

# **NEW CALIFORNIA STATE RULES OF THE SENATE**

## **RULE I**

### **Procedural and Parliamentary Authority**

#### 1-1 Manual.

(a) The "New California Manual of Legislative Procedure" shall govern procedural matters for the Legislature not shown elsewhere in these rules and not inconsistent with those found in the New California Law or Constitution. Changes to these Rules shall be made only by a two-thirds vote of the members of the Senate.

(b) The New California Manual of Legislative Procedures, and all future revisions, shall be referred to as the "Manual."

1-2 Parliamentary Practice. The rules of parliamentary practice comprised in Mason's "Manual of Legislative Procedure" published by the National Conference of State Legislatures in 2010 shall govern the Senate in all cases to which they are not inconsistent with the rules and orders of the Senate and joint rules and orders of the Senate and Assembly.

1-3 Suspension of Rules. No standing rules of the Senate shall be rescinded, changed or suspended, except by a vote of at least two-thirds of the members duly elected.

1-4 Temporary Legislative Facilities. During the period when the Legislature is housed or holds legislative sessions, irregardless of location, the words "State Capitol" or "Capitol" when used in these Rules shall be understood to mean the Location where the legislature is housed or holds legislative sessions.

## **RULE II**

### **SENATE ORGANIZATION**

2-1 Election of Officers. The officers of the Senate shall be elected by a majority of all the members of the Senate. A Senator who served as President Pro Tempore during a term of the legislature shall not be eligible to serve as President Pro Tempore during the net terms of the legislature. A Senator who served as Vice-President Pro Tempore during a term of the legislature shall not be eligible to serve as Vice-President Pro Tempore during the next terms of the legislature. As used in this rule, "term of the legislature" means the period beginning on the first Monday in January of an odd numbered year and continuing until the next first Monday of January in the following odd-numbered year.

2-2 Duties of President Pro Tempore. It shall be the general duty of the President Pro Tempore:

- (a) To announce the business before the Senate in the order which it is to be taken up;
- (b) To receive and submit in proper manner all motions and propositions presented by the members and to announce the result;
- (c) To receive messages and other communications from other branches of the government and announce them to the Senate;
- (d) To authenticate by his signature, when necessary, all acts, orders and proceedings of the Senate;
- (e) To name the members of all committees unless otherwise directed by a majority of the Senate;
- (f) He shall have the regulation of such parts of the Capitol and its passages as are or may be set apart for the use of the Senate and its officers;
- (g) He shall refer all matters to be committed to the committee most appropriate to take charge of the same;
- (h) He shall call a member to fill the Chair whenever the Senate shall resolve itself into a Committee of the Whole;
- (i) He shall preserve order and decorum, and may speak on points of order in preference to other members, rising from his seat for that purpose, and shall decide points of order, subject to an appeal to the Senate.

2-3 Vice President Pro Tempore. The Senate shall elect a Vice President Pro Tempore, who, in the absence of the President Pro Tempore, shall exercise all the powers and authority of the President Pro Tempore, and shall perform all his duties.

2-4 Other Officers. All other officers and employees of the Senate shall perform their respective duties, as generally outlined in "New California Manual of Legislative Procedures" under the direction of the President Pro Tempore.

2-5 Removal of Officers. Two-thirds of all the members of the Senate voting for the removal of the President Pro Tempore, or any officer of the Senate, shall be sufficient to vacate the chair, or such office, as the case may be.

2-6 Senate Committees. Senate Standing Committees shall be appointed by the President Pro Tempore of the Senate after conferring with the majority and minority leaders. Senate Standing Committees are as follows:

1. Judiciary

2. Appropriations
3. Revenue
4. Education
5. Public Safety and Prisons
6. Commerce, Economic Development and Public Utilities
7. Agriculture, State and Public Lands and Water Resources
8. Travel, Recreation, Wildlife and Cultural Resources
9. Corporations, Elections and Political Subdivisions
10. Transportation, Highways and Military Affairs
11. Labor, Health, Public Retirement and Social Services
12. Journal
13. Rules and Procedure
14. Ethics and Oversight
15. And any other such committees as shall be determined, and approved by a majority vote in the Senate.

2-7 Committee Membership. Membership on committees shall be apportioned as nearly as possible as to reflect the percentage of the elected membership of the majority and minority parties and other parties of the Senate.

(a) All committees shall have five members, one of which shall be the chairman and member of the majority party.

2-8 Changes in Committee Membership. No change shall be made in any committee except by vote of a majority of the members of the Senate. The President Pro Tempore of the Senate may appoint a member to fill any vacancy occurring on any Senate Standing Committee during the interim, providing the appointment is made with the advice of the respective majority or minority leader, dependent upon the party in which the vacancy has occurred.

2-9 Conference Committees, Membership. The President Pro Tempore shall appoint three members to the free or select conference committee following “Mason’s Manual.”

## **RULE III**

### **CONVENING AND ORDER OF BUSINESS**

3-1 Hour of Meeting. The Senate shall meet each day of sitting at 10 A.M., unless the Senate shall have adjourned to some other hour. A majority of all the members of the Senate shall constitute a quorum; but a less number, after waiting one hour for a quorum, may adjourn from day to day.

