

# County of Los Angeles Legislative Training Manual



Chief Executive Office  
INTERGOVERNMENTAL & EXTERNAL AFFAIRS

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# TABLE OF CONTENTS

- Table of Contents ..... 1
- Legislative Program Overview..... 2
- Development and Implementation of the County’s Legislative Program ..... 3
- The State Legislative Process..... 6
- State Legislative Bill Analysis..... 10
  - Reading a Bill to Identify Key Information ..... 11
  - Bill Text ..... 12
  - Identifying Legislative Intent..... 13
  - Identify All Requirements, Prohibition, or Permission Statements..... 13
  - Identifying Changes to Existing Law ..... 13
  - Understanding a Bill’s Context ..... 14
  - Estimating Potential Impact to the County ..... 14
  - Developing Recommendations for a Board Position ..... 15
  - Bill Analysis Format..... 16
- The Federal Legislative Process ..... 17
- Appendix ..... 18

## LEGISLATIVE PROGRAM OVERVIEW

The Intergovernmental and External Affairs Branch of the Los Angeles County Chief Executive Office (CEO-IGEA) is the focal point for coordination of legislative policy and strategy for the County. In consultation with the Board of Supervisors, the County's Legislative Strategist, and County departments, CEO-IGEA develops the County's legislative priorities and policies annually for consideration by the Board, and analyzes legislative proposals throughout the year. The County's advocacy is handled on a day-to-day basis by the Sacramento and Washington, D.C. offices.

This legislative training manual is designed to help you:

- Learn how the County's State and Federal legislative programs are developed and implemented;
- Understand the State and Federal legislative processes;
- Understand your department's role in informing, developing, and revising the County's legislative agendas;
- Analyze proposed legislation to determine its potential impact to the County; and
- Prepare bill analysis documents to recommend County advocacy positions on proposed legislation.

Legislation plays a significant role in determining State and Federal policies, regulations, programs, and funding allocations that affect the County's operations and budget. For example, enacted legislation may:

- Change governmental roles or functions;
- Change the governance of a department or program;
- Change the level of resources available (e.g., revise the way the County is reimbursed for its services);
- Place restrictions on departmental activities;
- Change conditions of operation (e.g., reduce or expand the caseload of a County service worker);
- Require additional work procedures (e.g., require additional reports); or
- Indirectly impact County department by affecting clientele or other related agencies (e.g., services provided to the public or additional requirements for contract agencies that raise cost).

## DEVELOPMENT AND IMPLEMENTATION OF THE COUNTY'S LEGISLATIVE PROGRAM

The dynamics of the State and Federal legislative processes require the County to be responsive to changing circumstances and new concerns. It is important that the County has an ongoing, timely process to bring new information about legislation or policy to the Board's attention. By establishing Board adopted legislative goals and policies, the County's advocates in Sacramento and Washington D.C. can effectively respond to legislative proposals that could significantly impact on the County's finances and/or programs.

Information on specific legislative policies and goals may be viewed in Chapter 7 of the Board of Supervisors Policy Manual. This document contains copies of the most recent version of the Federal and State policies and goals adopted by the Board. An electronic version of the Board of Supervisor's Policy Manual can be viewed at: <http://countypolicy.co.la.ca.us>

The following sections describe how the County establishes its legislative agendas, and updates them during the legislative session.

### **Development of the Annual Legislative Agendas**

Each year, the County's State and Federal Legislative Agendas are developed based on an analysis of the political and economic climates in Sacramento and Washington, D.C. The legislative agendas outline the County's objectives and policies in this context, and provide a framework for ongoing advocacy throughout the year. These documents are usually adopted by the Board in December or January, and constitute the cornerstone of the County's legislative program.

Every year, prior to presentation to the Board for consideration, County departments are asked to submit their policy recommendations and requests for County positions on issues and goals to CEO-IGEA. Recommendations are also obtained from Board offices, the County's legislative representatives, and the County's Legislative Strategist, as well as from task forces, working groups, commissions and advisory bodies. The State and Federal Agendas include some of the following general principles and positions:

#### **General Principles**

- Maximize revenues from State and Federal sources.
- Secure greater flexibility over the use of State and Federal funds.
- Lessen any adverse impact of State or Federal policies on County finances and decision-making authority.

