

NAVIGATING

THE LEGISLATIVE PROCESS

Deadlines, Procedures and Common Terms



*Published
by the
League of
California
Cities*

Vision

To be recognized and respected as the leading advocate for the common interests of California cities.

Mission

To restore and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

Core Beliefs

We believe:

- Local self-governance is the cornerstone of democracy.
- Our strength lies in the unity of our diverse communities of interest.
- In the involvement of all stakeholders in establishing goals and in solving problems.
- In conducting the business of government with openness, respect, and civility.
- The spirit of public service is what builds communities.
- Cities are vital to the strength of the California economy.
- The vitality of cities is dependent upon their fiscal stability and local autonomy.
- The active participation of all city officials increases the League's effectiveness.
- Focused advocacy and lobbying is most effective through partnerships and collaboration.
- Well-informed city officials mean responsive, visionary leadership, and effective and efficient city operations.

For more information about the League, visit www.cacities.org or call (916) 658-8200. To order more copies of this publication, call (916) 658-8257 or visit www.cacities.org/store.

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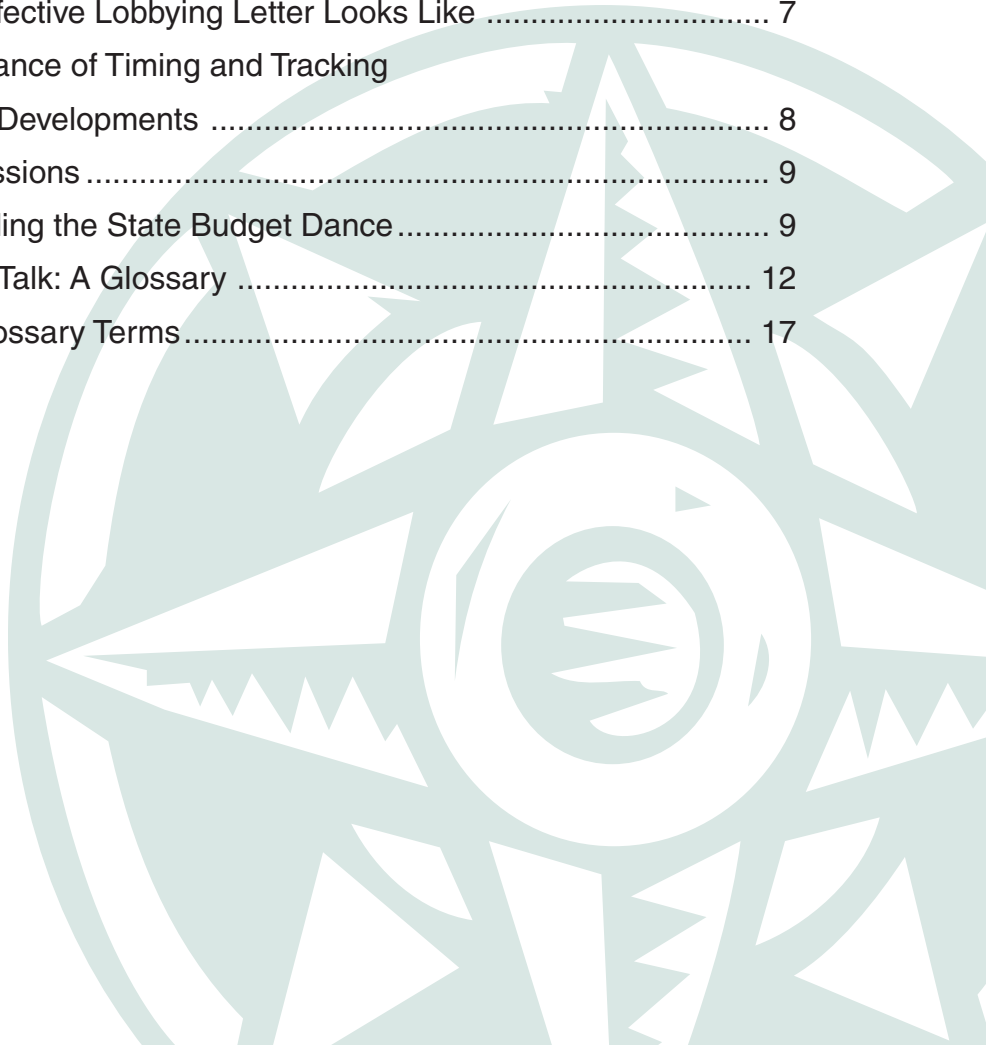
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Navigating the Legislative Process

Thousands of bills are introduced in the California Legislature every year. Some pass, some are amended, some stall and some are defeated. Some are signed into law by the governor, and others are vetoed by the governor. While the legislative process remains somewhat of a mystery — even to those who routinely work with the Legislature — it is often a complete mystery to those who are rarely involved with the process. This is compounded by jargon such as “two-year bill,” “reconsideration” and “Leg Counsel deadline.”



This publication summarizes the legislative process, key legislative terms and legislative deadlines to help city officials understand the terminology used in the League’s Priority Focus and to prepare for testifying in Sacramento.

Key words and phrases are italicized and defined in “Talking the Talk: A Glossary” on page 12.

The Legislative Process In a Nutshell

This year, cities will be pursuing a number of opportunities in the Legislature. The basic legislative process is simple — in theory. In practice, however, it is complicated by subtleties and rituals not apparent to the casual observer. What follows is a short description of the basic legislative process. (See also “Critical Steps in the Legislative Process,” opposite.)

A bill is legislation that a state senator or Assembly member presents for consideration by the entire Legislature. If it is passed by both houses, the bill is sent to the governor. If the governor signs the bill, it becomes law.

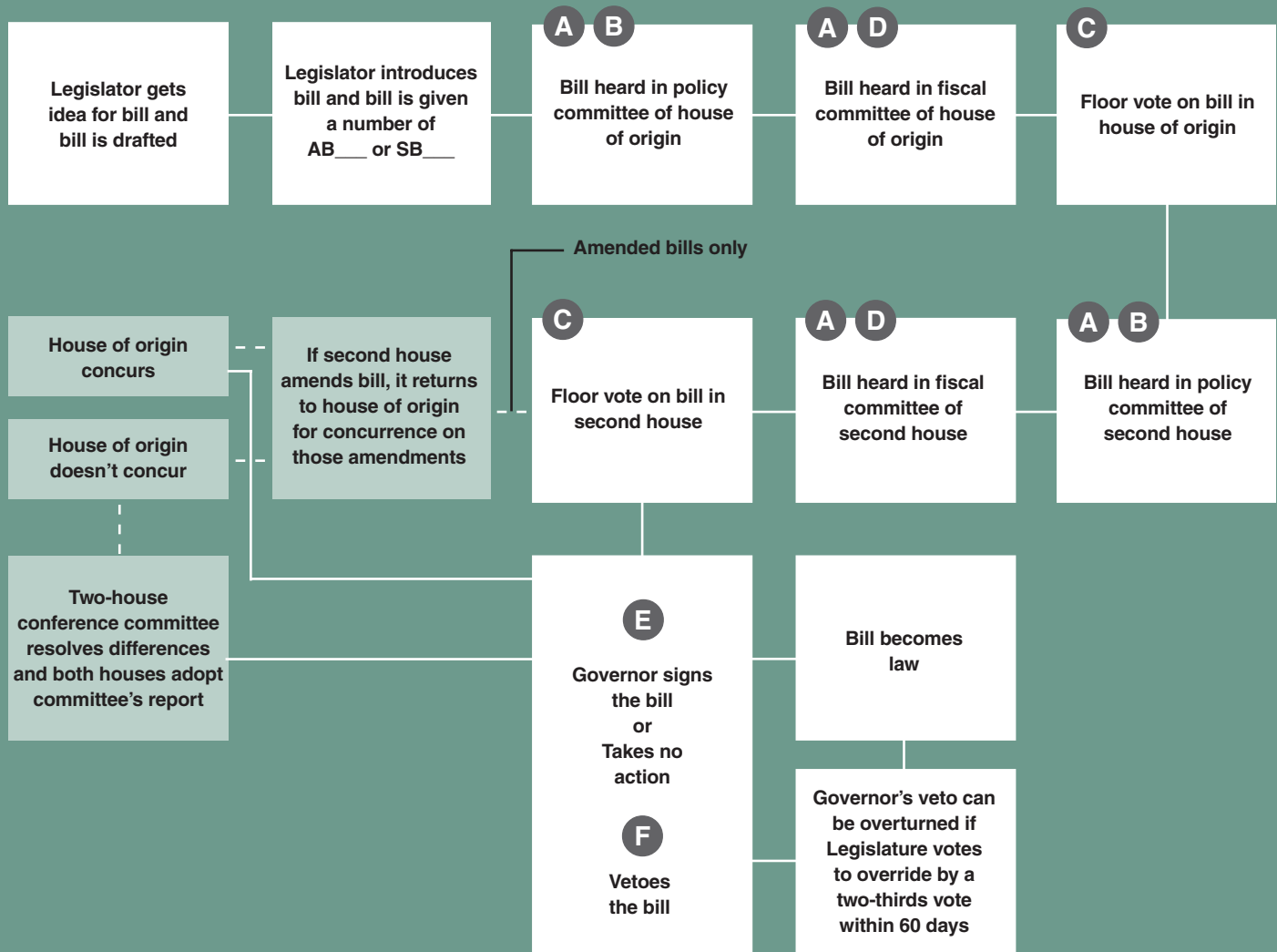
The idea for a bill can come from a citizen, a city, an interest group or directly from the legislator. If the legislator does not originate the idea, then the individual or group with the idea (known as the *sponsor*) searches for a legislator who agrees to be the *author*.