3-2 Call to Order and Roll Call. The President Pro Tempore shall take the chair at the fixed hour for the meeting of the Senate and call the members to order. The members shall thereupon take their respective seats and the Clerk shall proceed to call the roll of the members, and the names of those present and absent shall be entered upon the Journal.

3-3 Absent Members. No member or officer shall absent himself from the service of the Senate except:

- (a) In case of sickness;
- (b) With permission of the President Pro Tempore first obtained;
- (c) By a majority vote of the Senate first obtained.

3-4 Quorum – How Maintained. In case fewer than a Quorum of the Senate shall convene, the President Pro Tempore is authorized to send the Sergeant-at-arms, or any other person, for any or all members absent without leave.

3-5 Order of Business. The following shall be the usual order of business, however the order may be changed as necessary for the efficient management of business:

- (a) Roll call
- (b) Prayer by the chaplain
- (c) Pledge of Allegiance
- (d) Journal
- (e) Confirmation of appointments, if any
- (f) Messages from the governor and/or house
- (g) Unfinished business
- (h) Introduction, reading and reference of bills

- (i) Assembly bills on first reading
- (j) Reports from standing committees
- (k) Reports from select committees
- (l) Bills on second reading
- (m) Bills on third reading and final passage
- (n) Consideration of bills on general file
- (o) Signing of enrolled acts
- (p) Action on administrative rule orders
- (q) Special orders and committee announcements
- (r) Recess/Adjournment

## **RULE IV**

### **INTRODUCTION AND REFERRAL OF BILLS**

#### 4-1 Definitions.

- (a) Whenever the word "bill" is used in these Rules, it shall include Senate files, Assembly bills, Senate and Assembly joint memorials and resolutions unless otherwise specified.
- (b) Whenever used in these Rules, the words "budget bill", "mirror budget bill" or "general appropriations bill or bills" refers to the "general appropriations bill" specified in the Joint Rules of the Assembly and Senate which contains appropriations for the ordinary expenses of the three branches of state government and may include other appropriations allowed by Article 3 of the New California State Constitution.
- (c) The words "printed", "distribute" and "distributed" when used in these Rules in relation to the distribution of bills, amendments or other information to legislators shall include distribution by electronic means.

4-2 Preparation of Bills. Bills for consideration by the legislature shall be prepared generally per the drafting rules set forth in the Manual and approved as to form,

jacketed, indexed and stored in the computer by the Legislative Service Office before being introduced in the house designated by the prime sponsor.

4-3 Limit on Number of Bills Sponsored. Except for a Budget Session, no member shall sponsor more than seven (7) bills in any session. This limitation shall not apply to joint interim, or adhoc, committees, such as the Management Audit Committee, the Select Water Committee and any other committee designated by the Management Council, nor shall this limitation include any bill the sole purpose of which is to repeal existing statutes.

4-4 Administering Bill Sponsorship Limits. For the purpose of administering Senate Rules which limits the number of bills a member may sponsor, the following shall apply:

(a) There shall be no limit on the number of bill drafts which a member may request be drafted by the Legislative Service Office;

(b) The Legislative Service Office shall assign a bill number and jacket for introduction of bill drafts in the order that the sponsor approves and submits the drafts for final processing;

(c) The Legislative Service Office shall immediately advise the member when that member has approved and submitted bill drafts for introduction in an amount equal to the limit prescribed by the applicable rule. If the member thereafter submits an approval for an additional bill draft for final processing so as to be assigned a bill number and jacketed, the Legislative Service Office shall not process the bill further unless the member withdraws a bill that the member previously approved and submitted for sponsorship. For the purpose of this paragraph, a member withdraws a bill previously approved and submitted for sponsorship by:

(i) If the session has not convened, directing the Legislative Service Office to cancel the previously approved bill;

(ii) If the session has convened, submitting the jacket of the bill to be cancelled to the Chief Clerk with a written and signed notation on the jacket to cancel the bill.

(d) If the legislator wishes to request that the rules on limits be suspended for the purpose of introducing a bill in excess of the number authorized, the member shall have the bill draft as prepared by the Legislative Service Office distributed to the membership and then make the motion to suspend the rules. If the motion passes, the Legislative Service Office shall immediately jacket the bill, assign it a number and submit it to the Chief Clerk.

4-5 Introduction Deadline. No bill, other than general appropriations bills shall be introduced after noon of the 12th legislative working day of the session, except by consent of two-thirds of the elected members of the Senate. Bills that have been drafted and signed, submitted and accepted by the Legislative Service Office prior to the twelve noon cutoff date for consideration of bills will be considered as being within the cutoff deadline. Such a list of bills will be delivered by the Legislative Service Office to the President at the cutoff hour.

4-6 Order of Bill Introduction. Bills are introduced after they have been numbered in the order of their presentation to the Chief Clerk and after the President announces the Order of Business "Introduction, Reading and Reference of Bills" (see procedure and language style in Manual).

4-7 Reference to Committee.

(a) Subject to subsection (b) of this section, the President shall refer each bill to the appropriate committee but the Senate may, on motion refer the bill to another committee.