#### **General Positions**

- Support proposals which would provide a greater share of total available program funding to the County or California, and oppose proposals which would reduce the County's or State's share of available funding.
- Support proposals that provide local governments with greater decision-making authority over the use of State or Federal funds.
- Oppose proposals that would impose new unfunded mandates on the County.
- Give priority to increasing or preserving funding for programs and activities that ensure equitable treatment of the County and/or California.
- Oppose proposals which would finance increased spending for one program by cutting other programs of greater benefit to the County, or which would result in a net revenue loss or cost shift to the County or they State.

The most current State and Federal Legislative Agendas can be found at the CEO Intergovernmental and External Affairs web page: [http://ceo.lacounty.gov/igr/leg\\_info.htm](http://ceo.lacounty.gov/igr/leg_info.htm)

### **Board Motions, Legislative Update Memos, and Board Letters**

While the Board adopts State and Federal legislative agendas each year, the County's legislative policy development is an ongoing process. As part of the normal legislative cycle, the County takes positions on specific bills and proposals within the general framework outlined in the Board adopted legislative agendas. These positions are typically developed in two ways, Board Motions or Legislative Update Memos issued by the CEO.

Additionally, issues may arise during the year for which the County has no adopted legislative policies, or there may be a need to amplify or refine existing policies. In these cases, Board Motions and Board Letters developed by the CEO are the most common vehicles used for the Board to consider adoption of these policies.

- **Board Motions.** Members of the Board of Supervisors may initiate a motion for consideration by the full Board concerning a particular bill or a policy matter. In these instances, CEO-IGEA coordinates the CEO's response to the Board through an Agenda Memo that includes an analysis and recommendation on the substance of the Board motion. The CEO's analysis reflects recommendations from affected departments and, as necessary, County Counsel. The CEO's recommendations are made in the context of the Board's existing legislative policies.

Example of a Board Motion: <http://file.lacounty.gov/bos/supdocs/68767.pdf>

The related Agenda memo: <http://file.lacounty.gov/bos/supdocs/68924.pdf>

- **Legislative Update Memo.** The CEO regularly communicates to the Board on legislative matters through Legislative Update Memos (commonly referred to as Sacramento Updates or Washington, D.C. Updates). These memos are developed by

CEO-IGEA, and are used to inform the Board when the County is pursuing a position on a bill consistent with Board-adopted policies or to provide a status update on County-advocacy legislation. Legislative update memos are also used to inform the Board about matters of significant interest to the County such as State or Federal budget items, upcoming legislative hearings, or a synopsis of the hearing testimony.

Electronic copies of State and Federal Legislative Update Memos are accessible on the County's Board Correspondence web page at: <http://portal.lacounty.gov/wps/portal/bc>

- **Board Letters.** In the absence of existing County policy in the State and Federal Agendas, a Board Letter is prepared by the CEO, and placed on the Board's agenda. The Board Letter can either provide an analysis and recommendation on specific legislation by the CEO based upon information provided by affected departments or advisory bodies, or the Board Letter may request that the Board to adopt a new policy on matters of importance to the County. If approved, the policies are added to the County's existing legislative policies.

## Analysis and Monitoring of Legislation

Analysis and monitoring of proposals in Sacramento and Washington, D.C. is an ongoing process, and central to the efficacy of the County's legislative program. Whenever the Board has adopted a policy on an issue, or has taken a position on a bill, the CEO-IGEA and affected departments are responsible for monitoring legislation pertaining to those issues. CEO-IGEA prepares a report entitled, "Status of Bills of Interest to the County," which is updated on a regular basis and contains information on all current legislation on which the County has taken a position. The current version of this report can be accessed on the CEO-IGEA website via the following link: [http://ceo.lacounty.gov/igr/PDF/bill\\_list/2012/current.pdf](http://ceo.lacounty.gov/igr/PDF/bill_list/2012/current.pdf)

CEO-IGEA staff relies on many sources to gather information about legislative, budget and policy proposals throughout the year, including the County advocates in Sacramento and Washington, D.C., budget analysts in the CEO's office, and legislative analysts in County departments. Departmental staff is responsible for providing information about how bills will impact departmental operations, technical advice, and other policy related information to the CEO-IGEA staff throughout the legislative process. Consequently, it is important for departmental legislative analysts to be in contact with their CEO-IGEA analyst throughout the year. Professional associations such as the California State Association of Counties (CSAC), the Urban Counties Caucus (UCC), and the National Association of Counties (NACo) also provide valuable information and bill tracking resources that can be incorporated into the analysis and monitoring of legislation.

