

NOTICE OF THE STATE ALLOCATION BOARD RULES AND PROCEDURES SUB-COMMITTEE HEARING

Members:

Senator Loni Hancock, Chair
Assembly Member Julia Brownley
Assembly Member Jean Fuller
Scott Harvey

Public Hearing

Tuesday, April 13, 2010
~~State Capitol, Room TBD~~
1020 N Street, Suite 200
Sacramento, CA 95814
3:30 p.m. – 5:00 p.m.

AGENDA

- Introduction
- Objectives & Goals
- Roberts Rules of Order
- Senate Rules
- Sub-Committee Discussion/Recommendations to the State Allocation Board
- Public Comment

For further information, please contact Ms. Lisa Kaplan, Assistant Executive Officer, at (916) 376-5035.

This notice can be found on the OPSC Web site at: <http://www.opsc.dgs.ca.gov>.

Individuals who need auxiliary aids for effective participation are invited to make their requests and preferences known to Ms. Lisa Jones at (916) 376-1753 five days prior to the meeting.

**Subcommittee on Rules and Procedures
State Allocation Board**

Chair, Senator Loni Hancock
Assemblywoman Julia Brownley
Assemblywoman Jean Fuller
Scott Harvey, Dept of General Services

Hearing
April 13, 2010
3:30 pm – 5pm
1020 N Street, Suite 200
(Senate Office of Research Conference Room)

AGENDA

- I. Introduction (Senator Hancock)**
- II. Objectives & Goals (Senator Hancock)**
- III. Roberts Rules**
 - a. Scott Burns, President, CA Association of Parliamentarians**
sburns@omsoft.com
- IV. Senate Rules**
 - a. Gregory Schmidt, Room 3044 (651-4171) Gregory.schmidt@sen.ca.gov**
- V. Discussion / Recommendation to full State Allocation Board**
 - a. Operating Rules and Procedures**
- VI. Public Comment**

State Allocation Board Rules & Procedures Subcommittee

Goals & Objectives

At the February 2009 State Allocation Board (SAB), the Board approved the creation of this subcommittee for the purpose of developing rules and procedures for the Board to operate under.

Goal:

- Formalize and adopt clear operating rules & procedures for the State Allocation Board

Objectives to Address:

- Appeal Process
- Closed session
- Implementation Committee – Membership
- Legal counsel opinions
- Mercy Clause
- Officers – Vice Chair; Officers: Elected/Appointed/Designee
- Order of Binder Items – OPSC Recommendations / options. Analysis
- Process for Agenda setting and changes
- Rules to consider and modifications if any; reconsideration – issue of concern
- Robert’s Rules of Order / Mason’s Manual of Legislative Procedure
- Senate Rules, Modified

Henry M. Robert, *Robert's Rules of Order Newly Revised* (10th ed. 2000)

Chart of Ranking Motions, from highest to lowest in order of precedence

Motion	Can it Interrupt?	Second Required?	Is Debate Allowed?	Can it be Amended?	Required Vote?	Can it be Reconsidered?
Fix the Time to which to Adjourn	No	Yes	No	Yes	Majority	Yes
Adjourn	No	Yes	No	No	Majority	No
Recess	No	Yes	No	Yes	Majority	No
Raise a Question of Privilege	Yes	No	No	No	Chair Handles	No
Call for the Orders of the Day	Yes	No	No	No	Chair Handles	No
Lay on the Table	No	Yes	No	No	Majority	Negative Vote Only
Previous Question (Close Debate)	No	Yes	No	No	2/3	Yes
Limit or Extend Debate	No	Yes	No	Yes	2/3	Yes
Postpone Definitely (to a certain time)	No	Yes	Yes	Yes	Majority	Yes
Commit or Refer	No	Yes	Yes	Yes	Majority	Yes
Amend	No	Yes	Yes	Yes	Majority	Yes
Postpone Indefinitely	No	Yes	Yes	No	Majority	Affirmative Vote Only
Main Motion	No	Yes	Yes	Yes	Majority	Yes

Paul Mason, *Mason's Manual of Legislative Procedure* (2000)

Chart of Ranking Motions, from highest to lowest in order of precedence

Motion	Can it Interrupt?	Second Required?	Is Debate Allowed?	Can it be Amended?	Required Vote?	Can it be Reconsidered?
Call of the House if no quorum present	No	No	No	No	Majority	No
Make Motion to Reconsider	No	No	No	No	Chair Handles	No
Adjourn	No	No	No	No	Majority	No
Recess	No	No	No	Yes	Majority	No
Question of Privilege	Yes	No	No	No	Chair Handles	No
Appeal	No	No	Yes	No	Majority	No
Point of Order	Yes	No	No	No	Chair Handles	No
Parliamentary Inquiry	Yes	No	No	No	Chair Handles	No
Orders of the Day	No	No	No	No	Chair Handles	No
Request for Leave to Withdraw	No	No	No	No	Majority	No
Suspension of Rules	No	No	No	No	Majority	No
Objection to Consideration	No	No	No	No	Majority	No
Manner or Order of Consideration of Questions	No	No	No	Yes	Majority	No
Motions relating to voting	No	No	No	Yes	Majority	No
Motions related to nominations & elections	No	No	No	Yes	Majority	No
Division of a Question	No	No	No	Yes	Majority	No
Lay on the Table (Postpone Temporarily)	No	No	No	No	Majority	No
Previous Question (Vote Immediately)	No	No	No	No	Majority	No
Close, Limit or Extend Debate	No	No	No	Yes	Majority	No
Postpone Definitely (to a certain time)	No	No	Yes	Yes	Majority	No
Refer or Commit	No	No	Yes	Yes	Majority	No
Amend	No	No	Yes	Yes	Majority	No
Postpone Indefinitely	No	No	Yes	No	Majority	No
Main Motion	No	No	Yes	Yes	Majority	Yes

Background on Rules of order

Rules of order, also known as **standing orders** or **rules of procedure**, are the written rules of [parliamentary procedure](#) adopted by a [deliberative assembly](#), which detail the processes used by the body to make decisions. Some bodies rely more on precedent and on the judgment of the presiding officer, whereas others rely more heavily on the written rules. Parliamentary procedure is the name given to the set of rules governing the decision-making process used by a deliberative assembly. ... A deliberative assembly is an organization, comprised of members, that uses a parliamentary procedure for making decisions. ...