(b) On a motion to re-refer a bill to another Committee, a bill shall be identified by bill number, catch title and prime sponsor before such motion is considered.

4-8 Referral of Bills Requiring an Appropriation.

(a) A bill containing an appropriation, or which requires an appropriation or change in funds, may be assigned to a standing committee other than appropriations, but if so, it shall be re-referred to the appropriations committee upon being reported back from the committee to which first assigned. The appropriations committee shall consider and may recommend:

(i) Modifications to any appropriation contained in the bill, or the addition or deletion of an appropriation, and any necessary related conforming amendments;

(ii) That a delayed effective date or other limiting condition be added to any bill that requires, but does not provide, an appropriation;

(iii) That the bill shall not pass, provided that the committee report may include a "do not pass" recommendation as an alternative to any other recommendation made under this subsection, and further provided that for purposes of Rule 6-2, the recommendation of the original standing committee shall govern.

(b) A re-referred bill shall be given priority consideration by the appropriations committee and shall be reported to the Presiding Officer for placement on General File.

## **RULE V**

### **STANDING COMMITTEE PROCEEDINGS**

5-1 Open Meetings; Executive Sessions. All standing committee meetings shall be considered open meetings except when declared to be an executive session by the standing committee chairman.

5-2 Delivered to Committee Chairman; Meeting Notices.

(a) After first reading, all bills shall be delivered to the designated committee chairman.

(b) No Standing Committee shall meet to consider any bill referred to it unless notice of the date, time and place of the meeting and the bills to be considered has been posted in the State Capitol at the place designated for posting of meeting notices by 3:00 p.m. on the day before the meeting is to be held. For a meeting to be held on a Monday, the notice shall be posted by 3:00 p.m. on the first legislative day preceding that Monday. This subsection does not apply to:

(i) Continued consideration of a bill by a Committee after the Committee has begun consideration of that bill at a meeting for which notice was posted in compliance with this subsection;

(ii) A bill that has been re-referred to another Committee after another Committee has reported the bill out;

(iii) Meetings scheduled on the first or second day of any session where:

(A) The Standing Committee took no votes on the bill under consideration; or

(B) A notice was posted by 5:00 p.m. on the day before the meeting is to be held. The notice may state the Committee intends to consider the bill if it is referred to that Committee.



5-3 Proxy Voting in Committee. A member of the Senate who has been excused from attendance at a standing committee meeting by the committee chairman may file an absentee vote on a matter pending before the standing committee, provided:

- (a) The member submits a signed vote form that specifically identifies the motion and the member's desired vote;
- (b) The vote form is delivered to the committee chairman before the vote on the motion is taken;
- (c) The absentee vote may be revoked by the member before the vote is taken by signing and filing a written revocation with the committee chairman or by the member personally appearing at the meeting and voting on the motion in person;
- (d) A member voting by absentee vote shall not be counted as being present for purposes of establishing a quorum.

5-4 Reports and Record of Votes.

- (a) Standing Committees shall take charge of and report in writing on all matters referred to them respectively.
- (b) When a Standing Committee has disposed of a bill by adoption of one (1) of the following motions, the vote on final disposition shall be included in the Committee report indicating how each member voted, and the bill and the report shall be submitted to the Chief Clerk:
  - (i) Do pass;
  - (ii) Amend and do pass;
  - (iii) Do not pass;
  - (iv) No recommendation.

*Note*; When a motion to “do pass” or “amend and do pass” fails, the chairman shall report the vote on the failed motion to the Legislative Service Office including a record indicating how each member of the committee voted. The Legislative Service Office will provide the report of the committee vote to the public.

- (c) For bills other than those reported under subsection (b) of this rule, the Committee shall return the bill together with a record of Committee consideration to the Chief Clerk on the day after the last day scheduled for consideration of Senate files or Assembly bills placed on general file but not later than the last day of the session. Upon receipt of the bill and the record of Committee consideration, the Chief Clerk shall ensure the required information contained within the record is entered into the journal but shall

not be required to read the record to the Senate. The record of Committee consideration shall include the following information which shall be entered into the Journal:

- (i) When any motion referenced under subsection (b) of this rule fails, the record of Committee consideration shall include the vote of each member on the failed motion;
- (ii) When a motion referenced under subsection (b) of this rule is not made on a bill, and a motion to postpone the bill indefinitely or to a certain date has not been made by the Committee, the record of Committee consideration shall indicate the bill died in Committee;
- (iii) When a Standing Committee adopts a motion to postpone consideration of the bill until after expiration of the established final date for regular consideration of the bill, the record of Committee consideration shall include the vote of each member on the adopted motion.

5-5 Recalling Bills from Committee. Any bill, resolution, petition or memorial in the hands of any committee may be recalled from such committee after a reasonable time upon regular motion seconded by three Senators. Approval of the motion requires a simple majority of those present.

## **RULE VI**

### **GENERAL FILE AND COMMITTEE OF THE WHOLE PROCEDURES**

6-1 Placed on General File. After a bill has been reported back to the Senate by the committee to which the same was referred and the Standing Committee Report read to the body and entered in the journal, it shall be placed on general file and in its regular order and at the proper time it shall be taken up and considered by the Senate in the Committee of the Whole.