Advocacy is the responsibility of our Sacramento and Washington, D.C. offices.

A current roster of the CEO-IGEA analysts and their Departmental assignments can be obtained by calling the CEO-IGEA office at (213) 974-1100.

*Note: An in-depth discussion of how to analyze legislation can be found starting on page 11.*

## Coordination of County Legislative Positions in Sacramento and Washington

Board Policy number 7.030, established on March 30, 1995, provides that the County's position to be advanced before the State Legislature or the United States Congress by County representatives must be coordinated in order to ensure a consistent and harmonious presentation. It also establishes uniformity in the manner that positions will be advanced. This Board Policy can be accessed at: <http://countypolicy.co.la.ca.us/7.030f.htm>

CEO-IGEA is the focal point for coordination of legislative policy and strategy for the County. Designated advocates and officials represent the County's interests in Sacramento and Washington, D.C. To ensure coordination, it is important that County officials advise the Board and CEO-IGEA in advance of plans to attend meetings and hearings in Sacramento or Washington, D.C., using the form the County Travel Report form (Appendix #8). Please contact Lisette Morikawa in the CEO's office at (213) 974-1700 for more information.

## THE STATE LEGISLATIVE PROCESS

Information in this section has been adapted from the booklet entitled "Legislative Procedure," a publication of the Office of the Assembly Chief Clerk. A full copy of the booklet, which also contains useful information on legislative rules and floor procedures, can be downloaded from the following link:

[http://clerk.assembly.ca.gov/clerk/BILLSLEGISLATURE/Leg\\_Procedure.pdf](http://clerk.assembly.ca.gov/clerk/BILLSLEGISLATURE/Leg_Procedure.pdf)

The Office of the Assembly Chief Clerk's website also provides links to other informative publications related to the State legislative process, such as a guide to legislative research and a glossary of legislative terms. Those links can be found on the following page:

<http://clerk.assembly.ca.gov/clerk/BILLSLEGISLATURE/LEGPROCESS.HTM>

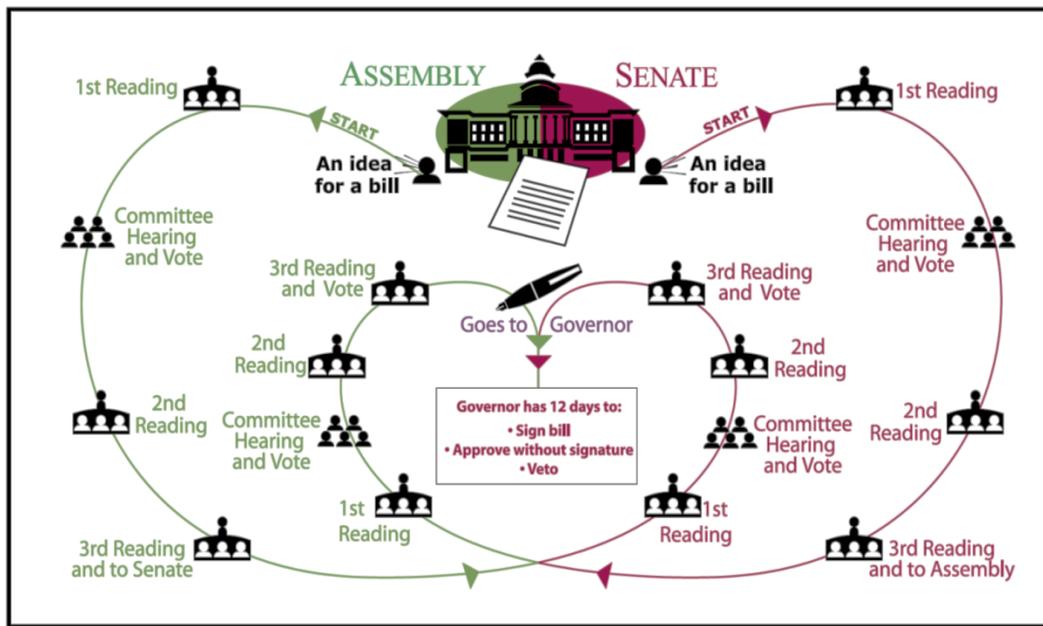


DIAGRAM COURTESY OF CALIFORNIA STATE PARKS, STATE CAPITOL MUSEUM

The California 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 legislative calendar sets the deadlines for the introduction and processing of the legislative measures during its two-year regular session.