Rules of order consist of rules written by the body itself, but also usually supplemented by a published parliamentary authority adopted by the body. Typically, national, [state](#), and other full-scale [legislative assemblies](#) have extensive internally written rules of order, whereas non-legislative bodies write and adopt a limited set of specific rules as the need arises. In some federations, a province (sub national entity) is called a state. ... A legislature is a type of representative deliberative assembly with the power to adopt laws. ...

In the English speaking world, the British House of Commons is the originating source for most rules of order. These rules have evolved into two separate sets: American parliamentary procedure as generally followed in the United States and Canada; and Westminster parliamentary procedure, followed in United Kingdom, Australia, New Zealand, India, South Africa, and many other former Commonwealth countries.

In the [United States](#), most [state legislatures](#) follow *Mason's Manual of Legislative Procedure*. The [United States Senate](#) follows the [Standing Rules of the United States Senate](#). Most other deliberative assemblies follow *Robert's Rules of Order*. US organizations dedicated to promoting the general use of parliamentary procedure include the [National Association of Parliamentarians](#) and the [American Institute of Parliamentarians](#). Federal courts Supreme Court Chief Justice Associate Justices Elections Presidential elections Midterm elections Political Parties Democratic Republican Third parties State & Local government Governors Legislatures State Courts Counties, Cities, and Towns Other countries Politics Portal In the United States of America, a state legislature is a generic term referring to the... Masons Manual of Parliamentary Procedure Commonly referred to as Masons Manual. ... Federal courts Supreme Court Chief Justice Associate Justices Elections Presidential elections Midterm elections Political Parties Democratic Republican Third parties State & Local government Governors Legislatures (List) State Courts Local Government Other countries Politics Portal The United States Senate is one of the two chambers of the bicameral United States Congress, the... The National Association of Parliamentarians (NAP), is the largest non-profit association of professional parliamentarians in the world. ...

In the [United Kingdom](#), [Thomas Erskine May's A Practical Treatise on the Law, Privileges, Proceedings and Usage of Parliament](#) (often referred to simply as *Erskine May*) is the accepted authority on the powers and procedures of the [Westminster parliament](#). Thomas Erskine May, 1st Baron Farnborough Thomas Erskine May, 1st Baron Farnborough (1815-1886) was a British constitutional theorist. ...

In [Quebec](#), commonly used rules of order for ordinary societies include Victor Morin's *Procédures des assemblées délibérantes* (commonly known as the *Code Morin*^[1]) and the *Code CSN*. Motto: Je me souviens (French: I remember) Capital Quebec City Largest city Montreal Official languages French Government - Lieutenant-Governor Pierre Duchesne - Premier Jean Charest (PLQ) Federal representation in Canadian Parliament - House seats 75 - Senate seats 24 Confederation July 1, 1867 (1st) Area Ranked 2nd - Total 1,542,056 km² (595...

In other countries the Rules of order usually followed are quite different.

SENATE PROCEDURES AND RULES

Relevant 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 Senate and Assembly, or statute, the authority shall be the latest edition of Mason's Manual or the custom and usage of the Senate.

Suspension of Rules or Amending of Rules

21. A standing rule of the Senate may not be adopted, amended, or repealed except upon an affirmative vote of a majority of the membership of the Senate, one day's notice being given, except that any rule not requiring more than a majority vote may be temporarily suspended without that notice by a vote of a majority of the membership of the Senate. A rule requiring a two-thirds vote on any question may be amended only by a two-thirds vote on one day's notice, except that a rule requiring a two-thirds vote may be temporarily suspended without that notice by a two-thirds vote.

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

Suspension of the Joint Rules

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

Permission of Committee on Rules

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

Rules Governing Standing Committees

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

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

(b) The chair shall preside at meetings when present except when the committee is considering a bill of which he or she is the sole author or the lead author. Whenever the chair is not presiding, the vice chair shall assume the duties of the chair. In the absence of both, a member designated by the chair shall preside.

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

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

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

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

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

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

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

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

(j) The chair shall direct the order of presentation of the arguments for and against matters for consideration by the committee, and shall permit questions to be asked by members of the committee in an orderly fashion and in keeping with proper decorum.

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

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

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

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

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

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

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

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

Additional Rules

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

Reporting Measures Out of Committee

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

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

DEBATE

Statement of Motion

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

Regulations as to Speaking

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

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

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

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

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

Order in Debate

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

Right to Address the Senate

37. A person other than a Member of the Senate may not address the Senate while it is in session, except that the Senate may resolve itself into a Committee of the Whole and, while sitting as a Committee of the Whole, may be addressed by persons other 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 the portions that are not germane, in which case the bill, resolution, or other question may continue to be acted upon. If the Committee on Rules determines that the amendment is germane, the bill, resolution, or other question may thereafter be acted upon by the house.

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

Amendments From the Floor

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

Motion to Lay on the Table

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

Division of a Question

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

The Previous Question

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

Call of the Senate

42. Upon a motion being carried for a call of the Senate, he or she who is presiding shall immediately order the doors to be closed, and shall direct the Secretary to call the names of the

absentees as disclosed by the last previous rollcall. Thereupon, a Member may not be permitted to leave the Senate Chamber except by written permission of the President pro Tempore or, in his or her absence, of the Assistant President pro Tempore or of the Vice Chair of the Committee on Rules, or, in their absence of another member of the Committee on Rules designated for that purpose by the President pro Tempore or the Vice Chair of the Committee on Rules. Those Members who are found to be absent and for whom no excuse or insufficient excuses are made may, by order of those present, be taken into custody, as they appear, or may be sent for and then taken into custody by the Sergeant at Arms whenever found, or by special messenger to be appointed for that purpose. In the absence of a quorum, a majority of the Members present may order a rollcall of the Senate and compel the attendance of absentees in the manner above provided.

A call of the Senate may be ordered after the roll has been called and prior to the announcement of the vote. A call of the Senate may be dispensed with at any time upon a majority vote of the Senators present, that action to become effective upon completion of the rollcall and the announcement of the vote upon the matter for which the call was ordered.

A recess may not be taken during a call of the Senate. During any call, the call may be made to apply also to other items of business by a motion made and adopted by a majority vote of the Members present. Under those circumstances, when the call of the Senate is dispensed with as to any item of business, the call is deemed to be continued in effect until other items of business that have been made subject to the call by a majority of the Members present have been acted upon. When a call of the Senate is ordered, pending the announcement of the vote upon the completion of a rollcall, the pending rollcall shall become unfinished business, the consideration of which shall be continued until further proceedings under the call of the Senate are dispensed with, when it will forthwith become the order of business before the Senate.

