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Assembly
California Legislature



ASSEMBLY COMMITTEE ON
PUBLIC EMPLOYMENT AND RETIREMENT
TINA MCKINNOR, CHAIR
ASSEMBLY MEMBER, SIXTY-FIRST DISTRICT

VICE CHAIR
TOM LACKEY

MEMBERS
DAWN ADDIS
VINCE FONG
MATT HANEY
STEPHANIE NGUYEN
PILAR SCHIAVO

2023-24 Legislative Session

Committee on Public Employment and Retirement Rules

I. Quorum

- a. A majority of the total membership of the committee shall constitute a quorum.
- b. The committee may not transact any legal business without a quorum present; however, the Chair may call to order a subcommittee at any time to hear testimony and report recommendations to the full committee by a majority of the members present and voting.
- c. Whenever a member of the committee is disqualified from taking any action on any bill pursuant to Joint Rule 44, or are absent, a quorum shall consist of a majority of the entire membership of the committee. The member shall advise the Chair of the disqualification and the Chair shall announce which members are disqualified at the commencement of the hearing on the bill.

II. Meeting and Agenda

- a. The Chair shall call all meetings to order. In the absence of the Vice Chair, the Chair may designate another member to call a meeting to order.
- b. Measures set for a hearing may be heard in the order in which the author's name is entered on a sign-up sheet maintained by the Sergeant-at-Arms. Measures authored by members of the committee will be heard after all non-committee authors' bills have been heard; however, if no non-committee authors are present at any time during the hearing, bills authored by committee members may be heard. No person, other than a member of the Legislature, shall present a bill before the committee without a signed letter of authorization from the author of the bill provided to the Chair.
- c. The Chair may decide, in order to expedite the business of the committee, to limit the duration of public comment during a hearing of any measure.

III. Consent Calendar

- a. The Chair may prepare a consent calendar consisting of items set for that day's hearing.
- b. Notwithstanding Committee Rule II (b), the Chair may call for a vote on the consent calendar at any time; authors need not be present.
- c. Any member of the committee may remove a measure from the consent calendar at any time. The committee sergeant will immediately notify the affected author's office, and the item will be returned to a place in the file consistent with Committee Rule II.

IV. Setting and Hearing of Measures

- a. Measures referred to the committee may be set by the Chair for hearing at a time convenient to the committee, if requested by the author.
- b. When a measure is referred to the committee, the committee secretary shall forward to the author's office a Background Information Request (BIR) form to be completed and returned to the committee before the measure can be heard. All information requested on the BIR form shall be fully completed and returned to the committee by the author's office as prescribed on the BIR form. The Chair may withhold the setting of a measure for hearing until the BIR form is fully completed and returned to the committee as prescribed on the BIR form. No bill may be heard if that measure's BIR form is not returned to the committee at least seven (7) working days before the hearing in which the bill is scheduled for hearing.
- c. A bill may be set for hearing three times, provided the committee has a hearing scheduled. If a bill is either not heard at the request of the author at the hearing for which it was set or not heard in order to permit the preparation of author's amendments, that measure's hearing shall be deemed a set and counted against the three sets granted. If the Chair reschedules a measure for another hearing once it has been set, that re-set will not count as one of the three sets granted.
- d. A measure is considered set whenever notice of the hearing has been published in the Assembly Daily File for one or more days and is subject to the appropriate four- or two-day File Notice, unless a File Notice waiver has been granted pursuant to Joint Rule 62 (a).

V. Author's Amendments

- a. An author of a measure referred to the committee shall submit substantive amendments to that measure in Legislative Counsel form at any time up to ten (10) working days before the hearing to which that measure is set. Any amendment submitted to the committee secretary

after the deadline may cause that measure to be removed from the file, and incur a set, as that term is used in Committee Rule IV (c).

- b. The Chair, in consultation with Legislative Counsel, may determine to the extent to which an amendment is technical or substantive.
- c. For a non-substantive bill pending referral which the author anticipates will be referred to this Committee, the author must provide the Committee with author's amendments when they are provided to the Rules Committee. Failure to do so may result in a bill not being set for hearing.

VI. Voting

- a. A majority of the membership of the committee is required to adopt any motion with respect to the final disposition of any measure. A majority of those committee members present and voting is sufficient to adopt amendments, provided a quorum is present.
- b. The Chair may move, by unanimous consent, a substitute roll call for any item, provided all members who are recorded on the previous roll call are present.
- c. A recorded roll call vote, by any method deemed appropriate by the Chair, shall be required for the following committee actions:
 - 1. Any action which constitutes the committee's final disposition of a measure.
 - 2. All committee amendments.
 - 3. All motions to reconsider.
 - 4. All recommendations to move to the full Assembly any executive reorganization plan.
- d. Any committee member may move a call of any measure provided that measure's vote has not been announced by the Chair. A measure may have any number of calls placed for a period of time not to exceed the adjournment of the committee.
- e. Any committee member may add their vote to the roll on any measure once that member has been recognized by the Chair for that purpose. In the absence of an objection, the Chair may ask the committee secretary to hold the roll open in accordance with the standing rules of the Assembly.

VII. Reconsideration

- a. After the committee has voted on a measure, reconsideration of that measure may be granted only one time.

- b. Reconsideration on any measure that was defeated may be granted within 15 legislative days of the committee's vote on that measure, or prior to the interim study joint recess, whichever occurs first. All motions to reconsider shall be noticed in the Assembly Daily File subject to the appropriate four- or two-day File Notice, unless the motion is taken up immediately.

VIII. Review of Administrative Regulations

- a. At the Speaker's discretion, the Chair may direct staff to review any proposed administrative rules and regulations which are contained in the California Regulatory Notice Register and are within the scope of the committee's jurisdiction.
- b. At the Chair's discretion, staff shall review each rule or regulation for conformity with enabling statute and with legislative intent. Rules and regulations which do not appear to be consistent with legislative intent, or based on statutory authority, may be placed on the committee's agenda for appropriate action, including requests for priority review by the Office of Administrative Law pursuant to Government Code Section 11340, et seq.

IX. Committee Bills

- a. The committee may introduce, at the request of the Chair, any measure germane to any subject within the proper jurisdiction of the committee. A committee bill will consist of a majority of all members of the full committee.
- b. The Chair may consolidate related subject matter into a single legislative proposal as a committee bill whenever appropriate.
- c. A committee bill will list the names of the members of the committee who signed the legislation, unless the measure is signed by the entire membership of the committee, in which case the author will be listed as "Committee on Public Employment and Retirement."