### **Idea and Bill Introduction**

All legislation begins as an idea or concept and can come from a variety of sources, including the County. The process begins when a Senator or Assembly Member decides or agrees to author a bill. The legislator sends the idea for the bill to the Office of the Legislative Counsel to have the specific language of the proposal put in proper bill form. The Legislative Counsel's staff will draft the language of the code section amendments to accomplish the author's purpose. The staff attorney will also write the Legislative Counsel's Digest for the bill, which includes a summary of the current law and what the proposed changes will do. At the end of the digest, Counsel will indicate the vote required for passage of the bill (usually "majority" or "two-thirds"), whether the bill must be referred to the fiscal committees, and whether the bill contains a State-mandated local program.

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 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 Publishing. No bill, except the Budget Bill, may be acted upon until 30 days have passed from the date of its introduction.

### **Committee Hearings**

After introduction, a bill goes to the Rules Committee of the 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 first be assigned to the Senate Health and Human Services Committee for policy review. Bills that require the expenditure of funds must also be heard in the fiscal committees, Senate Appropriations and Assembly Appropriations.

During the committee hearing, the author presents the bill to the committee, and testimony may be heard in support of or in opposition to the bill. The committee then votes on whether to pass the bill out of committee, propose amendments to the bill, or recommend that the author's amendments be adopted by the house. Bills may be amended several times before passing out of a committee. It takes a majority vote of the committee membership for a bill to be passed and sent to the next committee, or to the floor.

Prior to a bill's hearing, a bill analysis is prepared by committee staff that explains the intended effect of the bill on current law, estimates fiscal impact of the bill, provides background information on similar or previous legislation on the subject matter, suggested or proposed amendments to be considered, and (if applicable) vote counts in previous committee hearings.

The bill analysis also typically lists the bill's sponsor (if applicable), as well as organizations that support or oppose the bill.

## **Second and Third Reading**

Bills passed by committees are read a second time, corrected or amended, and then moved to the third reading file. The third reading file lists all the bills that are ready to be taken up for Floor debate and final vote. Bill analyses are also prepared prior to third reading. After a bill is read the third time on the floor of the house, it is explained by the author, discussed by the Members, and voted on by a roll-call vote.

Most bills generally require a simple majority vote (21 “yes” votes in the Senate or 41” yes” votes in the Assembly) for passage. Constitutional amendments, bond measures, and bills including an appropriation or an urgency clause require a two-thirds vote (27 “yes” votes in the Senate or 54 “yes” votes in the Assembly) to be passed. If a bill is defeated, the Member may seek reconsideration, amend the bill, and request another vote. A motion to reconsider is a parliamentary procedure which, if adopted, allows the bill to be heard again and voted upon at a later time.

## **Repeat Process in Other House**

Once the house of origin has approved the bill, it proceeds to the other house where the procedure described above is repeated.

## **Conference Committee – Resolution of Differences**

If a bill is amended in the second house, it must go back to the house of origin for concurrence (i.e., agreement) on those amendments. If the house of origin does not concur in those amendments, the bill is referred to a two-house conference committee to resolve the differences. Three members of the committee are from the Senate and three are from the Assembly. If a compromise is reached, the bill is returned to both houses for a vote.

## **Consideration of Bills by the Governor**

If both houses approve a bill, it is ordered to enrollment (proof-reading) and then delivered to the Governor for consideration. The Governor can choose to sign the bill into law, allow it to become law without signature, or veto it. The Governor may also eliminate or reduce any appropriation contained in the bill, while approving all other parts of the bill.

The Governor has **12 days** to consider legislation. Pursuant to the Constitution, any bill that is not vetoed (returned) by the Governor after 12 days becomes a statute without the Governor's signature. The exception to this provision occurs at the end of each year of the legislative session, when the Governor is allowed **30 days** to consider bills passed by the adjournment deadline of the Legislature.

If the Governor signs a bill, it generally becomes law January 1st of the following year after which it was passed. Urgency measures take effect immediately, whereas special session bills take effect 91 days after the final adjournment of that special session.

The Governor may veto a bill by returning it to the house of origin without his or her signature. A letter explaining the Governor's objections to the bill is printed in the Journal and File of the House from which the legislation originated.