The idea is drafted in legal, legislative bill form by the *Legislative (“Leg”) Counsel* and introduced to the Legislature by the author.

All bills are sent to legislative committees for review and analysis. The bill must be in print for 30 days before it can be heard in its first committee. It is put on the agenda and heard, or discussed, in a *policy committee* (for example, the Assembly Local Government Committee or Senate Natural Resources Committee) and, if it is a *fiscal*

continued on page 4

Critical Steps in the Legislative Process



- A** For a bill to pass a legislative committee, it must receive an “aye” vote from a majority of the members of the full committee, not just those present and voting on the bill.
- B** If a bill does not have fiscal implications for state or local government, it bypasses the fiscal committee and goes directly to the floor of the house for a vote.
- C** Most bills need an “aye” vote of the majority of the members of a house to pass — 41 Assembly members or 21 senators. Urgency bills or bills requiring appropriations need a two-thirds vote — 54 Assembly members or 27 senators.
- D** The fiscal committee is the Appropriations Committee of the Assembly or the Senate.
- E** Article 4, section 10 of the state Constitution generally gives the governor 30 days to act on a bill sent to him at the end of a legislative session, and 12 days to act on bills sent to him at any other time. If he does not sign the bill, and does not veto the bill, it becomes law without signature.
- F** After the governor signs the bill, it goes to the secretary of state, where it is given a chapter number (e.g., Chapter 123, Statutes of 1987). Urgency bills take effect immediately, others take effect January 1 after signature.

bill, in either the Assembly or Senate Appropriations Committee.

A bill may be amended at almost any time during the legislative process, provided the appropriate procedures for amending a bill are followed. During committee hearings, lobbyists representing groups who support or oppose a bill testify before the committee members. Individual citizens may also testify, although this happens infrequently. More likely, lobbyists bring individuals from their interest groups to testify. Legislative committees generally hear testimony from a bill's author and supporters first, and then from the opposition.

If the bill has not been killed in a committee, it is debated and voted upon *on the floor* of the *house of origin* (either the Senate or the Assembly). It then moves over to the *second house*, where the process is repeated. If the bill is amended in the second house, it must return to the house of origin for a vote to ensure that the originating house concurs with the *amendments* made in the second house.

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Testifying before a legislative committee can be intimidating for anyone, city official or lobbyist, regardless of how often he or she appears before a committee.

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If the bill is passed by both houses of the Legislature, it is sent to the governor's desk. The governor can veto the bill or sign it. Once it is signed by the governor, the bill becomes law. A bill can also become law without the governor's signature (see chart on page 3).

What To Expect When Testifying

City officials can be effective in testifying on behalf of the League because they can discuss the "real world" impacts of a particular

bill on their cities or present technical information. This is especially effective on controversial bills if the city witnesses are from cities within the districts of members on the committee. City officials who testify should be aware, however, of the basic guidelines for testifying (see below).

Let's be honest. Testifying before a legislative committee can be intimidating for anyone, city official or lobbyist, regardless of how often he or she appears before a committee. What follows are some tips to assist city officials when they come to Sacramento to testify, at the request of the League or on their own.

If you have come to testify, you should go to the table at the front of the room to sit with the side you represent. If you are late to a hearing and have missed appearing with your colleagues to testify, wait until all those present have testified. Then simply state your name, position and your wish to go on record in support of, or opposition to, the bill. Unless you have the

DOs and DON'Ts of Testifying

DO:

- **Expect to wait.** It is nearly impossible to know exactly when your bill will be heard in committee. Remember, the committee may have as few as five or as many as 50 or 200 bills on its *agenda*. Be flexible and don't cut the time too close if you have a plane to catch.
- **Coordinate with whoever is organizing the testimony (League staff or others) to determine in which order you will testify.**
- **Introduce yourself when you testify:** "Madame chair and members, I am Jane Doe, the mayor of the City of Anywhere."
- **State your position at the beginning:** "I am here to speak in support of (or against) AB 123."
- **Be brief and concise.** State the reasons why you support or oppose the bill. Give local examples. Be sure the information you provide is accurate. If you have handouts, give them to the *sergeant-at-arms* and ask that he or she distribute them to the members.
- **Be polite.** This is especially important if you are opposing a bill. Remember, you

can just as easily dissuade a member as you can persuade him or her. Legislators have been known to react predictably to witnesses who insult them. Occasionally one hears a member say, "You know, I was prepared to vote for this bill. But I am so offended by Mr. Smith's testimony that I am going to vote against it."

- **If your assembly member or senator is a member of the committee, let him or her know that you are there.** You can either make an appointment to talk with him or her just before the hearing, drop by his or her office in advance or send your card to him or her during the hearing before your bill is presented. Even if you are only able to send up your card, let them know you are there, for which bill and what your position is. If your legislator is not on the committee, drop by his or her office anyway and leave your card. If you can, make an appointment ahead of time.
- **Be prepared to answer questions.** If you are there as a technical expert, it is okay to have a dialogue with any committee member who asks questions. If they say something with which you disagree, it is okay to respond or disagree, but do so politely: "With all respect,

Senator Smith, I disagree with your assessment. From my perspective, the issue involves ..." It is also okay to argue points of law (it helps if you are a lawyer) or technical issues, if you have the expertise to back up your position.

- **Be smart.** If there has been a long line of witnesses who have covered all the points you had prepared, don't repeat them. Simply state: "My name is Fred Jones, from Main Town. In the interest of time, I won't repeat what the other speakers have said. I support/oppose AB 123."
- **Be prepared to just say your name and sit down.** Occasionally, due to time constraints, committees are not able to hear testimony from all witnesses who wish to speak. As an alternative, however, they do permit witnesses in support and opposition to come to the microphone and state their name and affiliation. Even though you traveled far to attend the meeting, spent all morning in the hearing room and prepared an excellent statement why AB 123 deserves to be passed or defeated, you may be allowed to only state your name. Yes, this is disappointing, but it can't be helped. Remember, your presence has been noted, especially if your legislator sits on the committee.

approval of the author or sponsor, do *not* present lengthy testimony.

Although the list of pointers below is not exhaustive, it provides some useful guidelines for effective participation.