6-2 Order of General File – End of Session. Provided, however, that after the twentieth legislative working day of the session, bills on the general file shall be considered in the following order: first, "Do Pass" bills; second, "without recommendation" bills; and third, "Do NOT Pass" bills.

6-3 Committee of the Whole Procedure. After a bill and its Standing Committee Report have been read at length to the Committee of the Whole, or until a motion to dispense with further reading of the bill is carried, it shall be in order for the Standing Committee Chairman:

- (a) To move the Committee recommendation on the bill and then any

Standing Committee Amendments. He shall move for the adoption of these amendments and explain the same. He may yield the floor to others who may offer further explanations, questions, or he may move:

(i) to recommend "Do Pass"

(ii) to recommend to postpone to a certain date which shall take precedence in the order stated.

(b) After either of said motions have been made, it shall be in order to move, and to take precedence in order of descending rank:

(i) to "rise and report"

(ii) to lay back on "General File" without prejudice

(iii) to re-refer or recommit (iv) to amend.

6-4 Motion to Rise and Report. A motion to rise and report shall always be in order and shall take precedence over any other motion.

6-5 Senate Rules Apply; Exceptions. The rules of the Senate shall be observed in the "Committee of the Whole", so far as they may be applicable, except:

(a) The ayes and noes shall not be taken unless the original motion made for passage of a given bill has failed in the Committee of the Whole. At that time, the ayes and noes shall be taken and entered in the Committee of the Whole Report. The result of the roll call vote shall determine the action of the Committee of the Whole. If, after a roll call vote, the bill fails to pass Committee of the Whole, the bill is deemed to be indefinitely postponed. Except as provided in this subsection, the motion to indefinitely postpone shall not be in order during Committee of the Whole;

(b) The "previous question" will not be in order;

(c) There shall be no limit to the number of speeches;

(d) The motion for a "call of the Senate, lay on the table, adjourn" will not be in order.

6-6 Chair May Vote. The Chairman of the Committee of the Whole shall be entitled to vote on any matter under consideration before the committee.

## **RULE VII**

### **FLOOR ACTION ON BILLS**

7-1 Three Readings. Every bill shall receive three separate readings, previous to its being passed, and the President Pro Tempore shall give notice whether it be the first, second or third, which readings shall be on three separate days, unless the Senate otherwise directs by a two-thirds vote.

7-2 First Reading by Title. First reading shall be by catch title and sponsors' names only.

7-3 Laying Back a Bill. Absent objection sustained by a majority of those present, a bill scheduled for second or third reading may be laid back for an additional day.

7-4 Second Reading. The bill shall be read a second time at least one day after the Committee of the Whole report on the bill having a "Do Pass" recommendation unless laid back under Senate Rule 7-3.

7-5 Reading by Title Only. Second reading shall be by catch title only.

7-6 Question on Second Reading. The final question on the second reading of every bill shall be: "Shall the bill be read a third time?" Unless objections are made the President Pro Tempore shall so order. Only procedural objections to the bill being read a third time are in order on second reading.

7-7 Uncontested Bills.

(a) After second reading all uncontested bills which have no amendments pending, except for bills or joint resolutions requiring a two-thirds vote of the elected membership for final passage, shall be placed by the Chief Clerk on the consent list. If amendments are subsequently prepared to a bill, the bill shall be automatically removed from the consent list. Any member may object to having any bill placed on the consent list, in which case it shall be removed from the consent list. Any bill removed from the consent list shall be considered separately on third reading and final passage.

(b) At the beginning of third reading and final passage of bills, the majority floor leader shall move the consent list by reading each bill number followed by the catch title and the presiding officer shall call for the roll call on all the bills on the consent list. After the roll call is completed, the Chief Clerk will then ask any member who wishes to change his vote to stand and identify himself as to each bill or bills on the consent list. The results of the final roll call will then be announced for each bill.

7-8 Third Reading. The bill shall be read a third time at least one legislative working day after the second reading unless laid back under Senate Rule 7-3. It shall be read by bill number, catch title, sponsor, and enacting clause only.

7-9 Motions Allowed During Third Reading. It shall be in order for any member to move:

- (a) to postpone to a certain date; or
- (b) to recommit; or
- (c) to amend, but PROVIDED that these motions may not be made once the President Pro Tempore has put the question as in Senate Rule 7-11.

7-10 Action on Recommitted Bills. If a bill is recommitted, as permitted in Senate Rule 7-9, it shall again be considered by the Senate in Committee of the Whole and then proceed under the usual procedure from that action.

7-11 Question on Third Reading. Upon the conclusion of the third reading, the President Pro Tempore shall put the question this way:

"The bill (naming it by number) having been read three separate times, the question is: Shall the bill pass? The Chief Clerk will call the roll." The ayes and noes shall be taken.

## **RULE VIII**

### **DEBATE & DELIBERATION**

8-1 Speaking Limits.

- (a) No member shall speak more than twice on the same question on the same day without leave of the Senate.
- (b) No member shall occupy the floor more than five minutes each time he speaks. This limitation shall not apply to:
  - (i) Debate regarding the bill or Standing Committee amendment under Senate Rule 6-3(a);
  - (ii) Explanation of the Mirror Budget Bill by members of the appropriations committee under Joint Rule or explanation of Assembly amendments to the Mirror Budget Bill by members of the appropriations committee under Joint Rules;
  - (iii) Explanation of the report of a conference committee under Joint Rules.