### **Overriding the Governor's Vetoes**

When legislation is vetoed by the Governor, the bill number and the accompanying veto message are printed in the Daily File for consideration by the House. Each vetoed bill shall remain on the File for no more than **60 calendar days** from the day the bill was returned by the Governor. After the 60-day period has expired, the Legislature can no longer override the veto. A veto override must begin in the bill's House of origin. If two-thirds of the membership of both Houses votes to enact the vetoed bill, it becomes law without the Governor's signature.

### **California Law**

When the Governor approves and signs a bill, the Secretary of State assigns it a number known as the chapter number. These chaptered bills are statutes and are the official record and law of the State. The bills are numbered consecutively in the order in which they are received, and the resulting sequence is presumed to be the order in which the Governor approved the bills.

The Secretary of State's website contains chapter lists, which are updated each time a bill is chaptered with the new date noted in parentheses ( ). The chapter list can be accessed via the following web page: <http://www.sos.ca.gov/admin/bill-chapters.htm>

### **California Legislative Information Website**

Pursuant to California law, the Legislative Counsel maintains information regarding matters pending before the Legislature on the internet, making this material easily available to the citizens of the State. The web site contains information regarding active bills in the current legislative session as well as information on bills that occurred in previous legislative sessions, including:

- The text of the bill as introduced;
- All later versions of the bill, if amended, with amendments clearly identified (additions in blue italics; deletions in red strike through font);
- Detailed bill history (e.g., dates of committee hearings and votes);
- Vote counts for all committee hearings and floor sessions (i.e., count and by member name); and
- Copies of all bill analysis documents prepared by committee staff

In addition, you can also set up an account to track bills during the current legislative session. This service allows you to subscribe to bill numbers, adding them to your account and receiving emailed notices when a bill is amended, referred to committee, voted on or signed or vetoed by the Governor. The website also has a text search function for bills and California Law.

The Legislative Counsel's "California Legislative Information" website is available at: <http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>

Note: The Legislative Counsel also maintains a previous version of this web site at <http://leginfo.ca.gov/index.html> which has information on bills back to the 1993-1994 session and also provides both "html" and "pdf" versions of bills (with page and line numbers). The new site will provide "pdf" bill versions in a future release.

## STATE LEGISLATIVE BILL ANALYSIS

The County CEO-IGEA staff relies on many sources to gather information about legislative, budget and policy proposals throughout the year, including the County advocates in Sacramento and Washington, D.C., budget analysts in the CEO's office, and legislative analysts in County departments. This information is the basis for ongoing monitoring of legislation and timely reporting to the Board regarding potential impact to the County.

Departmental staff is responsible for providing information about how bills will impact departmental operations and budget, technical advice, and other policy related information to CEO-IGEA staff throughout the legislative process. Consequently, it is important for departmental legislative analysts to be in contact with their CEO-IGEA analyst throughout the year and to promptly respond to requests for updated analysis of bill amendments or new legislation, and for recommendations for County positions on pending legislation.

This section discusses how to read and analyze a bill using the following steps:

- Reading the bill to identify key information;
- Identifying the bill's intent;
- Identifying the prohibition, permission, or requirement statements;
- Identifying changes in existing law;
- Understanding the bill's context;
- Estimating impact;
- Developing recommendations.

In this section, you will also find a description of the choices of possible positions on legislation you might recommend for Board adoption as well as other considerations to address in your analysis. The Bill Impact Assessment Checklist (Appendix 2) will assist you in completing your

analysis. Appendix 3 provides the format for the bill analysis to be submitted to the CEO's office.

## Reading a Bill to Identify Key Information

Familiarity with the legislative bills will help you locate key information quickly. The first page of a bill contains the bill number, the bill's author, the date of introduction, the date of each amendment, including the last amendment, the added or amended code sections, the vote requirement, the bill's fiscal implications, and whether there is any State-mandated local cost. The illustration on the next page highlights the useful information on a State bill when conducting an analysis. An example of a bill introduced in the Assembly is provided for reference in the Appendix (#4).

