

# OVERVIEW OF CALIFORNIA'S LEGISLATIVE PROCESS

The California State Legislature is made up of two houses: the Senate and the Assembly. There are 40 Senators and 80 Assembly Members representing the people of the State of California. The Legislature follows a legislative calendar containing important dates of activities and critical deadlines during its two-year session.

## A BILL STARTS AS AN IDEA

All legislation begins as an idea or concept. Ideas and concepts can come from a variety of sources. The process is initiated when a Senator or Assembly member decides to author a bill.

## A BILL NEEDS AN AUTHOR

The first step for an author is to send a bill idea to the Legislative Counsel where it is drafted into the actual text of the bill. The draft of the bill is returned to the Legislator for introduction. If the author is a Senator, the bill is introduced in the Senate. If the author is an Assembly Member, the bill is introduced in the Assembly.

## A BILL'S FIRST READING/INTRODUCTION

A bill is introduced, or read the first time, when the bill number, the name of the author, and the descriptive title of the bill is read on the floor of the house. The bill is then sent to the Office of State Printing. No bill may be acted upon until 30 days have passed from the date of its introduction.

## A BILL'S COMMITTEE HEARING

The bill then goes to the Rules Committee of its house where it is assigned to the appropriate policy committee for its first hearing. Bills are assigned to policy committees according to subject area. For example, a Senate bill dealing with health care facilities would be assigned to the Senate Health and Human Services Committee for policy review. Bills that require the expenditure of State funds must also receive a fiscal hearing by either the Senate Appropriations Committee or Assembly Appropriations Committee. Each house has a number of policy committees, and a bill may be referred to more than one committee (double or triple referral). Each committee is made up of a specified number of Senators or Assembly Members.

During the committee hearing the author presents the bill to the committee, and witnesses provide testimony in support or opposition of the bill. The committee then votes to pass the bill, to pass it as amended, or to defeat it. Bills can be amended several times. This is the stage where letters of support or opposition can be very influential. Letters should be mailed to the author and committee members before the bill is scheduled to be heard in the committee. It takes a majority vote of the committee membership for a bill to be passed.

Each house maintains a schedule of legislative committee hearings known as the Senate and Assembly Daily Files, which are available from the Capitol Bill Room or the Senate and Assembly websites ([www.senate.ca.gov](http://www.senate.ca.gov) and [www.assembly.ca.gov](http://www.assembly.ca.gov)). Prior to a bill's hearing, a bill analysis is prepared that explains current law, what the bill is intended to do, and some background information. Typically the analysis also lists organizations that support or oppose the bill.

## **A BILL'S SECOND AND THIRD READING**

A bill passed by committees goes back to the floor in the house of origin and is read a second time. After this, bills are placed on third reading and are eligible for consideration by the full Assembly or Senate (floor vote). Bill Analyses are also prepared prior to third reading. When a bill is read the third time it is explained by the author, discussed by the members and voted on by a roll call vote. Bills that require an appropriation or that take effect immediately, generally require 27 votes in the Senate and 54 votes in the Assembly to be passed. Other bills generally require 21 votes in the Senate and 41 votes in the Assembly. If a bill is defeated, the Member may seek reconsiderations and another vote.

## **BILL PROCESS IS REPEATED IN THE SECOND HOUSE**

Once the bill has been approved by the house of origin it proceeds to the other house (second house) where the procedure is repeated.

## **DIFFERENT VERSIONS OF A BILL MUST BE RECONCILED**

If a bill is amended in the second house, it must go back to the house of origin for concurrence, which is an agreement on the amendments. If an agreement cannot be reached, the bill is referred to a two-house conference committee to resolve such differences. The conference committee is comprised of three members for the Senate and three from the Assembly. If a compromise is reached, the bill is returned in the form of a conference report to both houses for a vote.

## **GOVERNOR**

If both houses approve a bill, it then goes to the Governor. The Governor has three options. The Governor can sign the bill into law, allow it to become a law without his or her signature, or veto it. A governor's veto can be overridden by a two-thirds vote in both houses. Most bills go into effect on the first day of January of the next year. Urgency measures take effect immediately after they are signed or allowed to become law without signature.

## **CALIFORNIA LAW**

Bills that are passed by the Legislature and approved by the Governor are assigned a chapter number by the Secretary of State. These Chaptered Bills (also referred to as Statutes of the year they were enacted) then become part of the California Codes. The California Codes are a comprehensive collection of laws grouped by subject matter.

## **WHAT IS THE DIFFERENCE BETWEEN A LAW AND A REGULATION, AND WHAT DO THEY MEAN TO MY BOARD?**

Like the United States government, the government of California is divided into three separate and distinct branches or departments – the legislative, executive, and judicial. The legislative branch is made up of the Senate and the Assembly whose members are elected by the citizens of the State. The legislature enacts statutes (laws)<sup>1</sup>. The executive branch is made up of various agencies (such as the various DCA boards), which carry out the laws. The judicial branch is made up of the court system, including the trials courts, Courts of Appeal, and the California Supreme Court.

The “administrative” or “rulemaking” agencies which comprise the executive branch carry out the laws found in statute by adopting, amending or repealing regulations under the authority granted to them by either statutes or constitutional provisions. The “regulations” interpret or make specific the law that is enforced or administered by a state agency, or the law governing the agency’s procedure.

## **HOW DOES A BOARD GET A REGULATION THROUGH THE OFFICE OF ADMINISTRATIVE LAW?**

Unless the Legislature has created an exemption, agencies must follow the procedures in the Administrative Procedure Act (APA)<sup>2</sup> when adopting, amending or repealing regulations.

The APA sets forth the procedures that state agencies must follow when adopting regulations. Among other things, the APA requires state agencies to:

- Give public notice
- Receive and consider public comments
- Submit regulations and rulemaking files to the Office of Administrative Law for review to ensure compliance with the requirements of the APA
- Publish the regulations in the California Code of Regulations

The Office of Administrative Law (OAL) is an independent agency within the executive branch. It was created by the Legislature in 1979 to ensure that state agency regulations are authorized by statute, consistent with other law, and written in a comprehensible manner. OAL reviews regulations submitted by agencies; if OAL approves the regulations, they are filed with the Secretary of State and become law.

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<sup>1</sup>The People of the State may also enact statutes and constitutional provisions.

<sup>2</sup>Government Code §§ 11340-11359.