entered in the Journal as
29 concisely as possible, care being taken to record a true and accurate
30 account of the proceedings.

31 The Journal shall state the name of the Senator presenting each
32 Assembly bill, concurrent or joint resolution, or constitutional
33 amendment to the Senate for final action.

34 Every vote of the Senate shall be recorded in the Journal.

35

36 Titles of Measures to Be Printed

37

38 50. The titles of all bills, joint and concurrent resolutions, and
39 constitutional amendments when introduced and when acted upon
40 by the Senate, and a brief statement of the contents of each petition,

1 memorial, or paper presented to the Senate, shall be printed in the
2 Journal.

3

4

Other Matters to Be Printed

5

6 51. Messages from the Governor (other than annual messages
7 and inaugural addresses) shall be printed in the Journal, unless
8 otherwise ordered by the Senate.

9 Letters of transmittal presenting reports of committees and
10 reports of state departments and agencies as shall be made to the
11 Senate pursuant to law or resolution adopted by the Senate shall
12 be printed in the Journal, but the reports shall be printed in the
13 Appendix to the Journal unless otherwise directed by the Senate.

14

15

Duty of Secretary to Order Printing

16

17 52. It shall be the duty of the Secretary of the Senate, and he
18 or she is hereby directed, to order for the Senate the necessary
19 printing, including stationery for the Members, and to audit and
20 approve all bills for printing to be charged to the Senate. The
21 Secretary of the Senate shall order from the Office of State
22 Publishing the number of copies of bills, Journals, Histories, Files,
23 forms, and other printing as shall be necessary.

24 It shall further be the duty of the Secretary of the Senate to order
25 bills and other legislative publications for which there is a demand,
26 to be printed before the supply of same shall become exhausted.

27

28

Printing Only on Written Orders; Rush Orders

29

30 53. The Office of State Publishing may not charge any printing
31 or other work to the Senate except as required by law unless he or
32 she has a written order from the Secretary of the Senate prior to
33 beginning the printing or other work. All printing orders by the
34 Secretary of the Senate shall be delivered as directed by him or
35 her. The Secretary of the Senate may, when necessity requires it,
36 order from the Office of State Publishing the printing that he or
37 she deems necessary to be printed in advance of the regular order
38 of business, under a specially prepared written order to be known
39 as a "Rush Order."

THE SENATE CHAMBER

Admission to the Senate Chamber

55. (a) Persons who are not Members, officers, or employees of the Senate may be admitted to the Senate Chamber only as follows:

1. The Members, officers, and assistant clerks of the Assembly.
2. The Legislative Counsel or his or her representatives.
3. The accredited press, radio, and television representatives.
4. Former State Senators and Assembly Members.
5. Visitors in the chairs reserved for that purpose, on invitation of the President or a Senator or on presentation of a pass.

(b) While the Senate is in session a person, except Members of the Legislature, may not engage in influencing the passage or defeat of legislation in any way in the Senate Chamber.

(c) A person meeting the definition of a lobbyist in Section 82039 of the Government Code may not be admitted to the Senate Chamber while the Senate is in session.

(d) Only Members and officers of the Senate and Assembly, former Members of the Senate, assistant clerks of the Senate and the Assembly, the Legislative Counsel or his or her representatives, Senate employees for the purpose of delivering messages and when so directed by a Member of the Senate, and members of the press who have seats assigned to them may be permitted on the Floor of the Senate.

(e) The Senate Chamber is the Senate Chamber proper, the adjoining hallway, Rooms 3030, 3046, 3191, 3195, and 3196 of the Capitol Annex, and Room 215 of the Capitol.

(f) The Floor of the Senate is all of the Senate Chamber except the adjoining hallway and the rooms listed in subdivision (e), the visitors seating area, and the western portion of Room 3191.

(g) Notwithstanding any other provision of this rule, any person may be admitted to Room 3191 and Room 215 to attend a meeting of a Senate, Assembly, joint, or conference committee.

(h) Notwithstanding any other provision of this rule, a person may not be permitted on the Floor of the Senate while it is in session unless the person is wearing appropriate attire. Appropriate attire includes coats and ties for men. Accredited camerapersons,

- 1 sound technicians, and photographers are exempt from this
- 2 requirement. Floor of the Senate, for this purpose, has the same
- 3 meaning set forth in subdivision (f).
- 4 (i) This rule may be suspended by a vote of two-thirds of the
- 5 Members of the Senate.

O