

# **Legislative Training**

**Office of Intergovernmental  
Relations and External Affairs  
Chief Executive Office, Los Angeles County  
2007**

# COUNTY OF LOS ANGELES – CHIEF EXECUTIVE OFFICE

## LEGISLATIVE PROGRAM

### **1.0 Legislative Program Overview**

This manual is designed to help you:

- Learn how the County's State and Federal legislative program is developed and implemented.
- Understand the State and Federal legislative processes.
- Learn how to analyze legislation.

The State and Federal governments play significant roles in determining policies and funding allocations that affect County operations. State and Federal laws and regulations, and proposed legislation, can affect the County in a number of ways, such as:

- Changing governmental roles or functions.
- Changing the governance of a department or program.
- Changing the level of resources available (Revising the way the County is reimbursed for its services.)
- Placing restrictions on departmental activities.
- Changing conditions of operation. (Reducing or expanding the caseload of a County service worker.)
- Requiring additional work procedures. (Requiring additional reports.)
- Indirectly impacting the department by affecting clientele or other related agencies. (Services provided to the public. Additional requirements for contract agencies that raise cost.)

## **2.0 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. Thus, it is important that the County have an ongoing, timely process to bring new information about legislation or policy to the Board's attention. Chapter 7 of the Board of Supervisors Policy Manual outlines the County's general legislative policies which can be found by scrolling down and clicking on the links under Chapter 7 at the following website:

<http://countypolicy.co.la.ca.us>

This section describes how the County sets its legislative agendas, and updates them during the legislative session. The County relies on the following elements to formulate and update its legislative program:

- Annual State and Federal Legislative Agendas;
- Board Motions, Agenda Memos and Board Letters; and
- Analyses and Ongoing Monitoring.

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

Each year, State and Federal Legislative Agendas are developed that assess the policy and economic climates in Sacramento and Washington, D.C., describe the County's objectives and policies in this context, and provide a framework for advocacy. The annual legislative agendas enable the County's advocates in Sacramento and Washington, D.C. to respond effectively to legislative proposals that could significantly impact the County's finances and/or programs. These documents are usually adopted by the Board in January, and constitute the cornerstone of the County's legislative program.

Each Fall, and prior to Board consideration, County departments are asked to submit their policy recommendations and requests for County positions on issues and goals to Intergovernmental and External Affairs (IGA) of the CEO. Recommendations are also obtained from Board offices, the County's legislative representatives, and the Legislative Strategist, as well as from task forces, working groups, commissions and advisory bodies.

The State and Federal Agendas include the following overall 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 costs 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 total 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 State or County.

The 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)

### 2.2 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 legislative agendas. These positions are typically developed in two ways — Board Motions, or Legislative Update Memos issued by the CEO.

Additionally, issues arise during the year for which the County has no legislative policies, or there is 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 to adopt 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, IGA coordinates the CEO's response to the Board through an Agenda Memo that includes an analysis and recommendation. 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.

An example of a Board Motion can be found at:

<http://www2.co.la.ca.us/supdocs/sops2002/SD10770.pdf>

The related Agenda memo can be found at:

<http://www2.co.la.ca.us/supdocs/sops2002/SD10770a.pdf>

### Legislative Update Memo

The CEO regularly communicates to the Board on legislative matters through Legislative Update Memos. These memos are developed by IGA, and are used to inform the Board when the County is pursuing a position on a bill consistent with Board-adopted policies. Update memos frequently contain information on matters of interest to the County such as a report on significant State or Federal budget items, upcoming legislative hearings or a synopsis of the hearing testimony.

The State and Federal Legislative Update Memos are on the CEO Intergovernmental and External Affairs web page at:

[http://ceo.lacounty.gov/igr/leg\\_info.htm](http://ceo.lacounty.gov/igr/leg_info.htm)

### 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 request the Board to adopt policies on matters of importance to the County. Once approved, the policies are added to the County's existing legislative policies. An example of a Board Letter can be found at:

<http://www2.co.la.ca.us/supdocs/sops2001/sd7768.htm>

A report entitled "Status of Bills of Interest to the County," which lists current State legislation on which the County has a position, can be found at:

[http://ceo.lacounty.gov/igr/leg\\_info.htm](http://ceo.lacounty.gov/igr/leg_info.htm)

### 2.3 Analysis and Ongoing Monitoring

Analysis and monitoring of proposals in Sacramento and Washington, D.C. is central to 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 and affected departments are responsible for monitoring legislation. The lead departments are also responsible for analysis, technical advice, and assistance throughout the legislative process. Advocacy is the responsibility of our Sacramento and Washington, D.C. offices.

The County's program relies on many sources to gather information about proposals such as our County advocates in Sacramento and Washington, D.C., IGA staff, legislative staff in County Departments and their related associations, and other associations, such as the California State Association of Counties (CSAC) and the National Association of Counties (NACo). As information is gathered, IGA and departmental legislative staff incorporate it into an ongoing assessment and analysis. Consequently, it is important for departmental legislative analysts to be in contact with their CEO IGA analyst throughout the year.

A roster of the IGA analysts can be found at:

[http://ceo.lacounty.gov/igr/state\\_fed.htm](http://ceo.lacounty.gov/igr/state_fed.htm)

Note: An in-depth discussion of how to analyze legislation can be found in Section 7.