A motion to adjourn is not in order during a call of the Senate.

Reconsideration

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

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

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

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

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

DRAFT

STATE ALLOCATION BOARD RULES AND OPERATING PROCEDURES

To present suggested rules and operating procedures for the State Allocation Board (SAB).

DESCRIPTION

Currently, the SAB has no formalized established governance or procedural rules. In an effort to make the SAB meetings more transparent and efficient for Board members, school districts and stakeholders alike, this item provides suggested rules and procedures for the SAB subcommittee on Rules & Procedures to review for recommendation to the full SAB for adoption and implementation.

AUTHORITY

Government Code Chapter 243, Statutes of 1947, established the SAB as a successor to the Post War Public Works Review Board.

Government Code Section 15490 stipulates the makeup of the SAB.

Education Code (EC) Section 17070.35 outlines the Board's duties, including but not limited to the duties of establishing and publishing policies and procedures for the administration of the chapter and adopting rules and regulations pursuant to the Administrative Procedures Act.

The Bagley-Keene Open Meeting Act, set forth in Government Code sections 11120-111321, covers all State boards and commissions and requires these bodies to publicly notice their meetings, prepare agendas, accept public testimony and conduct their meetings in public unless specifically authorized by the Act to meet in closed session.

EC Section 17070.30 continues the existence of the SAB for purposes of the Leroy F. Greene School Facilities Act of 1998.

BACKGROUND INFORMATION

At the February 2009 SAB meeting, Board members voted to form a subcommittee to establish rules and procedures for the SAB. The Attachment to this item provides suggested rules and procedures drawn from the Assembly Education and Senate Education committees, and defaults to Robert's Rules of Order (a commonly used set of rules) when no specific procedure or rule is identified.

RECOMMENDATION

Discuss the attached SAB Rules and Operating Procedures and recommend revisions / changes for adoption at the full SAB.

**PROPOSED STATE ALLOCATION BOARD RULES AND OPERATING PROCEDURES
BASED ON SENATE AND ASSEMBLY POLICY COMMITTEE RULES**

OFFICERS

- A. Chairman. The chairman shall:
 - 1. Call the State Allocation Board (SAB) together at the times and places necessary to enable the committee to properly perform its duties.
 - 2. Preside over meetings of the Board.
 - 3. Maintain order and decide all questions of order subject to appeal to the Board present.
 - 4. Supervise the preparation of reports of the Board.
- B. Vice Chairman. The vice chairman shall:
 - Perform all duties of the chairman in the absence of the chairman.

MEETINGS

- A. Call.

The chairman, the vice chairman in the absence or incapacity of the chairman, may call a meeting of the Board by sending by regular mail and or electronic mail to each member of the Board written notice fifteen (10) days prior to the meeting, in accordance with the Bagley-Keene Open Meeting laws.
- B. Time and Place.

The time and place of meeting of the Board shall be designated by the chairman or by the vice chairman.
- D. Quorum.

The quorum necessary for the Board to transact business shall be a majority of the members. A majority for the Board is 6 members. A majority of the quorum may act on any matter.

AGENDA

(a) The State Allocation Board final Agenda is set Chair and Co-Chair. Any SAB Member may request the Chair, Co-Chair, the Executive Officer, or the Assistant Executive Officer to put an item on the SAB Agenda. The request should be made in public at a SAB meeting, or, if made outside of a meeting, it should be approved by both the Chair and Co-Chair. Any SAB Member request must be made to the Chair, Co-Chair, the Executive Officer, or the Assistant Executive Officer no less than 30 calendar days before the meeting. Office of Public School Construction (OPSC) Staff will post a notice of the SAB meeting in accordance with Government Code Sections 11120 -11132 (Bagley-Keene Act).

ORDER OF BUSINESS

The OPSC shall prepare and present the following SAB Agenda items, in order as outlines below, subject to change by a majority vote of the SAB.

- A. Standard Order of Business.
 - 1. Roll call.
 - 2. Executive Officers Report
 - 3. Consent

4. Special Consent
5. Appeals
6. Other Action Items
7. Reports
8. Public Comment
9. Adjournment.

(c) Once the SAB Agenda is publicly noticed, any SAB Member during the meeting may request items to be put over to the next SAB meeting unless another SAB Member objects. If there is an objection to an item being put over, a majority vote by the SAB shall decide the issue.

B. Reconsideration

A motion to reconsider or to rescind actions of the committee, unless made at the same meeting at which the action was taken, may only be made _____

LIMIT ON SETTING OF SAB AGENDA ITEMS

SAB items may be set on the SAB Agenda no more than three times, unless new information is available for presentation and consideration by the SAB that shall aid in the resolution of the item or resolution of the item is forthcoming the next time the item is set on the agenda. After that threshold is met, taking into consideration the exceptions listed below, the status quo will be deemed the default resolution of the item:

- i. No quorum (before or during issue)
- ii. SAB Member request to put over (unless another SAB Member objects)
- iii. District not able to attend meeting
- iv. District and OPSC both agree to request that the item be withdrawn
- v. Staff analysis is not distributed at least 72 hours prior to the meeting

STAFF ANALYSES

SAB Agenda items shall have a Staff analysis. The OPSC shall provide the analysis to the SAB and post them to the internet no less than 72 hours prior to the meeting.

MATERIAL INFORMATION

In order to be considered by the SAB, documents that contain material information pertinent to an SAB Agenda item, including those documents presented to any or all of the SAB membership, shall be submitted to the SAB's Executive Officer and Assistant Executive Officer, no less than seventy-two (72) hours prior to the SAB meeting at which the relevant item is scheduled to be heard.

QUORUM AND VOTING

(a) The majority of the statutorily set SAB Membership shall constitute a quorum. Majority for this purpose of this section shall be defined as 6 out of the 10 members of the Board. No motion on an Agenda action item may be adopted without a quorum present to vote on the item. Upon establishment of a quorum at a meeting, the SAB may thereafter take a vote on an item without a quorum present. If such an incident occurs, the SAB shall hold open the roll call until the

meeting is adjourned for final action. The SAB may take testimony and hear items as a subcommittee. A majority of those present and voting does not constitute a quorum.

(b) Once a quorum is established, motions may be made by any of the SAB Members present. A second to the motion is required on all motions and may be made by any other present SAB Member.