- **Bill Number.** The bill number is the primary reference for a bill. It includes the house in which it was introduced and the sequential number assigned to it in the house of origin. You will find the bill number near the top of the page. On the left of the page it will say "Senate Bill" or "Assembly Bill"; the bill number will be listed after the text, "No." on the right of the page. Bills are commonly referred to as "SB" or "AB" followed by the bill number (e.g., "SB 1156" in the example).
- **Author(s).** The author of a bill can be found after the text, "Introduced by" just under the bill number section. Note, one or several lawmakers, or a committee, can author bills. If there are coauthors to the bill, they are listed as "Principal coauthor(s)" below the author(s) who introduced the bill.
- **Introduction and Amendment Dates.** The date a bill is introduced in the house of origin is indicated in the upper center of the first page (DATE in the illustration) right below the author's name. If a bill is amended, the date(s) of each amendment is posted on the top of the page, with the last amendment above the previous one ("AMENDED IN SENATE DATE" in the illustration). This should be noted in your analysis because each time a bill is amended, the language changes. Reference is always made to the date of the amendment when describing the version and referring to its provisions. Note: Bill analyses must be completed based on the most recent version of the bill.
- **Code Sections Affected.** Under the author and introduction date information, there is a reference to the sections of California law that the bill proposes to change. This section will state, "An act to" and then note the code section that will be amended, added or repealed. This information is helpful when you want to look up the current law to see how the bill's provisions amend existing statutes.
- **Legislative Counsel's Digest.** The next section of a bill will be the Legislative Counsel's Digest, a legal synopsis of the bill which is prepared by the Office of the Legislative Counsel. This digest provides a brief summary of the changes a proposed bill will make to current law. This section can provide a quick overview of the major provisions of the bill, however, never rely on this summary as your primary source of information because it may not include information on all of the bill's provisions. You must read the actual bill language to determine the impact. Only the actual bill language will become law upon passage.

- **Vote Requirement.** At the end of the Legislative Counsel's Digest is a brief series of references about the bill. The first notation ("Vote") indicates whether the bill requires a majority or two-thirds vote to pass out of committee and each house of the legislature.
- **Appropriation & Fiscal Impact.** The "Appropriation" notation indicates whether or not the bill includes an amount of money set aside for a specific purpose and designated from a specific source, such as the State General Fund. If the bill will have a fiscal impact on the State, it must be heard in a fiscal committee, which will be indicated after the "Fiscal" reference.
- **Local Program.** Finally, the section titled "Local Program" is Legislative Counsel's judgment whether or not the bill will impose a cost or mandate on local governments such as the County. Even if there is a "no" listed here, do not consider that the final word - review the bill's text to make an independent determination and include in your bill analysis any fiscal or programmatic impact this legislation will have on the County or your department.

## Bill Text

The actual language of the bill begins after the Legislative Counsel's Digest. The bill text section begins with the phrase, "The people of the State of California do enact as follows." Within the bill text you will find the exact language of the proposed additions to California Code, as well as which provisions of current law are proposed to be amended or repealed. The next page contains an example of a bill introduced in the California State Senate.

If you are viewing the bill text on the Legislative Counsel's new website ([California Legislative Information](#)) or print it out from that website, the amendments will be color coded and easily identifiable: deletions are in ~~red, strike-through text~~ and new language is in *blue italicized* font. If you are using or viewing a PDF version of the bill (accessible on the Legislative Counsel's old site – [Official California Legislation](#) - all the text will be black. The deletions will still be in ~~strike-through~~ text and the new language will be in *italics*. The PDF versions of the bill also have line numbers along the left-hand side, which in some cases helps when referencing specific provisions by allowing you to cite a page and line number.

Regardless of which version of the bill you are viewing or printing out, please take care to analyze the most recent version of the bill.

When reading the bill, it is also important to take note of the various sections, subdivisions, paragraphs and subparagraphs in the text. Unfortunately, when viewing the bill text on the Legislative Counsel's websites or when reading print outs of bills, they are not formatted with paragraph indentations. Additionally, the PDF versions of bill do not have spaces between paragraphs. Therefore, you will have to carefully note the numbers and letters that precede each paragraph and section to ensure you are correctly following the references in the text and to existing codes.

The number(s) preceding the paragraph ("40002" and "40059.3" in the sample bill) refers to the section number of the California Code which will be affected and the lowercase letters in parentheses note the subdivisions. The numbers in parentheses indicate paragraphs, and uppercase letters in parentheses note the subparagraphs. In the sample bill, paragraph (4) of

subdivision (b) of Section 40059.3 indicates that under the provisions of the proposed law, a local jurisdiction's land use authority would not be superseded.

### **Identifying Legislative Intent**

Legislative intent refers to what lawmakers had in mind when they sought to pass legislation. It, in effect, can guide interpretation and implantation of a particular statute, especially when a bill is lengthy, complicated or in some cases ambiguous. Therefore it is important to identify the any language in a bill that elaborates on the purpose or goals of proposed legislation to help you prepare your bill analysis document.