8-2 Third Reading Debate. After the President Pro Tempore announces "Third Reading of the Bill", any member may debate the bill or any amendment then proposed or any debatable motion then made, provided:

(a) Debate shall be so limited that:

(i) No member shall speak more than twice on any one amendment;  
or

(ii) More than twice on the bill; and

(iii) No member shall occupy the floor more than five minutes each time that he speaks, there shall be no extensions of this rule.

(b) When the President states the final question in Senate Rule 7-11, "Shall the Bill Pass" all debate shall cease and no amendments, or motions to the bill, shall be in order without suspending the rules.

(c) The Chief Clerk shall then call the roll without interruption.

8-3 Obtaining the Floor. When any member is about to speak, or deliver any matter to the Senate, he shall rise from his seat and respectfully address the presiding officer. When recognized, the member shall confine himself to the question under consideration and avoid defamatory speech, speaking to personalities, or diverting discourse to diversions not relevant to the question, and when they have finished, shall take their seat.

8-4 Order of Speakers. When two or more members shall arise at the same time, the President Pro Tempore shall name the person who is to speak first.

8-5 Point of Order. Any member rising to a point of order may be allowed five minutes in which to state his grounds.

8-6 Appeals from Decision of President Pro

Tempore. A majority of all the votes of the members present shall be sufficient to sustain an appeal from the decision of the President Pro Tempore.

8-7 Protest Against Action of the Senate. It shall be in order for any member or members to protest against the action of the Senate and have such protest entered briefly in the Journal.

8-8 Distribution of Printed Matter. No printed material shall be distributed on the floor of the Senate unless it is approved and signed by a Senator. All approved materials shall be dated, indicating the name of the approving Senator and indicating the legislation affected by the materials, if applicable.

8-9 May Call for Reading of Papers. When the reading of a paper is called for, it shall be read unless the same is objected to by some member, in which case the question shall be determined by a vote of the Senate. The question is undebatable and may not be amended.

## **RULE IX**

### **DECORUM OF MEMBERS**

9-1 Call to Order While Speaking. When a member is called to order while speaking, he shall forthwith take his seat until it shall be determined whether or not he is in order, except he be permitted to explain and if a member be called to order for words spoken in debate, the exceptional words shall be immediately taken down in writing by the Chief Clerk, so that the President Pro Tempore and Senate may be better able to judge the matter.

9-2 Interrupting Business of the Senate. No member shall speak to another or otherwise interrupt the business of the Senate, or read any newspaper while the Journal or public papers are being read before the Senate, or when any member is speaking in any debate.

9-3 Explain Personal Matter. Any member may rise and be recognized to explain a matter personal to himself but shall not discuss a question in such explanation or speak more than five minutes on the matter.

## **RULE X**

### **MOTIONS**

10-1 Motions to be Stated by Chair. No motion shall be debated until the same shall have been stated by the Chair.

10-2 Motions Reduced to Writing if Desired. All motions (except to adjourn, postpone, or commit) shall be reduced to writing, if desired by the Chair or any member.

10-3 Seconding Motions. No motion shall require a second, excepting as is herein designated.

10-4 Withdrawal of Motion. If no one objects, any motion may be withdrawn by the mover at any time before a decision, amendment, or ordering of the ayes and noes, except a motion to reconsider, which shall not be withdrawn without leave of the Senate.

10-5 Precedence of Motions. When a question is being debated, no motion shall be received, except the following, which shall have precedence as listed:

#### **Undeatable:**

- (a) To adjourn
- (b) To lay on the table
- (c) To call for previous question

**Debatable:**

- (d) To postpone to a certain date
- (e) To commit or refer
- (f) To amend
- (g) To pass
- (h) To postpone indefinitely

10-6 Motion to Adjourn. The motion to adjourn is not debatable, cannot be amended and is always in order except:

- (a) when another has the floor
- (b) during roll call
- (c) during a call of the Senate
- (d) during the Committee of the Whole

10-7 Motion to Commit. If it be proposed to refer the same subject to a Committee of the Whole, to a standing committee or to a select committee, they shall be voted on in the order here given.

10-8 Motion to Concur. With respect to consideration of requests by the Assembly for Senate concurrence with Assembly amendments to Senate Files and of Joint Conference Committee reports, only the motion to concur shall be in order.

**RULE XI**

**AMENDMENTS**

11-1 When a Bill May be Amended. No bill shall be amended until after it has been reported upon by a standing or select committee. The Senate shall take no action on any proposed amendment until the amendment has been reduced to writing, approved by the Senate attorney and distributed to the members of the Senate.

11-2 Amendments to Standing Committee Amendment. If a standing committee amendment proposes adoption of a substitute bill and the amendment is adopted during committee of the whole, subsequent amendments that day which change the standing committee amendment including ones which restore language in the original bill changed by the standing committee amendment shall be in order and shall not be deemed a second consideration of the same item on the same day.