What City Officials Can Do To Help

The importance of participation by cities and city officials in the legislative process cannot be overemphasized. You can — and do — make a difference. Here's what you can do to participate in the legislative process, help your city and help the League:

1. **Be sure your city establishes a process to review and respond to the League's weekly *Priority Focus***, which is distributed electronically to subscribers each Friday when the Legislature is in session.
2. **Respond to requests in *Priority Focus* to write "support" or "oppose" letters in a timely manner.** Be sure the letters are received by the bill's author and the

committee *prior* to the hearing. A letter that arrives a week after the vote is ineffective. Once your city has established a position on a bill, be sure to send letters as the bill moves through the process. (Keep track of the bill's progress in the League's *Priority Focus*.) By sending letters to each committee that will hear the bill, your city will be listed in each committee's analysis of the bill. Don't forget to send copies of your letters to the League's Sacramento office. (See "Tips For Writing an Effective Letter" on page 6.) Make sure you are especially responsive to Action Alerts from the League, sent through e-mail or found on the League website.

3. **If your legislator sits on the specific committee in which an important bill is being heard, be sure your city has sent a letter.** Legislators *do* listen to their constituents. Several years ago, a League lobbyist was lobbying a bill that was *on call* on the Senate floor. The lobbyist *sent in a card* to one senator who had not yet voted.

The senator came off the floor and discussed the merits of the bill with the lobbyist, who asked for an "aye" vote. The senator replied that she had not heard from any of her cities on the bill and appeared disinclined to support the bill. Because the lobbyist had reviewed the League's file on the bill, she was able to inform the senator which cities in her district supported the bill. When the *call* was lifted, the senator voted for the bill. (This true story illustrates the importance of writing letters.)

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The idea of sending a letter is to let your legislator (and others) know your city's position.

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4. **Talk to your legislators when they are in the district.** Invite them to city hall, to attend a council meeting, or to a *continued*

- **Take guidance from the League lobbyist who is there.** If the League has asked you to come and testify, you will be briefed prior to the hearing. If you are at the Capitol on your own, but need some information, feel free to ask a League staff member any questions you have about the process.
- **Remember that, in some cases, it's best to keep quiet.** Several years ago at a Senate Local Government Committee hearing, several city speakers were present for a bill the League was co-sponsoring. Halfway through the hearing, it became clear that any wavering committee members were finally convinced of the bill's merits and would vote "aye." Unfortunately, one city speaker insisted on responding to comments from the opposition, when such action could have hurt the bill's chances. Luckily, the committee chair brought the hearing to a conclusion and a vote before any damage could be done.
- **Be thoughtfully assertive, but use your judgment.** There may be instances when you should ignore the "do's and don'ts" and take a different approach. If you must, evaluate the situation before you leap.

- **Check with the League lobbyist after the vote.** If a bill is *on call*, you may be needed to assist in securing a member's vote.
- **Remember that policy committees discuss the policy implications and fiscal committees discuss the fiscal implications of a bill.** In a fiscal committee, avoid discussing only the policy aspects of a bill, and include testimony from a fiscal perspective. If you stray too far afield, a fiscal committee member may remind you, "This committee does not care about the policy implications. We are here to evaluate the fiscal impacts."
- **Enjoy yourself.** Remember, you are participating in the democratic process.

DON'T:

- **Read your testimony.** Nothing turns off a committee like a witness reading a lengthy prepared speech. Notes are okay, but don't read — it can be deadly. If you have detailed technical information to share with the committee, it is acceptable to state that you wish to submit written testimony and will summarize the key points.
- **Be rude.** It doesn't help your cause, and may hurt it.

- **Argue unnecessarily or inappropriately.** While a give-and-take dialogue with a member is acceptable, a shouting match is not. Several years ago at a very tense hearing on smoking and tobacco control, someone in the back of a packed hearing room responded loudly and insultingly to a comment made by the committee chair. The chair was clearly upset, to say the least. He asked who had made the remark, and the person stood up and identified himself. The lobbyist for the sponsor of the bill cringed, because 20 minutes later this same person came to the microphone to testify as a witness.
- **Insist on giving lengthy testimony if time is short.** You'll only hurt your cause.
- **Stray from the prepared script.** If all the witnesses have agreed upon the order and content of the testimony, don't unilaterally change direction unless you've cleared it with the others.
- **Get up and distribute written material to committee members.** Indicate that you have handout material and ask to have the *sergeant-at-arms* distribute the material to the members.

briefing with city staff and other council members. The League will be happy to provide you with background information you can use to prepare for such a meeting.

5. If you are coming to Sacramento to testify or attend a League event, take the opportunity to make an appointment to meet with your legislators.

Let them know you are interested in and aware of their positions on bills. Talk to them about your city's — and the League's — priority issues. Often, out of respect for a fellow elected official, legislators will give priority to meeting with a city official, when they won't otherwise meet with League staff or other lobbyists.

6. If you are lobbying your legislator about a specific bill, try to get a commitment from him or her. If you do, notify the League. We are always counting votes, and this information will help.

7. Work in coalitions. Work with other cities, your business community, schools and citizens' groups — anyone who you think will be effective in convincing legislators of your position.

8. Work with your League regional representative. The League's regional representative program is designed to help organize and mobilize cities at the grassroots level. Get to know your area's regional rep. Participate in the meetings, Capitol lobbying days and coalitions organized by the League, your city leadership and your regional rep. Information about the regional representative program and how to contact your regional rep is available on the League website at www.cacities.org.

If the League indicates that the bill has been significantly amended and requests review and comment by cities, wait to send another "support" or "oppose" letter until your city has conducted that internal review.

Tips for Writing An Effective Letter

If your city is taking the time to write a "support" or "oppose" letter on a bill, consider the following tips to make your letter writing campaign as effective as possible. (Page 7 shows a sample of an effective lobbying letter.)

- 1. Always indicate the bill number and the city's position at the top of the letter.** This can be placed just above the salutation, or typed next to the legislator's address. *Never* bury the reference to the bill number and the action you want the legislator to take in the body of the letter. A letter that doesn't include this information **at the top** will not have the intended effect and may be misinterpreted. Therefore, you must make it easy for the recipient to immediately identify the bill number and your city's position.
- 2. Limit your letter to only one bill.** Legislators file letters according to the bill number. If you write a letter to inform him or her about your position on three bills, there is no telling in which file your letter will actually be placed. Three separate letters guarantee your positions will be properly noted.
- 3. Be brief and factual.** State your city's position and then describe the impacts of the bill on your city. Cite "real world" implications, especially as they relate to cost or finance issues. Legislators like to know how specific bills affect cities in their districts.
- 4. If the mayor or a council member is signing the letter, and he or she knows the legislator, consider adding a personal note to the letter.**
- 5. Don't worry about writing letters on too many bills.** Some cities are concerned about taking too many positions, because they want their legislators to know when they are "really serious." While this concept may have some merit, it is not possible to write too many letters. Similarly, some city officials think the League should not take positions on all bills that affect city government — and should instead reserve its involvement for only the dozen or so "really big" bills. This simply is not possible, because of

the 5,000–6,000 bills introduced in any given two-year session, significantly more than 1,000 have some sort of local government impact. Due to the local government implications, the League tracks all of these bills, but does not take a position on each of them. However, the League identifies high-priority bills and focuses active lobbying on key strategic issues. A list of priority issues and "hot" bills is available on the League website at www.cacities.org.

6. Be sure to send follow-up letters to the appropriate legislative committees as a bill moves along. You can often use your original letter with some modifications.

7. If your legislator sits on a committee that will hear the bill, or is the author of the bill, it is especially important that your city go on record about the bill. Legislators *do* take their constituents' views seriously. It is no exaggeration that, in some offices, letters on bills received from individuals, businesses or cities within the legislator's district are placed in the bill file, while letters received from sources outside the district are placed in the circular file.

8. Read the League's *Priority Focus* to make sure the bill hasn't been significantly amended. If the League indicates that the bill has been significantly amended and requests review and comment by cities, wait to send another "support" or "oppose" letter until your city has conducted that internal review. Be sure to also notify the League about your city's comments on the amendments by sending them a copy of your letter.