Legislative intent will typically be found at the beginning of the bill. Look for phrases like "it is the intent of the Legislature to do all of the following in this act" or "the Legislature finds and declares." There may not always be such explicit statements of intent in the bill. Sometimes you will have to interpret language that implies intent.

Other sources of legislative intent can be found in bill analyses prepared by Legislative committee staff, a legislators press releases or other documents issued by their offices (such as bill summaries), or testimony given at legislative hearings and floor debates.

### **Identify All Requirements, Prohibition, or Permission Statements**

Bills may require, prohibit, or permit certain conduct. Look for phrases or words like "required," "must," "shall," "shall not," "is prohibited," "may," or "is authorized," When reading the bill, you should look for any language that would impose new requirements on the County, prohibit the County from doing certain activities, or which allows the County to undertake certain actions. Your bill analysis should discuss these statements, particularly if they impact the County's operations or budget. For each action required, prohibited, or permitted by the bill, note the following elements if specified: who, what, when, where, how, conditions, contingencies, incentives, and/or penalties.

### **Identifying Changes to Existing Law**

The Legislative Counsel's Digest typically provides a synopsis of proposed changes to existing law that would be accomplished if a particular bill is enacted. The Legislative Council's Digest will have paragraphs that begin with, "Existing law ...." and summarizes the provisions of current law. The following paragraph will then say, "This bill would ...." and provides an overview of the proposed changes.

In addition to reviewing the Legislative Counsel's Digest, read the entire bill and compare specific directives and requirements in the bill with existing laws and regulations. If necessary, consult the relevant California code. Identify substantive changes. One or two words can make a great deal of difference in what a bill requires. For example, if the bill you are examining substitutes the words "require," "must," or "shall" for "may," or "can," your agency would be obligated to comply with whatever is being described rather than the action being optional. Such language might create a State mandate.

## Understanding a Bill's Context

To analyze a bill, you need to understand the situation that generated its introduction, whose interests are being represented, and the goals of the legislation. Answering the following questions will help you to understand the bill's context:

- What problem is the Legislation attempting to address?
- What district does the author represent? With what party is he or she affiliated? Is her or she a member of the County delegation?
- What are his or her committee assignments?
- Who are the sponsors of the bill?
- What are the authors/sponsors trying to accomplish?
- Who supports or opposes the bill? Why?
- What is the current status of the bill? Where is it in the legislative process?
- What hearing schedules or calendar deadlines should be considered?
- What are the existing laws and regulations on this subject?
- Do any significant court decisions apply?
- Have previous attempts been made to pass similar legislation? What was the outcome?
- Does the County have existing policy on this issue? Is there a County policy statement or previous position on similar legislation?

Information about the author of a bill can be obtained by visiting his or her website, which can be accessed through the [Assembly](#) and [Senate](#) websites.

The bill analysis documents prepared by Legislative committee staff will provide information about the sponsors, support, opposition, previous legislation, etc. The bill analysis can be found on the same [California Legislative Information](#) website you use to obtain a copy of the bill. Once you know the sponsors, supporters, and opponents of the bill, you can visit their websites or contact their offices for additional information on the issue or copies of letters, policy briefs or other materials they have produced regarding the bill.

## Estimating Potential Impact to the County

One of the most important elements of your bill analysis document will be the section that describes how the bill may affect the overall mission or fiscal standing of your department or the

County. This part of the analysis will provide the basis for recommendations you may make (see next section) for the Board to pursue a position on the bill. Your analysis should note any mandated, new or changed functions; operational changes; legal issues; and costs or revenues. Describe as accurately as possible what would occur in your department and in the County should the measure pass in its current form.

Remember that the addition of a function, without additional funding, could change your department's ability to perform other duties. Describe how the bill will affect your department's clients, and identify other departments that may be impacted by the bill.

Quantify additional or reduced resource requirements for both implementation and ongoing operations to the extent possible. Resources may include funding, staffing, time, labor, materials, and facilities. Specify new costs, cost savings or revenues per time unit (year, month, etc.). If precise information is not available, give best estimates. Remember to consider both the positive and negative impacts of the proposal on your department and its clients.