(c) SAB Agenda items requiring a vote are resolved when a majority of the SAB Members have voted upon a specific action.

(d) Upon establishment of a unanimous roll call, SAB Consent items may be acted on by a single vote.

(e) Any SAB Member may request a voice roll call vote on any SAB Agenda item.

(f) Any SAB Member may request a “call” be placed on any vote. The call may be “lifted” by the SAB member who placed it and the vote finalized any time, prior to the adjournment of the meeting. At such time as the call is lifted, a quorum must be present to finalize an item.

(g) After the final vote on a motion is announced, any SAB Member may change his or her vote or “add on” before adjournment of the meeting unless the change or addition would alter the announced outcome of the vote.

TESTIMONY

The Chair, in the necessary interest of time, and while preserving fairness and equity, may limit individual witness testimony and/or the number of witnesses, excluding presenters, on any given Agenda item, upon a majority vote of the SAB to limit witness testimony. Such restrictions will apply equally to both proponents and opponents of any SAB Agenda item.

WORKING GROUPS AND SUBCOMMITTEES

The Chair, or any other SAB Member, subject to a majority of the SAB concurring, may create a subcommittee or working group of the SAB.

SUBCOMMITTEES

A. Composition.

1. Membership on subcommittees shall be distributed among legislative and administrative appointees to ensure nearly proportional representation.
2. Subcommittees shall have a number of members as designated by the full committee, but no subcommittee shall have less than three (3) appointed members.

B. Quorum.

A quorum of a subcommittee with an even number of members shall be one-half (1/2) of the members, who may act on any question. A quorum of a subcommittee with an odd number of members shall be a simple majority of the membership, who may act on any question.

C. Duties.

Subcommittees shall perform the duties assigned to them and shall report on all matters referred to them. Actions of a subcommittee shall be reported in the form of proposals or recommendations to the full committee only, and shall have no force or binding effect except by action of the full committee.

D. Rules.

Rules relating to the full interim committee shall be followed by subcommittees, except with regard to a quorum.

PROCEDURAL GUIDELINES

ROBERT'S RULES OF ORDER / MASON'S MANUAL OF LEGISLATIVE PROCEDURE

On all other parliamentary procedures, including motions and other actions not provided for by these rules, the authority is *Robert's Rules of Order Newly Revised*, 10th ed. (Cambridge, Mass.: Perseus Publishing, 2000)

or

Mason's Manual of Legislative Procedure shall govern procedural matters for the joint interim committee and its subcommittees not covered elsewhere in these rules.

These rules shall remain in effect until replaced or revised by a majority vote of the Board.

MASONS MANUAL AND RULES OF THE LEGISLATURE

The principles of parliamentary law and the rules of the legislature – connected to power to adopt rules—Mason reinforces much of what was already covered

In People's Advocate, legislative rules and the power of a legislature relative to its procedure are rooted in the history of parliamentary common law.

Three most well know and used manuals of legislative procedure, are Jefferson's (written by Thomas Jefferson when he was President of the Senate, and still used by the US Senate) Cushing's Legislative Assemblies, and Manual of Legislative Procedure by Paul Mason (former Secretary of the California Senate) popularly known as "Mason's Manual" and used by the California Legislature (see SR 20, AR 10, and JR 31).

As an introduction to parliamentary law, browse certain provisions of Mason's Manual-- most relevant source of parliamentary law to the legislative process in California. It has become a general source of parliamentary law and is now published by the national conference of state legislatures (NCSL).

MASON'S MANUAL

CHAPTER 7. PARLIAMENTARY LAW (hierarchy of law- where do legislative rules fit?)

1. Generally, parliamentary law, which gets its name from the Parliament of Great Britain, consists of the recognized rules, precedents and usage (customs) of legislative bodies by which their procedure is regulated. **Legislative procedure is akin to civil procedure and criminal procedure.**

It is that system of rules developed by precedents made by legislative bodies in the same manner as common law is developed by judicial precedent.

There is no one system of "Parliamentary Law." Many systems have been developed by legislative and deliberative bodies in other countries since its origination in the British Parliament. However, these systems have many features and rules in common.

2. Parliamentary law, like the common law of which it is a branch, is an organized system of rules.

--It is built on precedents created by decisions on points of order or appeals, and by decisions of courts.

--It is guide by the authority to make rules inherent in every deliberative body.

--It is based on a system of principles and is not simply a group of haphazard rules.

--It is based upon reason and has been developed over time.

Parliamentary law does not rest upon "mere custom" but upon "reasonable and equitable custom." Remember: "What is not reason is not law."

Individual rules are interpreted in the light of basic principles.

When beginning to think about Parliamentary Law, it is best to first consider the parliamentary principles upon which it is based, before specific rules/application.

There are, according to Mason, Ten Fundamental Principles that Govern Procedure

1. The group must be so constituted and endowed that it has the power and authority that it purports to exercise.
2. There must be a meeting of the group at which the decision is made.
3. There must be proper notice of the meeting so that all members of the group have an opportunity to attend and participate.
4. There must be a quorum present at the meeting.
5. There must be a clear question before the group for decision.
6. When the decision is being made, there must be an opportunity to debate the question.
7. The question must be decided by taking a vote.
8. There must be a vote in the affirmative of at least a majority to make a decision or carry a proposition.
9. There must be no fraud, trickery or deception causing injury.
10. Decisions must not be in violation of laws, rules, or decisions **of higher authority.**

In California, the **higher authority** is found in Article IV of the California Constitution.

THE MOST IMPORTANT PURPOSE OF PARLIAMENTARY LAW IS TO PROVIDE AN ORDERLY PROCEDURE OF CONDUCTING THE BUSINESS OF THE LEGISLATIVE BODY AND TO AVOID CONFUSION.

PURELY TECHNICAL RULES ARE TO BE APPLIED ONLY WHEN THEY WILL AID IN THE DELIBERATIONS OF THE BODY.

THE MOST DIRECT AND SIMPLEST MEANS OF ACCOMPLISHING A PURPOSE SHOULD BE FOLLOWED.