Legislative Deadlines

Each legislative session spans two years, beginning in an odd-numbered year and ending in an even-numbered year. For example, in January 2002, the Legislature began the second year of its two-year session, which ran from 2001–02. January 2003 marked the beginning of the session that spans 2003–04.

Each year includes many important legislative deadlines. It is critical for city officials

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What an Effective Lobbying Letter Looks Like

City of Anywhere
P.O. Box 123
Anywhere, CA 90000

April 2, 2003

Assembly Member Susan Jones
California State Assembly
State Capitol, Room 2344
Sacramento, CA 95814

RE: **AB 1357 (Jones). Landfill Landscaping.**

NOTICE OF CITY OPPOSITION

Dear Assembly Member Jones:

I am writing on behalf of the City Council of the City of Anywhere to respectfully oppose AB 1357 (Jones). AB 1357 would require that landfills and solid waste transfer stations be landscaped so that they cannot be seen from the air at an altitude of 2,000 feet and that the landscaping be completed and the facility be in compliance within 120 days of the bill's enactment.

The City of Anywhere opposes AB 1357 for several reasons. First, the landscaping requirement will be extremely costly, both to the city as the landfill operator and to the citizens served by the landfill. We estimate that the cost to landscape our existing landfill and the two transfer stations operated by Acme Disposal will be about \$300,000. This does not include the annual operating and maintenance costs associated with the requirement.

Second, even if we were able to afford the cost, it would not be possible for the facilities to be in compliance within 120 days. Our Parks and Recreation Department personnel have been unable to identify any permanent vegetation that grows quickly enough to meet this deadline.

Third, we believe that the landscaping requirement is unrealistic. The closest commercial airport to Anywhere is 150 miles away, and the closest general aviation airport is 70 miles away. We estimate that no more than three flights per day cross our air space and, because much of the year we are covered by clouds, we question the advisability of the legislation.

We believe that the decision of whether or not to landscape a landfill should be left to the local authorities and should be based upon local conditions. For example, in many instances it would be a wiser use of limited resources to landscape the facility with automobile, not air, traffic in mind.

For these reasons, the City of Anywhere opposes AB 1357. Please feel free to call Joe Barnes, who follows legislative issues for the city, if you would like more details about Anywhere's position. His number is (000)123-4567.

Sincerely,

Janet Gotvotes
Mayor, City of Anywhere

cc: Members and Consultant, Assembly Natural Resources Committee
Assembly Member Mary Smith
League of California Cities

to become familiar with these deadlines as they work through the legislative process for a particular bill or bills. The passage or defeat of a bill may depend upon whether it meets one or more deadlines.

For example, if a bill does not pass a *fiscal committee* by a specific date, it has stalled. If this occurs in the first year of the session, it becomes a *two-year bill*. In the first year, almost any bill becomes a two-year bill if it does not pass a specific deadline. However, a two-year bill that misses the *house of origin* deadline is dead for the two-year session, as called for in the California Constitution. With this exception, however, it is important to remember that Senate and Assembly procedural rules establishing these deadlines can be waived by the Rules Committee and/or the relevant house, and the previously stalled bill can regain life (see “gut and amend” and “rule waiver” entries in the glossary, pages 15 and 14).

In addition, at the beginning of each year of the session, certain deadlines must be met before a bill can be introduced in the Legislature. These include deadlines to submit language to *Legislative (“Leg”) Coun-*

sel so that the bill can be written in proper legal and legislative form, and the date by which a bill must be introduced. Both of these dates are interrelated, since without proper Leg Counsel language, a legislator cannot introduce a bill.

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Generally the same dates apply to both the Senate and Assembly. Occasionally, one or both houses will extend a deadline (e.g., the policy committee deadline) to accommodate the large volume of bills that must be heard in the Legislature’s standing committees.

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If you look at the legislative schedule inserted in this publication, you will see that the deadline to introduce bills is about one

month *after* the Leg Counsel deadline. However, by the date of the Leg Counsel deadline, there are usually very few *sponsors* (interest groups who wish to have a bill introduced) who have already secured the agreement of a legislator to be the *author*. Therefore, lobbyists who plan ahead will ask a friendly legislative staff person to submit language to Leg Counsel prior to the deadline so that they will have official language that later can be introduced by the deadline. When the author is secured, the Leg Counsel language is modified to include the author’s name.

The legislative calendar has key dates of importance to city officials. Generally the same dates apply to both the Senate and Assembly. Occasionally, one or both houses will extend a deadline (e.g., the *policy committee* deadline) to accommodate the large volume of bills that must be heard in the Legislature’s standing committees. This is never a certainty, however. Deadlines can be waived if the bill receives the appropriate *rule waiver*.

The Importance of Timing and Tracking Legislative Developments

Understanding the legislative calendar is a key element of every successful legislative effort. It’s critical to take into account the legislative deadlines for important dates in each session, such as:

- The last day to introduce bills;
- The last day for policy committees to hear, and pass to fiscal committees, fiscal bills introduced in their house;
- The last day for fiscal committees to pass to the floor bills introduced in their house;
- The last day for bills to pass out of the house of origin;
- The last day for each house to pass bills; and
- The last day for the governor to sign or veto bills.

Where To Find the Legislative Calendar
A copy of the legislative calendar is in-

cluded as an insert in this publication. The calendar is also posted in the Legislative Advocacy area of the League website at www.cacities.org.

About Priority Focus

The League’s weekly newsletter, *Priority Focus*, is an important source of information on priority bills and issues of interest to the city officials, the media and others interested in following League activities. It is delivered to subscribers electronically every Friday when the Legislature is in session, and most Fridays during legislative breaks. It is also posted on the League website. The electronic subscription service is free, and available on a sign-up basis through the League website.

About the League Website

The League website (www.cacities.org) is one of the most effective tools for deliver-

ing valuable information on League issues and events, and supporting city officials’ advocacy efforts. Legislative tracking and advocacy tools provide an online resource where you can:

- Review the text of a bill, view bill analysis, find out when it’s scheduled for hearing and track your legislators’ votes;
- Identify priority bills that the League is tracking;
- See letters sent by the League on key bills, which your city can use as models for your own letter;
- View important League Action Alerts, write and send online letters to legislators and your hometown newspaper, or download and personalize sample letters; and
- Enhance the effectiveness of your city’s participation in the legislative process.

Special Sessions

The California Constitution gives the governor the sole authority to convene the Legislature for an extraordinary or special session to address specific topics. The Legislature may only act on those subjects specified in the proclamation issued by the governor when he calls the special session. Formally called an “extraordinary session” but more commonly referred to as a “special session,” special sessions historically have addressed such topics as the energy crisis, earthquake relief and response and, most recently, the budget crisis. The governor may also expand an existing special session by issuing a proclamation.

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Bills introduced in a special session do not need to meet the same deadlines as those introduced in the regular session.

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Bills introduced in a special session do not need to meet the same deadlines as those introduced in the regular session. For example, a special session bill does not need to be in print for 30 days prior being heard in a committee. Similarly, little public notice is required before a bill is heard in committee, in contrast to the four-day file notice required for regular session bills. While the governor is the individual authorized to *call* a special session, both houses of the Legislature must vote to *adjourn* a special session. Some special sessions last a very short time (a week or a month), while others can last more than a year. However, the constitutional adjournment deadline of November 30 of the second year of a legislative session also applies to a special session. Thus, a special session cannot last beyond Nov. 30 of the second year of a session.

Special session urgency bills require a two-thirds vote for passage. If signed by the governor, such bills go into effect immediately upon signature. Non-urgency special session bills, which require a majority vote for passage, go into effect on



Capitol Park in Sacramento is popular with squirrels as well as legislators, lobbyists and locally elected officials.

the ninety-first day after the special session has been adjourned by both houses of the Legislature.