11-3 No bill shall contain amendments or additions unrelated to the original bill, or with an intent or purpose to repeal the original bill.

11-4 Ayes and Noes on Appropriation Amendments. Except as provided by Rule 6-5(a), the ayes and noes shall be taken on the motion to adopt any amendment which directly increases or decreases an appropriation by a specific dollar amount.



11-5 Division of Question. Any member may call for a division of the question, which shall be divided if it comprehend[s] propositions in substance so distinct that one being taken away, a substantive proposition shall remain for the decision of the Senate. A motion to strike out and insert shall be deemed indivisible but a motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert.

11-6 Distribution of Amendments. Upon approval of the text of an amendment by the sponsor, the amendment will be numbered. Once numbered, the amendment shall be released to the public as soon as reasonably practicable unless the sponsor specifically directs that distribution of the amendment be delayed.

## **RULE XII**

### **VOTING**

12-1 Senate voting Requirements;

- (a) Every member shall vote who may be within the bar of the Senate when the question is put unless for special reasons he be excused.
- (b) A motion to excuse a member from voting shall be made before the call of the ayes and noes is commenced, and any member wishing to be excused from voting may briefly and pertinently explain his reason therefor; but, when the ayes and noes are being taken the call shall not be interrupted for any purpose whatsoever.
- (c) Any member present within the bar of the Senate who refuses to vote on any question shall be placed on record as having voted in the affirmative.
- (d) No member shall be recognized by the Chair, or be allowed to vote, when such member is at the time outside the bar of the Senate, and no member, or other person, shall remain by the Chief Clerk's table while the ayes and noes are being called.

12-2 Disclosure of Personal or Private Interest before voting;

- (a) A member who has a personal or private interest in any bill proposed or pending before the legislature shall disclose the fact to the Senate members at the time of initial consideration during the committee of the whole or at the first subsequent time the conflict becomes apparent to the declarer, or at the time of introduction during the budget session. If the status of the conflict changes during the legislative process, the member shall disclose the change in the status of the conflict. Disclosure of a conflict of interest by any member shall be entered in the Daily Journal. If the member later makes a declaration of no conflict of interest in the matter, prompt entry of that declaration shall be made in the journal. The published Journal shall clearly reflect the declaration of the conflict of interest of the member with

respect to a roll call vote.

(b) On general appropriation and re-codification bills a member who has declared a conflict of interest on a section or an amendment to a section shall not vote on that section, but may vote on the entire bill if allowed by a vote of the Rules Committee.

(c) If a member is uncertain whether his interest in a bill is such as to require him to abstain from voting, he may request a ruling from the Rules Committee. When a request for a ruling is made, the Rules Committee shall make such inquiry as it deems necessary and shall rule by majority vote whether the member may or may not vote on the bill in question. The Rules Committee shall report its ruling on the floor of the Senate, including an explanation of the interest in question and any explanation for the ruling the committee determines appropriate to report to the Senate. Debate on the interest in question and the ruling may be had in accordance with Senate rules governing debate. At the conclusion of any debate the ruling of the Rules Committee shall be adopted as the ruling of the Senate unless a motion is made, seconded by at least one (1) other member and carried by majority vote of all Senate members voting on the motion to rule differently. The proposed ruling of the Senate shall be set forth in the motion.

(d) As used in this section "personal or private interest" means the member shall receive or incur a direct personal or financial gain or loss if the measure or bill is enacted. "Personal or private interest" does not include a financial gain or loss which shall be received or incurred by a member if the gain or loss shall also be received or incurred by a substantial class of persons.

#### 12-3 Call for the Ayes and Noes.

(a) When the question is being taken, or about to be taken, it shall be competent for any member to call for the ayes and noes, which shall be entered on the Journal.

(b) Except as provided by Senate Rule 6-5(a), the ayes and noes shall be taken on the motion to adopt any amendment which directly increases or decreases an appropriation by a specific dollar amount.

12-4 Interruption of Voting Prohibited. When the ayes and noes are being taken, the call shall not be interrupted for any purpose whatsoever and members shall answer the call from their seats, if possible.

12-5 No Vote After Decision Announced. When the ayes and noes shall be taken on any question, in pursuance of Senate Rule 7-11, no member shall be permitted under any circumstances whatever to vote after the decision is announced from the Chair.

12-6 Vote Changing. Any member may change his vote on a roll call of ayes and noes only after the call is completed, but only before the vote is closed.

12-7 Vote Explanation. Immediately after the vote on any question has been announced and at no other time, any member may explain his vote.

12-8 The Previous Question.

(a) Any member may move the previous question, and if it be seconded by three other members, the previous question shall be put in this form: "Shall the main question be now put?" The motion will bring the Senate to a vote on the pending question without further discussion.

(b) If carried, all debates shall cease, and the President shall immediately put the main question to vote: first on proposed amendments in their order, and then on the main question, without debate or further amendment.

(c) Provided, that a motion to adjourn and call of the Senate shall each be in order after the previous question has been sustained, and before the main question is put, but no other motion or call shall be in order, except to receive the report of the Sergeant-at-Arms, or to dispense with the proceedings under the call, and all motions and proceedings authorized by this rule shall be decided without debate, whether on appeal or otherwise.