NECESSITY FOR RULES OF PROCEDURE- EFFECTUATE THE WILL OF THE MAJORITY

1. General principle- it is necessary that legislative bodies be governed by rules of procedure so that the will of the majority may be determined and revealed in an orderly manner.
2. Rules determine the priority and manner of consideration of questions and provide an orderly and methodical plan to conduct business and eliminate confusion and waste of time and effort.
3. Rules protect what can be considered the **THREE FUNDAMENTAL RIGHTS OF MEMBERS-**
 - (1) A notice of meetings.
 - (2) The opportunity to attend.
 - (3) The ability to participate in debate (Not endless debate-cloture).

Rules protect the minority from unfair treatment **relative to these 3 rights**

Most importantly, rules protect the majority from obstructive tactics- not vice versa (use example of minority attempting to amend bill when there is not majority support and the manner in which the majority reacts).

4. Many rules of procedure are based upon fundamental rights such as the decision by the majority but some rules are necessary only to avoid confusion by designating one course of procedure when more than one course might otherwise be followed.

Quoting Jefferson, it may be as important that there be a rule as what the rule is.

5. The great purpose of all rules is to serve the will of the assembly rather than to restrain it; to facilitate and not to obstruct.

RIGHT TO REGULATE PROCEDURE

The constitutional right of a state legislature to control its own procedure cannot be withdrawn or restricted by statute, but statutes may control procedure insofar as they do not conflict with the rules of the houses or with the rules contained in the constitution (Note: Mason's Manual was first published in 1935, draw attention to People's Advocate, a case not appealed).

In general, state legislatures are governed in accordance with the recognized principles of parliamentary law subject to any special provisions of the state constitution, and any rules adopted by the body. Rules-primary source, Mason's secondary source.

An act of the legislature is legal when the constitution contains no prohibitions against it.

DETERMINE RULES OF THE HOUSE'S PROCEEDINGS

1. Each house shall determine the rules of its proceedings
2. Each house may pass an internal operating rule for its own procedure that is in conflict with a statute formerly adopted

[Q--Why does this make sense? How are rules different from statutes?

A--Statutes need approval of executive branch or supermajority for a veto override-inconsistent.]

3. The California Constitution is a limitation, rather than a grant of legislative power.

The fact that a house of the legislature acted in violation of its own rules or in violation of parliamentary law in a matter clearly within its power does not make its action subject to intervention by the courts [Enrolled Bill Rule].

SOURCES OF RULES OF PROCEDURE

1. Rules of procedure are derived from several sources, taking precedence in the following order:
 - a. Constitutional rules
 - b. Fundamental legal principles (power to determine rules in continuous, subject to fundamental rights, a legislative house cannot tie its own hands by establishing unchangeable rules).
 - c. Statutory rules
 - d. Adopted rules
 - e. Adopted parliamentary authority
 - f. Parliamentary law
 - g. Custom and usage
 - h. Judicial decisions (except that judicial decisions, to the extent they are interpretations of rules from one of the other sources, take the same precedence as the source interpreted, e.g., the judicial interpretation of a constitutional provision takes precedence over a statute)]

LEGISLATIVE PROCEDURE IS CONTROLLED BY THE CONSTITUTION

A constitutional provision regulating procedure controls over all other rules of procedure.

Generally, if Congress or a state legislature violates a constitutional requirement, the courts will declare its enactment void.

[However, note: US v. Munoz-Flores 495 US 385 (1990) Issue: Art. I, Sec. 7, Cl. 1 (origination clause) --all Bills for raising Revenue shall originate in the House of Representatives-- majority found that bill was not a "bill for raising revenue," despite special assessment imposed for violation of US statute. Two Justices (Stevens and O'Conner), in a concurring opinion, stated that a revenue bill would become law whenever it is passed by both Houses of Congress and duly signed by the President, whether or not it was properly originated because there is no language in the Constitution that speaks to the consequence of improper origination and the second clause of Section 7 states that every bill which shall have passed the House of Representation and the Senate shall, before it becomes a law, be presented to the President." Also, note Yolo v. Colgan, cited in Planned Parenthood, a bill that received an insufficient number of votes (as provided for in the California Constitution), becomes law pursuant to the enrollment rule.]

STATUTORY RULES GOVERNING PROCEDURE

JOINT RULES

1. State Legislatures adopt joint rule to govern the relationship between houses (e.g. conference committees, germaneness JR9, SR 38.5, AR 92). This practice is not incompatible with the constitutional provision that each house shall determine the rules of its procedure.

RULES MUST CONFORM TO CONSTITUTIONAL, STATUTORY AND CHARTER PROVISIONS

--re: statutes and charter provisions, generally apply to inferior political subdivisions

Rules adopted by a state legislature expire at the end of the session at which they were adopted.

However, prior to the time that the new rules are adopted, the house is governed by customs and usage, the best evidence of which are the rules most recently adopted (cite Sec. 39, Mason's Manual). See cover of Appendix to Assembly Journal, current joint rules in use, adopted during the 1997-98 session (also the joint rules for adopted for the 87-88 Session, were used until the legislature adopt rules for 93- 94 session).

If a legislative body declined to adopt rules, it could continue operation indefinitely, for successive session, under the usage's and customs as evidence by the last-adopted rules in a previous session [note current joint rules in the Assembly appendix].

RIGHT TO CHANGE RULES

1. Legislative bodies have power to abolish, modify or waive their own rules of procedure.

2. A majority does not have the power to make a rule, which cannot be modified or repealed by a majority. Rules adopted by a majority vote can be repealed or annulled by the same vote, even when a rule provides that no rule can be repealed or amended without a vote greater than a majority (see AR 8).
3. A legislative body cannot tie its own hands by establishing unchangeable rules.
4. Rules of procedure passed by one legislature are not binding on a subsequent legislature.
5. No meeting of a legislative body can bind a subsequent one by rules of procedure. The power to enact is the power to repeal.
6. Rules of procedure are always within control of the majority of a deliberative body and may be changed at any time by a majority vote.

RULES CAN BE SUSPENDED

Rules of the individual houses of the legislature are under their own control and may be suspended whenever, in the judgment of that body, suspension is required, except when the rule of procedure is imposed by the constitution.

FAILURE TO COMPLY WITH RULES DOES NOT INVALIDATE ACTS

FRAUD WILL INVALIDATE ACTS (no reported California cases)

RULES OF THE LEGISLATURE

[In addition to rules referenced in Chapter IX of *California's Legislature*.]

Joint Rules:

JR 4 -definition of "bill"

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JR 9 -germaneness (return to this rule). Also can't add only coauthors

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JR 28.1, 29, 29.5, 30, 30.5, 30.7 -procedure on conference committees

JR 29.5 prohibits the conference Committee from adopting:

(1) A substantial policy change not "heard" in the policy or fiscal committee in each house.