Special session bills are commonly referred to as “AB 123X” for the first extraordinary session (that is to say, “Assembly Bill One-Two-Three X”). In 2001, the governor actually called two special sessions, which ran sequentially, to address the energy crisis. In that situation, bills introduced in the second special session were referred to as “AB123XX” or “Assembly Bill One-Two-Three double X.” When the first special session was adjourned, bills introduced in that session no longer were valid. Some bills were reintroduced in the second special session and some were not. To make the situation even more interesting, some reintroduced bills kept the same numerical number in the second session as the first (for example, SB 123X became AB 123XX), while other reintroduced bills received completely different numbers (for example, AB 456X became AB 24XX). Thus, keeping track of which bill was which presented a challenge.

Understanding the State Budget Dance

Local officials need to understand the budget process so they can effectively advocate for their city on fiscal issues. The following provides a general overview of the highlights of the budget process, which some call the “budget dance.”

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The budget subcommittees are required to act on every budget expenditure (even if no changes are proposed).

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California’s Constitution requires the Legislature to pass a budget by midnight on June 15 to cover state operations for the next fiscal year. However, in recent years, the June 15 deadline has not been met. In 2002, for example, the deadline extended 67 days, the longest budget stalemate in Cali-

continued

Key State Budget Dates for City Officials

January 10:

Deadline for the governor to release proposed budget for next fiscal year.

February-March-April:

Assembly and Senate Budget Subcommittee hearings begin. City officials should ensure their issues are on the hearing agenda by working with subcommittee staff.

May 14:

Deadline for the governor to release his revisions to the proposed budget (the “May Revise,” which takes into account changes in state revenue due to April 15 receipt of personal income tax).

June 1-10:

Budget Conference Committee convenes. Advocates impacted by trailer bill statutes should contact committee staff to address changes.

June 15:

Constitutional deadline for the Legislature to pass the budget for the following fiscal year.

July 1:

New fiscal year begins and runs through June 30 of the next calendar year.

Mid-July:

State Department of Finance (DOF) asks state departments and agencies to submit their budget requests in September for the next fiscal year.

Mid-July through August:

City officials who want to influence the budget process should begin talking to the state departments and agencies before the September submissions are completed.

September:

DOF begins analyzing funding requests and making recommendations to the governor.

September through mid-November:

City officials should continue their discussions with state departmental and DOF staff to ensure their city’s needs are included in recommendations to the governor.

Mid-November:

DOF recommendations and decisions become more concrete.

December:

If midyear adjustments are needed to keep the current fiscal year budget in balance, they are typically proposed by the governor in December, and acted upon by the Legislature at that time or early in the following year.

ifornia history. Nevertheless, the state’s fiscal year starts July 1 and runs through June 30 of the following year, regardless of whether or not a budget has been signed by the governor.

The Full Debate Begins in January

The state Constitution requires the governor to submit a budget for the following fiscal year by January 10. At that time, the governor releases four documents that help individuals understand the budget recommendations and policy priorities. These include the Governor’s Budget, Governor’s Budget Summary, Governor’s Budget Highlights, and the Budget Bill (see Glossary, page 16, for full definitions). These documents can be found on the state Department of Finance (DOF) website at www.dof.ca.gov.

Although the budget process is complex, it is absolutely clear that early and persistent involvement of city officials in the process is crucial to protect city interests.

Immediately following the release of these documents, the Legislative Analyst’s Office (LAO), the independent research arm of the Legislature, starts its formal analyses of the governor’s entire proposal. The resulting documents are available on the LAO website at www.lao.ca.gov.

The Assembly and Senate Budget Subcommittee hearings are the next major step in the budget process. The hearings are a key time when city officials and other interested parties can have their views heard. City officials should start by discussing their issues with subcommittee staff. The budget subcommittees are required to act on every budget expenditure (even if no changes are proposed), and the subcommittee staff prepares the agendas for the formal hearings. If you want to make sure there is a formal public debate on an issue, you must first ensure that it gets on the subcommittee agenda.

During the budget subcommittee hearings, any member of the public is welcome to offer testimony on the impacts of the bud-

get changes. The administration, represented by various state departments and agencies, including the DOF, is there to make the case for the governor's proposals. Representatives from the LAO are also there to add their perspective. The budget subcommittees provide the Legislature its first opportunity to introduce policy and/or expenditure changes to the governor's proposals. The governor can also make policy changes to the budget before April 1 by submitting changes through documents known as finance letters.

Round Two Begins in May

May 14 is the deadline, set by statute, by which the governor must provide his revisions to the state budget, also known as the "May Revise." Because the initial budget proposals must be finalized by mid-December (in order to be printed by Jan. 10), the original proposals are based on very early economic estimates. Because a majority of the state revenues are derived from personal income taxes, revenue estimates for the next fiscal year can be projected more accurately after the April 15 deadline.

Between April 15 and May 14, the DOF provides the governor with revised revenue, caseload and Proposition 98 projections (education spending), and additional recommendations as needed, to balance the proposed budget. The May Revise typically incorporates revenue and funding changes, not changes in policy.

Once the May Revise is released, the Senate and Assembly budget committees have a very limited time to complete their work. The budget subcommittees meet first to provide their recommendations to the full Senate and Assembly budget committees. Each house's full budget committee then debates and eventually adopts a version of the budget for the full house to review and approve.

The procedure for reconciling the differences between the Senate and Assembly versions of the budget is theoretically simple. Once each house approves its version of the budget, the bill (known as the budget bill) is sent to the other house for non-concurrence. This triggers the formation of the Budget Conference Committee, composed of members of both houses and both parties. It is their task to resolve the differences between the two versions. Un-

like other legislative committees, the Budget Conference Committee does not take public testimony. A representative from the LAO attends to provide information and recommendations, and a representative from the DOF is there to present the governor's positions.

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The best way to keep your city's interests (and those of the League) before the Legislature during the process is to continuously make your case with your local legislators.

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Under the best circumstances, the Budget Conference Committee starts its review by June 1 and finishes by June 10 for the final Budget Bill to be heard in the Senate and Assembly by the June 15 deadline. However, like so many other legislative procedures, theory and reality do not always jibe.

Concurrent with this process, legislative staff begin writing the necessary "trailer bill language" on any elements that will necessitate a change in statute or require policy direction. The budget trailer bills provide the road maps to implementing the budget line items. Following and influencing how trailer bills are written can be an important element in the budget dance. Advocates impacted by the trailer bill statutes should contact committee staff to ensure that any concerns they might have are addressed.

The last part of the formal process is for the Senate and Assembly to approve the final budget bill and any trailer bills, and to send the final bills to the governor. Once these are received, the DOF prepares a report for the governor identifying every legislative augmentation to the budget with a recommendation for action. The governor has the choice on every budget line-item to accept it as is or veto it. Local officials should contact the DOF and the governor directly if there are any items of concern. Once the decisions have been made, the governor typically signs the budget bill and associated trailer bills, and concurrently releases a "veto message" detailing the items vetoed.

What Goes on Informally

An informal but very significant part of the budget dance that has occurred in the recent past is the gathering of the "Big Five." This is legislative jargon for the Senate and Assembly leadership plus the governor. The Big Five brings together the governor, the senate president pro tempore, the speaker of the assembly and the minority leaders from both houses in an attempt to resolve budget issues and gain concurrence for passage through the budget process. The governor calls the meetings of the Big Five. Capitol observers and legislative participants differ on when the time is ripe and right for the Big Five to meet: before the budget committees have completed their work; during the budget conference committee; after the budget has failed twice to receive a two-thirds vote; or at some other time.

What's a City To Do?

Although the budget process is complex and convoluted and often difficult to penetrate, it is absolutely clear that early and persistent involvement of city officials in the process is crucial to protect city interests. The best way to keep your city's interests (and those of the League) before the Legislature during the process is to continuously make your case with your local legislators. At times, strategic communication with budget subcommittee or committee members is also important.





Talking the Talk: A Glossary

The terms included in this glossary are commonly used in the legislative process. To locate a word or phrase, see the index on page 17, where they are listed alphabetically.