12-9 Call for Division. It shall be in order for any member or the presiding officer to order a vote by division to verify a voice vote. Should there be doubt about the voice vote, the motion from the floor is simply to call "Division" immediately before or after the announcement of the vote. When the call is made, the presiding officer orders a standing vote, first the ayes and then the noes.

12-10 Reconsideration of the Vote.

(a) When a motion has been made and carried or failed, it shall be in order for any member who voted with the prevailing side to move for reconsideration of the vote thereof and such motion shall take precedence over all other questions except the motion to adjourn. The motion may be made on the same day or on the next succeeding day, providing it is made before the bill leaves the possession of the Senate. A motion to reconsider a vote in Committee of the Whole is in order only if made prior to adoption of the Committee of the Whole report.

(b) It is in order for the member to give open notice from the floor that he may on that day or the next succeeding day move for a reconsideration. In such case, the bill shall not be taken from the Senate until the matter has been finally disposed of. The notice shall be entered in the Journal and shown on the Action Sheet and Calendar.

(c) However, the giving of such notice shall not prevent any other member who voted with the prevailing side from moving a reconsideration at any time within the limit of this rule, and should this motion be lost, it cannot be renewed except by the member serving the original notice. On the last day, if a member gives such notice, it shall be in order for any other member who voted with the prevailing side to move a reconsideration at any time during the day.

(d) The motion once made and disposed of cannot be renewed. The motion is not debatable nor can it be amended, and is carried or lost by a simple majority vote regardless of the vote required of the original question. Once the motion is adopted, the question is in exactly the same condition it was when the vote being reconsidered was originally ordered, which means no amendment or debate is allowed on the question and the President Pro Tempore shall put the question this way: "On reconsideration of the vote, the question is, shall (naming the bill by number) pass? The Chief Clerk will call the roll."

(e) There shall be no reconsideration of the motions to adjourn, lay on the table, suspend the rules, indefinitely postpone, the previous question and reconsider.

(f) If a vote to reconsider has passed or failed on a particular motion under this section, it shall not be in order to move to rescind the vote on that motion.

12-11 Rescission of the Vote. Any motion to rescind a vote shall require an affirmative vote of two-thirds of the elected members to be adopted.

12-12 Call of the Senate. A call of the Senate shall only be ordered upon the demand of three members, one making the demand and two seconding the same by rising. Upon a call of the Senate the names of the members shall be called by the Clerk and the absentees noted. After which, the names of the absentees shall again be called. The doors shall then be shut and those for whom no excuse or insufficient excuse is made may, by order of those present, be taken into custody as they appear, or may be sent for and taken into custody by the Sergeant-at-Arms wherever found, or by a special messenger, to be appointed for that purpose. A motion to "call" shall be denied any committee.

### **RULE XIII**

#### **RULES FOR THE BUDGET SESSION**

13-1 In General. For the introduction of any bill, other than the budget bill or a bill to apportion the legislature, the following procedure will be followed:

- (a) Any bill must be printed and on the desk of all members of the Senate for at least 48 hours prior to consideration, except that bills sponsored by the joint interim committees may be considered on the opening day of the session.
- (b) The prime sponsor, or his designee, will be granted three minutes to address the Senate as to the need and timeliness of his (or her) particular bill. No rebuttal or questions will be permitted.
- (c) Upon approval of two-thirds of the elected members by a roll call vote, a bill will be accepted by the Senate and assigned by the President Pro Tempore to the appropriate Standing Committee.

13-2 Introduction Deadline. For the introduction of any bill, other than the budget bill, the following will apply:

- (a) No bill will be accepted for consideration except by unanimous consent after twelve o'clock noon of the third legislative day of the Session. Bills that have been signed, submitted and accepted by the Legislative Service Office prior to the twelve noon cutoff date for consideration of bills but are still at the printer's office will be considered as being within the cutoff deadline. Such a list of bills will be delivered by the Legislative Service Office to the President Pro Tempore at the cutoff hour.
- (b) No bill shall be considered for introduction after five o'clock p.m. on the fifth legislative day of the session except by unanimous consent of the membership.

13-3 Limit on Sponsorship. No member shall sponsor more than three (3) bills in any Budget Session. This limitation shall not apply to joint interim committees, the Management Audit Committee, the Management Council, the Select Water Committee and any other committee designated by the Management Council.

13-4 Open Meetings – Exception. All Standing Committee meetings shall be considered open meetings except when declared to be an executive session by the Standing Committee Chairman.

13-5 Budget Session Consent List. Notwithstanding Rule 13-1, the President Pro Tempore, in consultation with the minority floor leader may propose a Consent List of interim committee bills to be voted upon for introduction under the following procedure:

- (a) The President shall distribute the proposed Consent List to all members at least 24 hours prior to consideration. No interim committee bill shall be included on the Consent List unless the interim committee bill has been printed and distributed to all members before the proposed Consent List is distributed. No interim committee bill shall be added to the Consent List

without the approval of the President Pro Tempore.