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JR 57 -Appropriation bills that may not be sent to Governor ahead of the Budget may be held after enrollment, until the budget is passed (also in Constitution, see below).

(IV, 12 (c) The budget shall be accompanied by a budget bill itemizing recommended expenditures. The bill shall be introduced immediately in each house by the persons chairing the committees that consider appropriations. The Legislature shall pass the budget bill by midnight on June 15 of each year. Until the budget bill has been enacted, the Legislature shall not send to the Governor for consideration any bill appropriating funds for expenditure during the fiscal year for which the budget bill is to be enacted, except emergency bills recommended by the Governor or appropriations for the salaries and expenses of the Legislature.]

JR 58 -urgency clause amendments need the approval of the rules committee of the house the amendment is offered.

JR 58.5 -Legislature may consider Governor's veto for 60 days after veto, not counting days when the Legislature is in **joint** recess.

JR 61 -DEADLINES

JR 62 -Committee procedure

Notice of hearings

--4 day file notice in each house for committee of the first reference, otherwise 2 Day file notice.

--3 "sets" and exceptions

--reconsideration

--Waivers of the above

--roll call vote

--quorum present

COMPARE AND CONTRACT SENATE AND ASSEMBLY RULES

Role of Speaker v. Role of Pro Tem (Senate Rules Committee)

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*Distinguish germaneness from single subject (germaneness is more narrow rule).

Mason's- definition of whether an amendment is germane.

is the amendment relevant, appropriate, and "in the natural and logical sequence to the subject matter of the original proposal."

--amendment is only required to relate to the same subject.

--amendment may entirely change the effect of the measure and still be germane.

--an entirely new proposal may be a proper amendment so long as it is germane to the original subject.

--whether the amendment is germane is a question to be decided by the body and not by the presiding officer.

LP05: LECTURE 16 MASONS MANUAL AND RULES OF THE LEGISLATURE

The principles of parliamentary law and the rules of the legislature – connected to power to adopt rules—Mason reinforces much of what was already covered

As earlier stated in People's Advocate, legislative rules and the power of a legislature relative to its procedure are rooted in the history of parliamentary common law.

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As an introduction to parliamentary law, browse certain provisions of Mason's Manual-- most relevant source of parliamentary law to the legislative process in California. It has become a general source of parliamentary law and is now published by the national conference of state legislatures (NCSL).

Not necessary to know the minutia of parliamentary procedure, but simply to understand the basic principles and be aware of its complexity. There are very few experts.

MASON'S MANUAL (In these notes, chapter 7 is mentioned first.)

CHAPTER 7. PARLIAMENTARY LAW (hierarchy of law- where do legislative rules fit?)

1. Generally, parliamentary law, which gets its name from the Parliament of Great Britain, consists of the recognized rules, precedents and usage (customs) of legislative bodies by which their procedure is regulated. **Legislative procedure is akin to civil procedure and criminal procedure.**

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Individual rules are interpreted in the light of basic principles.

When beginning to think about Parliamentary Law, it is best to first consider the parliamentary principles upon which it is based, before specific rules/application.

There are, according to Mason, Ten Fundamental Principles that Govern Procedure (set forth in Chapter 8, cleverly entitled-- "Principles of Parliamentary Law").

1. The group must be so constituted and endowed that it has the power and authority that it purports to exercise.
2. There must be a meeting of the group at which the decision is made.
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4. There must be a quorum present at the meeting.
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CHAPTER 1.

SEC.1. NECESSITY FOR RULES OF PROCEDURE- **EFFECTUATE THE WILL OF THE MAJORITY**

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MOST IMPORTANTLY, rules protect the majority from obstructive tactics- not vica versa (use example of minority attempting to amend bill when there is not majority support and the manner in which the majority reacts).

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3. The constitutional right of a state legislature to control its own procedure cannot be withdrawn or restricted by statute, but statutes may control procedure insofar as they do not conflict with the rules of the houses or with the rules contained in the constitution (Note: Mason's Manual was first published in 1935, draw attention to People's Advocate, a case not appealed).

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[Q--Why does this make sense? How are rules different from statutes?

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7. The fact that a house of the legislature acted in violation of its own rules or in violation of parliamentary law in a matter clearly within its power does not make its action subject to intervention by the courts [Enrolled Bill Rule].

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SEC. 6. LEGISLATIVE PROCEDURE IS CONTROLLED BY THE CONSTITUTION

5. A constitutional provision regulating procedure controls over all other rules of procedure (see Article IV).

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CHAPTER 3. STATUTORY RULES GOVERNING PROCEDURE

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1. State Legislatures adopt joint rule to govern the relationship between houses (e.g. conference committees, germaneness JR9, SR 38.5, AR 92). This practice is not incompatible with the constitutional provision that each house shall determine the rules of its procedure.

SEC. 21. RULES MUST CONFORM TO CONSTITUTIONAL, STATUTORY AND CHARTER PROVISIONS

--re: statutes and charter provisions, generally apply to inferior political subdivisions

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If a legislative body declined to adopt rules, it could continue operation indefinitely, for successive session, under the usage's and customs as evidence by the last-adopted rules in a previous session [note current joint rules in the Assembly appendix].

SEC. 22. RIGHT TO CHANGE RULES

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2. A majority does not have the power to make a rule, which cannot be modified or repealed by a majority. Rules adopted by a majority vote can be repealed or annulled by the same vote, even when a rule provides that no rule can be repealed or amended without a vote greater than a majority (see AR 8).

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1. Rules of the individual houses of the legislature are under their own control and may be suspended whenever, in the judgment of that body, suspension is required, except when the rule of procedure is imposed by the constitution.