### **Developing Recommendations for a Board Position**

Once you have read the bill and assessed the impact that it may (or may not) have on your department and the County, you can prepare a recommendation for a Board position on the bill. When developing your recommendations, remember to base them on the impact noted above and Board approved policies contained in the County Legislative Agendas. Cite which policy or policies that your recommendation is based upon. If no policy currently exists, you should note that in your bill analysis. In those cases, CEO-IGEA will review the bill analysis and evaluate whether to issue a Board Letter to request that the Board to adopt a new policy on the matter.

If possible, determine if the County took a position on similar legislation in a prior legislative session. If you are not sure whether there has been a position on similar legislation or, have any other questions when developing your recommendations, contact your CEO-IGEA legislative analyst for assistance. Indicate if there are new conditions to consider which may justify a change in policy.

Also, consider any political or timing issues. For example, it is important to note whether a member of the leadership authors a bill, or if it receives a rule waiver to expedite its movement. If the bill is department-specific and/or technical in nature, indicate if the department and/or its associations are involved with the bill. If amendments are recommended, please attach proposed legislative language which has been drafted with and/or vetted through County Counsel.

When making your recommendation(s), you must choose from among the following positions:

- **Support** - The bill has a favorable fiscal or operational impact on County programs and is consistent with existing County policy. In some cases, compelling policy considerations may require a recommendation to support a bill in spite of adverse fiscal effects. If so, state the costs to the County and explain any overriding considerations.
- **Support and Amend** - The bill is basically beneficial for the County but would be improved if amended. Include the recommended amendments with your analysis

and County Counsel's sign off on the language. The County's position remains "Support" whether or not the bill is amended.

- **Support if Amended** - The bill could be beneficial to the County but it has a provision or provisions that make it unacceptable in its present form. Include the recommended amendments with your analysis. Have your County Counsel read and sign off on the language. If the bill is amended as requested, the County's position changes to "Support."
- **Oppose** - The bill mandates unjustified costs, interferes with efficient administration or operation of County programs, and/or is in conflict with policies adopted by the Board of Supervisors. The bill cannot be amended sufficiently for the County to be neutral.
- **Oppose Unless Amended** - The bill is basically undesirable, but can be made unobjectionable by amendment. Include the recommended amendments with your analysis, signed off by County Counsel. If the bill is amended as requested, the County's position changes to "Neutral."
- **Neutral** - The bill has no significant effect on the County. Typically, it is not necessary to take this recommendation to the Board but it is valuable to know where your department stands and why.

As part of the ongoing monitoring and analysis of bills, it may be necessary to revisit the County's position on a bill if it is amended later in the legislative session. As a bill is amended, its provisions may change substantially enough that the County may have to change its position. Monitoring amendments is particularly important late in the legislative session when bills are "gutted and amended," and the entire contents of a bill are stripped out and replaced with new legislative language (often relating to an entirely different subject). As with the initial bill analysis, each subsequent bill analysis and recommendation should be based on the current version of the bill's provisions, their potential impact to your department or the County in general, and existing Board policy.

### **Bill Analysis Format**

After considering the information above, use the Bill Impact Assessment Checklist (Appendix 2) and the Bill Analysis Form (Appendix 3) to prepare the bill analysis you will submit to CEO-IGEA. Be sure to include your name and phone number on the documents so the legislative analyst can contact you for more information.

An electronic version of the Bill Impact Assessment Checklist and the Bill Analysis Form documents are available from CEO-IGEA.

## THE FEDERAL LEGISLATIVE PROCESS

The Federal legislative process is similar in some ways to the State legislative process. Like the State Legislature, the U.S. Congress is a bicameral body (i.e., the Senate and the House of Representatives) with committees on a variety of subject matters. In order for a bill to become a law, it must first go through the committee process, be voted on and pass the house of origin, go through the same process in the second house, have any differences reconciled through a conference committee process, and finally be enrolled and sent to the President for consideration. Despite these similarities, there are a number of significant procedural differences in the Federal legislative process which result in far fewer Federal bills being enacted, even though more bills are introduced in Congress than in the California Legislature.

A more in-depth discussion about the Federal legislative process, as well as the differences between the State and Federal legislative and budget processes, can be found in the Appendix section of this document.

## APPENDIX

<b>#</b>		<b><u>Page</u></b>
1	Overview of the State Legislative Process .....	19
2	Bill Impact Assessment Checklist .....	20
3	Bill Analysis Form .....	21
4	Sample Bill .....	23
5	Federal Legislative Process .....	25
6	Differences Between Federal and State Legislative Processes .....	27
7	Legislative Resources .....	30
8	County Travel Report Form .....	34