Bill-related Terms

Author

The legislator who is “carrying” the bill and who is credited with creating the bill. Although at times the author may also be the sponsor, it is very important to distinguish between author and sponsor because they play distinctly different roles in a bill’s development.

Sponsor

The organization or individual that requests a legislator to author a bill. The League sponsors bills, as do other organizations and individuals. While a bill also may have co-sponsors, the sponsor has the primary responsibility for gathering support, seeing it through the legislative process and making decisions on amendments. The author, however, always has the final say on strategy, process and amendments.

Legislative (Leg) Counsel

The Legislative Counsel, also known as Leg (pronounced “ledge”) Counsel, is the Legislature’s attorney and his or her staff of attorneys who write bill language. While a lobbyist or legislative staff may prepare preliminary drafts of language, all proposed bills and amendments must be written by Leg Counsel before they can be put across the desk and inserted into the bill. Only legislators or their staff may have contact with Leg Counsel. However, legislative staff may “authorize” a lobbyist to work with Leg Counsel on a bill, especially if the lobbyist represents the sponsoring organization. Work with Leg Counsel is protected by attorney-client privilege.

An urgency measure requires passage by an affirmative vote of two-thirds of both houses to pass, but needs only a majority vote to pass a committee.

Spot bill

A legislative placeholder. Often, sponsors or authors know they want to introduce a bill on a specific topic, but don’t have the exact language. Therefore, they will prepare and introduce what is commonly referred to as a “spot bill” to serve as a placeholder. Spot bills generally are amended before the first committee hearing, but often the full-blown bill does not emerge until much later in the process. The classic spot bill is one that amends “that” to “which” or adds a comma, although this practice is less common in recent years. However, a spot bill must make a more substantive change to the law than simply changing “that” to “which,” before it can be referred by the Rules Committee to a policy committee for a hearing, following its introduction. The initial change may not be what the author or sponsor ultimately has in mind for the bill. Spot bills are crucial for those sponsoring the bill, but challenging for those tracking bills, since it is impossible to tell from a spot bill whether it will be a good bill or a bad bill.

Unbacked bill

A bill that has been drafted by Leg Counsel but has no author identified. An unbacked bill is one that is drafted as a placeholder while the sponsor searches for an author.

Backed bill

Once the sponsor has secured an author for the unbacked bill, the draft language is returned to Leg Counsel to have the author’s name officially included in the text of the bill.

Bill number

Bills are given sequential numbers during the two-year session when they are introduced and put across the desk. When the Leg Counsel version of a bill is put across the desk, a clerk stamps a number on the document, thereby assigning it a bill number. Occasionally some authors wait to introduce a bill with a specific focus until a specific number is available.

Legislation passed in previous years often is known by its bill number, rather than the official title or content of the bill. Examples are AB 939 (solid waste and recycling), AB 13 (smoking and tobacco control), AB 1600 (developer fees) and AB 2020 (beverage container recycling). When inquiring about a bill, always

reference the year in which it was enacted. AB 123 of 1998 is not the same bill as AB 123 of 1989.

Across the desk

The physical act of handing Leg Counsel language to a Senate or Assembly clerk at the desk in the front of the Senate or Assembly chamber. This can be done only by a legislator or staff member. Amendments are put across the desk, as are newly introduced bills. When a bill is introduced it is immediately given a number. Bill numbers run consecutively through the two-year session and start again at “1” at the beginning of the next two-year session.

Good bill

A bill that the League likes. Reasons to like a bill include support for a measure that solves a problem confronting cities (e.g., regulation of sexually oriented businesses), increases city authority over provision of city services (e.g., regulation of hazardous materials), or increases city revenues. Whether or not the League likes a bill is determined by existing League policy and/or the League’s policy development process.

A bill is never really dead. Some bills, like cats, have nine lives.

Bad bill

A bill that the League dislikes. Reasons to dislike a bill include objections that the bill pre-empts local land use or regulatory authority, restricts local revenue raising authority or interferes with local home rule authority. Whether or not the League likes a bill is determined by existing League policy and/or the League’s policy development process.

Trailer bill

A bill, almost always used in the budget process, which is written in a way that implements the spending parameters or levels established in a funding bill. A trailer bill can also be used for nonbudget issues.

Urgency measure/bill

A bill that goes into effect immediately upon the governor's signature, rather than on Jan. 1 of the following year. An urgency measure requires passage by an affirmative vote of two-thirds of both houses to pass, but needs only a majority vote to pass a committee.

Fiscal bill

A bill that has a fiscal impact on the state and must therefore be heard by the Senate and Assembly fiscal committees. Leg Counsel determines whether or not a bill is "keyed," (or designated) fiscal. A bill is fiscal if it meets one or more of three criteria: it appropriates money, it affects the operation of a state agency or it creates a mandated local program. Fiscal bills must meet the fiscal bill deadline.

Nonfiscal bill

A bill that is not a fiscal bill and is not heard by a fiscal committee.

Two-year bill

A bill that is "dead," "stalled," "held" or simply "not moved" by the author in the first year of a two-year session and cannot be heard again until the second year of the session. Generally a bill becomes a two-year bill when it fails to meet a legislative deadline, such as a fiscal committee or policy committee deadline. A bill cannot become a two-year bill in the second year of the session, since there is no additional year to which the bill would be carried over.

Chaptered bill

After a bill is signed by the governor, it is "chaptered" by the secretary of state. It is assigned what is called a chapter number and may be subsequently referred to, for example, as Chapter 3, Statutes of 1998. That is, it was the third bill signed by the governor for the statutes enacted in 1998. A bill's chapter number is useful to know if, for example, five years after its enactment someone wants to read the entire bill text. While one can find the various sections of the bill included in the different code books (e.g., Government Code, Revenue and Taxation Code, Public Resources Code), the entire bill text can be found in a book published each legislative year that includes bills by chapter number.

To tombstone a bill

"Tombstoning" a bill means the author is prominently listed in the official statutory title of the bill. Common tombstoning language includes, "This act may be known as the Assembly Member Jones Good Government Act of 1999." Sometimes tombstoning is the ultimate example of ego, especially if it is inserted by

the author. Other times, however, tombstoning is appropriate and an indication of the author's expertise and long-term interest in a subject. This type of tombstoning is often included at the suggestion of the bill's sponsor as a genuine tribute to the author. Tombstoning generally is rare.

Process Terms

Granted reconsideration

A procedure by which a bill that has failed passage (i.e., is defeated in committee or on the floor) may be granted reconsideration to be heard and voted upon at a subsequent hearing. Often in a committee, bills that have been granted reconsideration are heard "for vote only," with no testimony permitted. Reconsideration may be granted only one time.

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Occasionally, a call is placed as a way of slowing down or defeating a bill that has received enough votes for passage.

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Concurrence

A bill that has been amended in the second house must return to the house of origin for a floor vote to concur with the amendments included by the Senate and Assembly. Conversely, a bill that is not amended in the second house goes straight to the governor from the second house, if it passes.

Suspense file

Bills that will cost the state more than a previously established amount (generally \$150,000 annually) are placed on the fiscal committee's suspense file. At a subsequent meeting, bills may be removed from the suspense file due to changes in cost estimates, amendments that remove the cost to the state, or political decisions. In recent years, moving a bill to the suspense file has been handled equitably without regard to political party or issue. While the suspense file is a good management tool to evaluate fiscal issues and their impacts on the state budget, it also is a great place to see bad bills die and, unfortunately, to see good bills die because of fiscal impacts. The term "suspense" probably refers to the concept of holding a bill in limbo or a place where one

is not sure what will happen to it ("I'll keep you in suspense until I decide").