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Role of Speaker v. Role of Pro Tem (Senate Rules Committee)

--see SR 7,11, 12.7 vs. AR 12,26

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Parliamentary Procedure

An abridged, basic, preliminary, simplified, bare-bones guide to “Robert's Rules of Order”

Prepared by
Scott M. Burns, R.P.
for the
ASI Board of Directors

I. WHAT IS THIS "PARLIAMENTARY PROCEDURE" STUFF, ANYWAY?

Parliamentary procedure, or parliamentary law, is a set of established procedures that enable groups of practically any size to conduct their meetings fairly and efficiently. There are several parliamentary authorities. *Robert's Rules of Order, Newly Revised (RONR)* is the most widely used. So much so in fact that many people mistakenly think that *Robert's Rules of Order* and “parliamentary procedure” are one in the same thing. However, there are other parliamentary authorities. The second most widely used is the *Standard Code of Parliamentary Procedure (Sturgis)* published by the American Institute of Parliamentarians. Others include *Cannon's Concise Guide to Parliamentary Procedure* and *Demeter's Manual of Parliamentary Law and Procedure*. But whatever the title and author, General Henry Robert was first (1876) and all of the others are adaptations of the basic principles he established:

- Communication breaks down when things get too complicated; do just one thing at a time.
- Every member has an equal right to participate in a meeting and an equal obligation to respect the rights of others.
- Every member has a right to full and free discussion of every issue.
- Every member has the right to know the full meaning of each item deliberated and what its effects will be.
- Decisions are made by a majority of the members present, with some exceptions designed to protect the rights of minorities and absentees.
- The rules exist to help you attain your goals; not to interfere with them.

ASI has expressly adopted Robert's Rules of Order (RONR) as its parliamentary authority.

II. THE BASICS

A. Conducting Business

If you want the Board to take some action you must first introduce a “motion” that states exactly what you want to have done. The general rule is that nothing may be deliberated until a motion has first been introduced. This rule is designed to ensure that meetings are well-focused and don't just ramble on aimlessly. In ASI, most substantive motions must be submitted well in advance of the

meeting; there is an exception process for matters that arise after the agenda deadline that cannot wait until the next meeting.

B. Recognition

When a member wishes to speak to a matter she must first gain the attention of the presiding officer -- usually by raising a hand or going to a microphone and then waiting until she is "recognized" to speak. It is the responsibility of the presiding officer to keep track of which members wish to speak and to recognize them in turn. It is the responsibility of everyone else to wait quietly for their turn, with a few exceptions discussed later below. ASI meetings follow a prepared agenda; as each new item comes up the presiding officer will ordinarily first recognize the person who either submitted the matter for the agenda or is otherwise responsible for presenting the item to the group. (E.g., the chair of a committee.)

C. Making a motion

RONR categorizes more than 60 different types of motions. The basic motion, the one that raises a substantive issue for the Board to consider is known as a "main motion."

1. Examples: "I move that we donate \$1,000 to the _____;" "I move to adopt the legislation;" "I move that the President be directed to investigate the situation and report back to the Board at its next meeting." The most important thing is that each motion must be stated clearly and precisely so that everyone understands it.
2. After someone has introduced a motion, another member must "second the motion." The correct form is: "I second the motion", although usually someone will just shout out "second" since you don't have to be recognized by the chair to second a motion. The only reason that a motion needs to be seconded is to ensure that more than one person thinks the matter is worthy of consideration. (You don't want to waste time if this is nothing but the folly of one member and no one else wants to even talk about it.) Seconding a motion does not necessarily mean that you agree with it. It only means that you think the subject is worth talking about. It is not unusual to second a motion and then speak and vote against it. Exception: Items that are placed on the agenda by a committee do not need to be seconded.
3. The presiding officer restates the motion. This ensures that everyone in the room understands clearly what the proposal is (and gives the maker of the motion an opportunity to clarify if the chair gets it wrong.) Once the chair has restated the, it is open for full discussion (debate) and ultimately will be voted upon by the group. Some special motions cannot be debated; you just proceed directly to a vote – more about that later.

D. Debating the Motion

Once the chair opens the motion up to debate, any member who wants to discuss the motion may do so in turn. During this process members may also make 'secondary' motions that relate to the main motion. For example, someone may want to postpone the matter until some later time. Another may want to make changes (amend the motion). Someone may want to refer it to a committee for further study. Someone else may be so frustrated by what's going on they want to just adjourn the meeting now. These secondary motions each have rules of their own, discussed below. The chair will direct the debate by recognizing each person who wants to speak in turn. During debate, you may speak in favor of a motion; you may speak against a motion; you may ask questions about the motion;

or you can move one of the secondary motions we'll be getting to shortly. ASI permits audience members to participate in the debate as well, although the presiding officer may give preference to members of the Board. Once debate has been concluded, the chair will proceed to the vote.

E. Voting

Most motions are adopted by a majority vote, i.e. more than half of those present and voting. A few motions require a higher threshold such as a 2/3 vote or a majority of all members of the Board (not just of those present and voting.) There are several way of taking the vote. The most common is a voice vote. Votes may also be taken by a show of hands, by standing, by a secret ballot, by holding up voting cards, or by a roll-call vote. Which method is used depends upon the nature of the business at issue and the certainty of the chair that a clear result will be obtained. (The chair may call for a voice vote and then, if uncertain about the result, ask for a show of hands or a roll-call vote.) Whenever a voice vote is taken, any member who thinks the result was inconclusive has the right to demand that it be retaken by a show of hands. A member does not have the right to demand a roll-call vote; because they are time consuming, a roll call vote must either be ordered by the presiding officer or be agreed to by a majority of those present.

IV. THE MOST COMMON SECONDARY MOTIONS

To Amend.

This motion allows you to change, add, or delete portions of the original main motion. It may be as simple as changing a word or as complex as substituting an entire paragraph. Examples: "I move to amend the motion by changing \$100 to \$200." "I move to delete the last paragraph and substitute the following....."

To Commit (Refer to a Committee).

Sometimes a motion becomes too complicated because of numerous attempts to amend it; or sometimes it is clear that more investigation is needed before taking action. Any Director may move to refer the motion to a committee for further consideration. This can be referral to a standing committee that already exists, or to a special committee appointed just for this purpose. Usually the committee will report back at the next meeting, but other terms can be specified in the motion to commit. Example: "I move to refer this matter to the Fiscal Committee and that the committee be directed to report back at the next regular meeting."

To Postpone.

A motion to postpone the motion to some stated future time -- this may be to later in the same meeting or to the next meeting. Example: "I move to postpone this matter to tomorrow at 3 p.m." This is what is known as a motion to "postpone definitely." RONR also has another motion, called 'postpone indefinitely' whose purpose is not to delay consideration, but to kill the motion altogether. We're not covering that one in today's basics.

To Adjourn.

Ordinarily, a meeting simply adjourns when all of the business has been finished or when the scheduled time for adjournment has arrived. However, the motion can be made at any time to end the meeting immediately, even if business is currently pending. The motion is not debatable or amendable and is immediately submitted for a vote. If the motion is adopted, the meeting is ended and the pending motion will become “unfinished” business for the next meeting.