(b) Subject to subsection (a) of this rule, and at the appropriate order of business, the majority floor leader shall move the Consent List. No debate shall be permitted on the Consent List, but any member may remove any interim committee bill from the Consent List upon request before the vote. A roll call vote shall be taken and the results applied to each interim committee bill on the list except that opportunity shall be made for any member to request a re-designation of his vote on any interim committee bill on the list before the Chief Clerk announces the vote.

13-6 Schedule of Bills for Introduction Vote. If available, a tentative list of bills to be considered for introduction vote will be posted on the Legislative website or otherwise made available to the public. The list will state that it is subject to change.

## **RULE XIV**

### **SENATE JOURNAL AND RECORDS**

14-1 Journal Committee Duties. The Journal Committee shall meet each day prior to the convening of the Senate, for the purpose of examining the Journal of the previous day. They shall report to the President Pro Tempore their recommendation thereto.

14-2 Report of Journal Committee. The Journal Committee shall have leave to report at any time when the Senate is in session, except when the "ayes and noes" are being taken.

14-3 Journal Entries.

(a) The titles of bills and only such parts thereof as shall be affected by the proposed amendments shall be inserted in the Journal.

(b) The full bill title shall be shown in the Journal at time of bill introduction and when the bill is next shown in the Journal after the title has been amended. All other reference to the bill shall be shown by number and catch line title only.

14-4 Expunge from the Journal. In the rare instance when it is desirable to express strong disapproval of matter in the Journal, a member may move that it be expunged. The motion must be carried by the affirmative vote of two-thirds of the elected membership. When matter is ordered expunged from the record, the Clerk

shall have a line drawn through the matter and writing across each line "Expunged by order of the Senate membership.". Each line must be dated. The expunged matter must not be blotted as to be unreadable as otherwise it would be impossible to determine whether more was expunged than was ordered. If the matter to be expunged relates to a Bill or File, it must be ordered while the Bill or File is in the possession of the Senate and must relate to action previously taken by the Senate on the Bill or File.

14-5 Proceedings to be Recorded. The proceedings of the Senate shall be:

(a) When not acting as a Committee of the Whole, entered on the Journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings; but every vote of the Senate shall be entered upon the Journal, and a brief reference to the contents of each petition, memorial or paper presented in the Senate shall also be inserted in the Journal;

(b) To the extent practicable, electronically recorded. The legislative service office shall retain all recordings made during the session and then transfer them to the secretary of state not later than the beginning of the second business day for the office of the Secretary of State following the date on which the session adjourned. Upon transfer to the Secretary of State, the recordings shall become a public record; however, the contents of any recording made under this rule shall not be construed to supersede the Journal;

(c) To the extent practicable, broadcast over the internet via RealAudio or similar capability. Contents of any audio broadcast of proceedings under this rule shall not be construed to supersede the Journal. Failure of audio broadcast capability under this rule shall not delay the proceedings of the Senate.

14-6 Messages – How Sent. Messages shall be sent to the Assembly by the Assistant Chief Clerk, Sergeant-at-Arms or any Messenger designated by the Chief Clerk, the Chief Clerk having previously endorsed the final determination of the Senate thereon.

## **RULE XV**

### **MAINTAINING PUBLIC ORDER IN THE SENATE**

15-1 Authorized Persons Within the Bar of Senate. No person other than members and officers of the Senate and Assembly and legislative staff shall be admitted within the bar of the Senate, except by special invitation on the part of the Senate or President Pro Tempore thereof; but a majority may authorize the President Pro Tempore to have the Senate cleared of all such persons.

15-2 Interruptions to Business. No motion shall be deemed in order to admit any

person or persons whomsoever upon the floor of the Senate to present any petition, memorial or address, or to hear any such read.

15-3 Maintaining Order in Committee of the Whole. When the Senate is in Committee of the Whole, should there be any disturbance or disorderly conduct in the lobby or any part of the Senate, the President Pro Tempore shall immediately resume the Chair, and shall have the power to order the Senate cleared until order is restored.

15-4 Disturbances. In case of any disturbance or disorderly conduct in the lobby or any part of the Senate while in session, the President Pro Tempore shall have the power to order the same cleared.

15-5 Lobbying Forbidden. Lobbying is strictly forbidden within the Senate Chambers.

15-6 Smoking Prohibited. Smoking shall not be permitted on the floor of the Senate chamber while the Senate is in session.

## **RULE XVI**

### **CONFIRMATION OF APPOINTMENTS**

16-1 Confirmation of Appointments.

(a) upon receipt of proposed governor appointments pursuant to the New California State Constitution, or other appointments requiring confirmation by the Senate, the names of the prospective appointees and the public offices to which the appointees are proposed to be appointed shall be distributed to each member of the Senate.

(b) On the next legislative working day, the President Pro Tempore shall assign appropriate standing committees to interview and review the qualifications of each prospective appointee who was the subject of the motion based upon the normal area of expertise of the standing committee. Any member may attend meetings of the committee and ask questions of a prospective appointee.

(c) Prior to confirmation of any prospective appointee the committee appointed under this rule shall report its recommendations regarding any prospective appointee to the Senate. A roll call vote of the Senate to confirm or reject an appointment shall be taken within five (5) legislative working days after the prospective appointee's name is submitted to the Senate for consideration. Confirmation of an appointee by the Senate shall require a simple majority vote.