On call

A waiting place for bills after they have been voted upon in a committee or on the floor. Putting a bill on call is a routine procedure. Often, all members may not be in a committee room when a vote is taken and therefore the bill is short of passage by one or two votes. At the request of the author, the bill is "placed on call" while the committee considers other business. Later in the hearing the "call is lifted" and the vote is taken again. If there are not enough votes, the bill can be placed on call again (the call is "replaced"). Usually a call is placed when there are not enough votes to pass a bill. Occasionally, a call is placed as a way of slowing down or defeating a bill that has received enough votes for passage. A call must be placed before the vote is announced (see "announce the vote," below). While a bill is on call, lobbyists, legislators and staff lobby legislators to secure missing votes or attempt to convince members to change a previously cast vote. For lobbyists, who are not permitted on the floor or beyond a certain point in committee hearing rooms, this type of lobbying is done by sending in cards. (See "Send in cards," Miscellaneous Terms of the Trade, page 16.)

Announce the vote

What the chair of the committee or presiding officer of the Senate or Assembly does when the final vote has been taken. Once the vote has been announced, the bill has either passed or failed. After the vote has been announced, votes cannot be changed or added; however, in the Assembly, sometimes votes may be added if the outcome will not change. A bill must be placed on call before the vote is announced, often requiring good to excellent reflexes. On the Senate or Assembly floor, the presiding officer generally states, "I am prepared to announce the vote," as a way of alerting the author or other members to have the bill placed on call, or "to place a call."

Pending

A term used to refer to the fact that no hearing date has been set, but the bill is waiting to be heard at some future date, in a legislative committee or on the floor. For example, a bill that has just passed the Assembly Appropriations Committee can be referred to as now "pending on the Assembly floor."

continued

First reading

After a bill is placed across the desk and has been numbered, the bill is read for the first time.

Second reading

A bill is “read” three times during its travels through each house. This term is a holdover from earlier times when not all legislators could read or when printing multiple copies of a bill was not feasible. Thus, the entire content of the bill was actually read to all the legislators. This does not happen today. When a bill is in the second reading file, it has been amended in either a legislative committee or on the floor. Once a bill is amended, it returns to second reading. A bill can be in the second reading file numerous times during a session.

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All amendments must be passed by the majority of those members present and voting, as opposed to a majority of the members serving on a committee.

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Third reading

When a bill is on the Assembly or Senate floor, it is on the third reading file. Only the bill number and title are read. The presiding officer will say, “File item number 123; read the bill.” The clerk will say, “AB 456 by Senator Smith, a bill dealing with taxation.” Following this statement, the testimony and debate begin.

To enrollment

Few people actually understand what “to enrollment” means. After a bill passes both houses of the Legislature, it goes to the governor for either signature or veto. In between, it pauses at a mysterious place called “enrollment.” After a bill has passed both houses, it is printed in enrolled form, omitting symbols indicating amendments, and compared by the Engrossing and Enrolling clerk of the house where it originated, to make sure it is in the form approved by the houses. The enrolled bill is then signed by the secretary of the Senate and the chief clerk of the Assembly, and presented to the governor. “To enrollment” may take several days. (Some Capitol observers honestly believe that enrollment actually is an obscure Polynesian island

where bills go for a brief respite prior to landing on the governor’s desk.)

Defeated bill

A bill is defeated if it is brought up for a vote by the author and does not receive enough votes in committee or on the floor to pass. For example, a bill is defeated in a legislative committee if the majority of members serving on a committee do not vote for the bill. This is in contrast to the majority of those present and voting. A defeated bill is different from a bill that is not moved forward by the author, or misses a deadline and becomes a two-year bill.

Failed passage

A nice way of saying that a bill was killed or defeated.

Kill a bill

The act of defeating a bill. Lobbyists who defeat a bill they oppose have been observed to jump up and exclaim, “We killed the bill!” (The adult, professional and polite way to do this is out of view of the sponsors and supporters of the bill. However, under some circumstances, taking such action in front of supporters is accepted behavior.)

Dead bill

A bill is never *really* dead. Some bills, like cats, have nine lives. Because a bill is never dead, lobbyists always say, “It’s not over until it’s over.” (See “gut and amend,” page 15.)

Votes to pass

A nonfiscal, non-urgency bill requires 21 votes to pass in the Senate and 41 votes to pass in the Assembly. A fiscal or urgency bill, which requires a two-thirds vote, takes 27 votes to pass in the Senate and 54 votes to pass in the Assembly. All bills require a majority vote of those members serving on a committee to pass, even if one member is absent that day. Committee and floor amendments must be adopted by a majority of those present and voting.

Put over

When the author pulls a bill from the committee agenda or does not take it up on the Senate or Assembly floor file so that it will not be heard that day. Bills are generally put over in order to negotiate with the opposition or if the legislator thinks he or she does not have the votes to pass the bill. There is a limit to the number of times a bill can be put over and reset for hearing. Generally, if a bill has been put over in committee, one can conclude there may be a problem.

House of origin

The house of origin refers to the legislative house (Assembly or Senate) in which a bill is introduced. For example, the house of origin for AB 123 is the Assembly. The house of origin for SB 456 is the Senate. A “house of origin deadline” is the date by which an Assembly bill must pass the Assembly, or the date by which a Senate bill must pass the Senate.

Second house

If a bill is introduced in the Assembly (its house of origin), it is in the second house when it reaches the Senate, and vice versa.

Third house

No, this is not an additional legislative chamber. The third house is used to refer to the lobbyist corps.

On the floor

This refers to activities occurring in the Assembly or Senate chamber. Examples of how it is used are: “The bill is on the Assembly floor,” or “Send in your card and we’ll ask Senator Jones to come off the floor.”

Floor vote

When the Senate or Assembly votes on a bill. For example, when a bill is on third reading, it is on the Senate/Assembly floor for a floor vote.

Rule waiver

A process to suspend or ignore established procedural rules in order to achieve a specific goal. During each two-year session, both the Assembly and Senate vote on and publish written procedural rules. At times, rules must be waived in order for both houses to conduct business. Different rule waivers require different procedures. Rules are commonly waived for many different reasons, such as:

- To hear a bill after a specific deadline has passed;
- To hear a bill on the floor in mock-up form, as opposed to when it is in print; and
- To hear a bill in a committee even if it has not been included in the daily file four days prior to the hearing.

Committee- and Floor-related Terms**Policy committees**

The standing committees of the Senate and Assembly that discuss the policy implications of a bill, such as the Senate Natural Resources Committee or the Assembly Local Government Committee.

Fiscal committees

The two policy committees within the Senate and Assembly (the Senate Appropriations Committee and the Assembly Appropriations Committee) that discuss the fiscal implications of a bill.

Agenda

The schedule of events for a committee, commonly referred to as “the file” (see also “daily file,” below. The terms “agenda,” “daily file” and “committee file” often are used interchangeably.) The agenda, or file, can include as few as one or two bills or as many as 50–300. Although a committee hearing may be scheduled from 9:00 a.m. until noon, there is no certainty about when a particular bill will be heard. Some committees hear bills “in order of file” (in order of their position on the agenda) and some by “author sign in” (in order of when the author signs a list in the committee hearing room). However, if a bill was authored by a committee member, it is heard last, regardless of its place on the agenda or file. Only one thing is certain: if a witness or lobbyist has been waiting all morning for a bill to “come up,” it will be heard immediately after the individual leaves the room for a quick and desperate trip to the restroom.

Daily file

Both the Senate and Assembly publish daily files. These contain the times, locations and agendas for committee hearings as well as Senate or Assembly floor sessions.

File number

Each bill that is scheduled to be heard on the Senate or Assembly floor has a file number. Generally, bills are heard in numerical order, based upon their file number, on both the Senate and Assembly floor.

Special order

Occasionally a committee or the full Senate or Assembly may schedule a specific bill to be heard by “special order.” When this happens, the bill is scheduled and noticed in the daily file to be heard at a specific time. Special orders are usually reserved for bills about which there is considerable controversy, with large numbers of witnesses expected to testify.

Committee analysis

Committees in the Senate and Assembly have committee consultants who are required to provide substantive analyses of the bills heard in the committee. The committee analysis generally contains an impartial explanation of

existing law, what the bill does, and potential impacts or issues that might be considered by the committee members. However, in the real world, sometimes an analysis may have a political slant.