To Recess.

To take a break. This may be as short as a few minutes or as long as overnight. It can be for a smoke break, to allow time for caucusing, or any other purpose. If the intent is to take an immediate recess, the motion is not debatable or amendable. Example: “I move we recess for 15 minutes.” However, a motion to recess at some specified later time can also be made. (E.g., “I move that we recess for an hour at 3:00 p.m.”) Under the latter circumstance, the motion is debatable and amendable. (Usually you’ll want to discuss the time and length of the recess.)

Move the Previous Question (Close Debate).

This motion ends debate on the pending motion(s). The correct form is “I move the previous question” but it is equally acceptable to say “I call for the question”, “I move that debate be closed”, “I move to close debate” or any similar phrasing. Unlike most other motions, it takes a 2/3 vote to close debate instead of a majority vote. This higher threshold protects the rights of the minority to have their fair opportunity to debate. This motion is not debatable, since that would defeat its purpose. You can move to close debate on just the immediately pending motion or you can close debate on “all matters”, which closes debate on all currently pending motions. (I.e., if there is a main motion and a motion to amend, the motion to close debate on all matters would end debate on both.)

To Reconsider.

This motion permits you to reconsider a motion that was previously acted upon. Perhaps the motion lost and you think the vote would now be different because of new information which was unavailable before or because you caucused during the recess. Or perhaps the motion passed, and you now think it was an unwise decision. This motion has a few special rules. It can only be made on the same day the motion was previously acted upon (or on the next day if the meeting is more than one day long.) It can also be made only by one who originally voted on the prevailing side. (In other words, by someone who is actually ‘reconsidering’ her previous vote.) If the motion to reconsider is adopted, the original motion is back before the group exactly as it was when it was last voted upon.

V. POINTS OF ORDER, INFORMATION AND PRIVILEGE

Point of Order.

A point of order is a way to call attention to the fact that the rules are being violated. Perhaps someone is speaking out of turn; perhaps the chair announced the vote incorrectly; perhaps someone is debating but has strayed way off the subject. The correct form is “I rise to a point of order” but you will usually just hear someone shout out “Point of Order!” You do not need to be recognized by the chair before rising to a point of order -- if the matter is truly urgent you can even interrupt the present speaker. The Chair will then ask you to state your point of order and you will announce the rule(s) you

believe are not being observed. The chair will either sustain your point of order and remedy the situation or announce that your point of order “is not well taken.” If a member disagrees with the ruling of the chair, she may ‘appeal’ the decision of the chair – in other words, submit it to the entire Board for a decision. The Chair then addresses the Board and submits it for a vote like any other motion. Usually the matter is not debatable. There are exceptions, but those are beyond this brief guide. It takes a majority vote to set aside the ruling of the chair. A tie vote sustains the chair. A point of order must be raised at the time the breach of rules occurs; it cannot be raised later in the meeting.

Point of Information.

This is a request to the chair that some information be provided. Perhaps you don’t know how you want to vote without knowing what the fiscal impact of the motion will be and you would like that question answered. It is a "privileged" motion, which means that the person raising it is given preference to others who may be waiting to be recognized. It requires no second and is responded to either by the chair or by another person at the chair’s direction. Example: “I would like a point of information. If this motion is adopted, what will be the cost of implementation?” A Point of Information may be used only to ask a question, not to supply information or to ask a ‘rhetorical’ question. The latter are engaging in debate and should be ruled out of order.

Question of Privilege (Point of Privilege).

A motion or request that is concerned with either the welfare of group itself or of a single member. For example, you would like the air conditioning turned on, or the speaker volume turned down, or you would like to be excused momentarily to answer a page. This is also a privileged motion that is given preference in recognition. It requires no second and is responded to either by the chair or by another at the chair’s direction. Some members use a point of privilege to make an "announcement"; this is an abuse of the motion because it typically delays the proceedings for something that isn't urgent. Announcements should be held until there is no other business pending.

VI. HIERARCHY OF MOTIONS

There will frequently be several motions pending at once -- the main motion, a motion to amend, a motion to close debate, etc. Some motions can be made while another motion is already being debated; others cannot. The basic rule: You can only have one “main motion” pending at a time. However, you can have almost any number of ‘secondary’ motions that pertain to the main motion, provided they are made in the proper sequence.

Example:

The main motion is to approve a proposed amendment to the Bylaws. A motion to amend the the proposal may then be made, followed by a motion to refer the matter to a committee for further study, followed by a motion to close debate on all matters, followed by a motion to lay the entire matter on the table because a guest speaker has just arrived and you don’t want to delay her while you take the votes.

Each type of motion has a hierarchical relationship to the others. That is, motions that are higher on the list will be acted upon before those lower on the list. A motion that is lower on the list cannot be made if a higher ranked motion is already pending. When multiple motions are

pending, the votes are taken in descending order.

1. Adjourn
2. Recess
3. Question of privilege
4. Lay on the table
5. Previous question (end debate)
6. Postpone to a certain time
7. Commit or refer (to committee)
8. Amend
9. Postpone indefinitely (kill the motion)
10. Main Motion

For example: If there is a motion to postpone the main motion (6), you can no longer move to refer the main motion to a committee (7) or move to amend the motion (8). You could still move to close debate because that is a higher-ranking motion (5). You can always move to adjourn (1). This sounds complicated, but it rarely occurs that you have this many things going on at once – when it does happen, the hierarchy helps keep things orderly and avoids needless waste of time. For example, why would you want to take the time to introduce and debate amendments (8) if the higher-ranking motion to refer the matter to a committee (7) has already been made? Most members don't need to worry about this hierarchy; the presiding officer or parliamentarian will keep things sorted out.

VI. SOME CLOSING THOUGHTS

This handout is only the briefest of introductions to only a very small portion of parliamentary procedure. RONR devotes nearly 900 pages to the subject and there are exceptions to just about every rule we have just reviewed. While we don't expect everyone to get the itch to become a parliamentary expert, every member should:

- Know how to obtain the floor properly without disrupting the meeting.
- Know how to phrase a motion clearly and understandably.
- Recognize and respect every member's rights to participate equally in debate.
- Keep debate focused on the topic – and not on extraneous issues or personalities.
- Know where to obtain further information when needed.

Good Luck.

Scott

Email: scott@smburns.com