It is common for lobbyists representing both supporters and opponents of a bill to talk with the committee consultant prior to the writing of the analysis, so that the consultant is aware of the interest group’s perspective. Often, a committee analysis will include a statement that refers to a supporter’s or opponent’s position, such as “The League of California Cities opposes AB 123 because ...” However, it is common for both supporters and opponents of bills to complain that their position was not fairly covered. What is one person’s great analysis is another person’s hatchet job. Since most analyses also contain a list of the supporters and opponents of the bill, it is important that letters sent to the committee arrive far enough in advance to be included on the analysis. (Of course, letters should also be sent to the author.) Committee analyses are available prior to the hearing as well as on the Internet. Committee analyses should not be confused with analyses prepared by both the Republican and Democratic caucuses, which generally are not available to the public.

Terms of Amendments

Amendment

An amendment is a change to a bill; there are various types of amendments. A bill can be amended either by the author, by a committee or by the full Senate or Assembly. However, since all bills are technically the possession of the Senate or Assembly, only the Senate or Assembly can actually amend the bill — even though the amendment comes from the author or committee. The procedure for amending a bill is slightly different, depending upon how and where it is amended. Any time a bill is amended, it is held briefly for a second reading. All amendments must be passed by the majority of those members present and voting, as opposed to a majority of the members serving on a committee.

How to read an amended bill

Additions are shown in *italics*, while deletions are shown in ~~strikeout text~~. However, these italics and strikeouts relate only to the previous version of the bill, not to existing law. Therefore, in order to understand how a bill changes existing law, it is critically important to review all versions of the bill that amend a specific code section, or add a new code sec-

tion to existing law. Looking for italics or strikeouts only in the latest version will not identify the changes if the bill has been amended five times since its introduction.

Author’s amendment

A change to a bill made by the bill’s author. This can be done prior to a committee hearing or during a hearing. An author can amend the bill while in committee, in response to questions or issues raised during testimony. When this is done, the chair will say, “We will accept this as an author’s amendment.”

Committee amendment

Occasionally the author will not wish to have the bill amended as an author’s amendment, for various reasons, but will not object to an amendment offered by someone on the committee. This differs from a hostile amendment.

Hostile amendment

An amendment that the bill’s author does not want. Hostile amendments can be inserted into a bill, over the objections of the author, by a vote of the majority of those present and voting in a committee, or by a majority of those present and voting in the full Senate or Assembly.

Floor amendments

Amending a bill on the Senate or Assembly floor is different and more complicated than amending a bill in committee. Amendments must be in written Legislative Counsel form and be at the desk prior to a member taking up the bill for amendment. Unless a rule waiver is given, a bill is amended one day and voted on in its amended form another day. (In other words, it is put out to print and back on file.) Prior to taking up any amendment on the floor, an analysis of the proposed amendment must be available to all members. Like the analysis of the bill itself, this analysis is prepared by legislative staff. It is common to hear a legislator request that the author wait to take up an amendment because the analysis is not yet available. In the last few years, the Legislature has been more rigorous in applying the requirement that an analysis of an amendment be available prior to voting on the amendment.

Gut and amend

This is a technique in which the original language of a bill is entirely removed and new language is inserted. That is to say, the bill has been “guttled and amended.” Usually this is done to revive a bill that has stalled or been defeated. Often the newly amended bill is lo-

continued

Budget-related Terms

Governor's Budget

This is a complete accounting of expenditures in the state, and is typically the size of a large telephone directory. It provides past-year-actual, current-year-revised, and budget-year-proposed appropriations and expenditures for every organization by fund.

Governor's Budget Summary

This is the policy narrative that accompanies the governor's budget. It highlights the state of the economy as well as policy initiatives and major budget changes proposed by the governor.

Governor's Budget Highlights

This is a briefer review of the budget than the summary, and includes facts and figures summarizing the budget's most important features.

Budget Bill

Identical budget bills are introduced in the Senate and Assembly and authored by the respective budget committees. This is the document that the Legislature officially takes action on.

Finance Letter

A letter from the Department of Finance to the chairpersons of the Senate and Assembly Budget Committees and/or the Joint Legislative Budget Committee, requesting that the Legislature consider a change in one or more budget items contained in a current year budget or in the governor's budget proposal for the next fiscal year.

The Big Five

During the state budget debates, one often hears about meetings of "The Big Five," which consists of the governor, the speaker of the Assembly, the minority leader of the Assembly, the president pro tem of the Senate and the minority leader of the Senate.

May Revise

The governor's May 14 revisions to the state budget.

cated in the second house, while the stalled bill is located in the house of origin. Many times a bill is "gutted and amended" because the author never intended to use the bill for its introduced purpose (see "spot bill," page 9). Occasionally a bill is gutted and amended for less sinister reasons, such as to serve as a budget trailer bill vehicle or to provide technical clarification to a bill already enacted (see "germane," below).

Germane

Technically, the amendments to a bill must be germane to the subject of the original bill. For example, a bill dealing with solid waste technically cannot be amended ("gutted and amended") to delete those provisions and subsequently address public libraries, since the two subjects are found in different statutory code sections (e.g., the Public Resources Code and the Education Code).

Ideally, when looking for a legislative vehicle in which to place a late-breaking amendment, one looks for a bill that is germane — one in the appropriate code section. However, when bills are gutted and amended, the question of "germaneness" is routinely waived. If the question is raised on the Senate or Assembly floor, usually the presiding officer (either the president pro tem of the Senate or the speaker of the Assembly) will rule on the question. However, the ultimate arbiter of what is and is not germane is the full Senate or Assembly, although raising the issue to that level rarely occurs.

Out to print and back on file

This phrase is used to describe the process that occurs after a bill has been amended. Literally, the bill will be amended, put out to print, made available to the public (including legislators, lobbyists and staff) and returned to the file for discussion at a later date. During this process, the bill briefly pauses in second reading. Many times legislative committee members are reluctant to vote on a bill that has been heavily amended in committee without seeing the new version in print. Therefore, the chair will direct that the bill "go out to print and back on file." The bill will be heard at the committee's next hearing in its newly amended version.

Miscellaneous Terms of the Trade

Hurry up and wait

What lobbyists do when waiting for their bills to come up in committee or on the floor.

Across the street

At the state Capitol.

Send in cards

How lobbyists send messages to legislators in committee or on the floor. Business cards, with short notes, are given to the sergeant-at-arms to give to the legislator. Often, if one is lucky, the legislator will come out to talk about the issue with the lobbyist. Unlike the Assembly, the Senate's rules do not permit notes to lobby a member on the floor, so cards submitted in the Senate can only say, "The League supports/opposes this bill." A card that breaches this protocol will be returned by the sergeant-at-arms or deposited in the circular file.

The gate

The side entrance of the Senate or Assembly chamber where lobbyists swarm while the Legislature is in session. Because lobbyists are not permitted on the floor, they must wait patiently at the gate. Lobbyists compose notes on their cards at the gate and give them to the sergeant-at-arms. When legislators come out to speak to the lobbyists, they do so at the gate. Today there is only a door or passageway at the gate. In the past, there really was a gate at the back entrance to the Assembly.

Sergeant-at-arms

Sergeants-at-arms are the individuals who guard the gate located at the side entrance of the Senate or Assembly chamber to prevent unauthorized individuals from entering while legislators are on the floor. The sergeant-at-arms delivers messages from lobbyists who send in cards to legislators. Sergeants-at-arms also have similar responsibilities in the committee hearing rooms.

Veto message

The governor either signs or vetoes the bills that reach his or her desk. If he signs it, it becomes law. If he vetoes it, it does not become law. (Note: If he does not veto the bill but does not sign it, the bill is allowed to become law without his signature.) When the governor vetoes a bill, he includes a veto message that states the reasons for the veto. The veto message may indicate what revised version of a bill the governor would consider signing, if it is reintroduced the next year.

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