#### 2.4 The Role of the CEO and Departments

The IGA of the CEO 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 the CEO IGA in advance of plans to attend meetings and hearings in Sacramento and Washington, D.C., using the form and instructions in Appendix 4.

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>

### **3.0 The State Legislative Process**

The following has been excerpted and adapted from California's Legislature, a publication of the Office of the Assembly Chief Clerk. Additional information can be found at:

[www.leginfo.ca.gov/califleg.html](http://www.leginfo.ca.gov/califleg.html)

#### **3.1 Overview of 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 legislative calendar sets the deadlines for the introduction and processing of the legislative measures during its two-year regular session.

#### **3.2 Idea and Bill Introduction**

All legislation begins as an idea or concept and comes from a variety of sources, including the County. The process begins when a Senator or Assembly Member decides or agrees to author a bill.

A legislator sends the idea for the bill to the Office of the Legislative Counsel, where it is drafted into bill form. 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.

#### **3.3 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. The majority party controls the number of members who serve on each committee. 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.

Each house maintains a schedule of legislative committee hearings. Prior to a bill's hearing, a bill analysis is prepared that explains the intended effect of the bill on current law, together with background information. Typically, the analysis also lists organizations that support or oppose the bill.

### 3.4 Second and Third Reading

Bills passed by committees are read a second time, corrected, and then moved to the third reading file. 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. Constitutional amendments, bond measures, and bills including an appropriation or an urgency clause require a two-thirds vote (27 votes in the Senate and 54 votes in the Assembly) to be passed. Other bills generally require a simple majority vote (21 votes in the Senate and 41 votes in the Assembly) for passage. If a bill is defeated, the Member may seek reconsideration, amend the bill, and request another vote.

### 3.5 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.

### 3.6 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, meaning 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.

### 3.7 The Governor

If both houses approve a bill, it goes to the Governor. 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. A governor's veto can be overridden by a two-thirds vote in both houses. Most enacted bills go into effect on the first day of January of the next year. Urgency bills, and certain other measures, take effect immediately after they are enacted into law.

### 3.8 California Law

Each bill that is passed by the Legislature and approved by the Governor is assigned a chapter number by the Secretary of State. These chaptered bills are statutes, and ordinarily become part of the California Codes.

## **4.0 The Federal Legislative Process**

The Federal legislative process is similar to the State legislative process though there are a number of significant procedural differences that result in far fewer Federal bills than State bills being enacted, even though far more Federal bills are introduced. Section 5.0 describes differences in the Federal and State budget processes, and Section 6.0 describes the differences in the legislative processes. The Federal legislative process is summarized briefly below:

### **4.1 Overview of Legislative Process**

The U. S. Congress is a bicameral legislature composed of the House of Representatives and the Senate that meets in a concurrent two-year session. Both bodies have similar procedures for how bills move through committees, but significantly different procedures for floor action. Both houses ultimately must reconcile and pass a bill with identical language before it goes to the President for his signature.

### **4.2. Bill Introduction**

Only a Member of Congress may introduce (author) a bill, which is assigned a bill number, with "H.R." for bills introduced in the House and "S." for bills introduced in the Senate. Newly introduced bills can be found in the Congressional Record.

### **4.3 Committee Action**

Next, each bill is referred to the committee(s) with jurisdiction over the bill's subject matter. If more than one committee has jurisdiction, a bill is assigned to the committee with primary jurisdiction in the Senate, and, may be assigned to more than one committee in the House either through "sequential referral" (first to one committee, then another) or "split referral" (each committee simultaneously receives sections of the bill within its jurisdiction).

The committee chair largely decides if any action is taken on a bill. In practice, no action is taken on the vast majority of bills. A committee may hold an informational hearing in which testimony is heard from invited witnesses on a bill or related subjects. If the committee chair wants to move a bill, the committee will hold a "mark-up" in which it literally marks up -- amends and votes on a bill. Committees often will work from the "chairman's mark," the chair's draft bill language rather than from a previously introduced bill. A committee can approve a bill with or without an accompanying committee report, which explains the bill and provides a comparison with current law. The committee also may report the bill as a new ("clean") bill, assigning it a new bill number.

### **4.4 House Floor Action**

In the House, after the committee(s) with jurisdiction report a bill, the majority party's leadership informally decides whether it is scheduled for House floor action, though the House Rules Committee formally schedules and determines the rules for House floor debate on a bill. The Rules Committee generally limits the number of floor amendments that can be offered to a bill.

#### 4.6 Senate Floor Action

In the Senate, although the authority to call up a bill for floor action is reserved for the Majority Leader, in practice, the Majority Leader consults with the Minority Leader. Under Senate rules, bills require the unanimous consent of all Senators to proceed on the Senate floor without prolonged, dilatory floor debate, known as “filibusters.” The Senate also has a custom that allows any single member to place a “hold” on a bill, blocking it from Senate floor action until his or her concerns are met. Some bipartisan support is required to pass bills in the Senate because it takes a 60-vote majority to close floor debate – a majority that neither party has had for many years.

#### 4.7 Repeat the Process in the Other House

Once the house of origin has approved the bill, it proceeds to the other house where the procedure described above may be repeated. As an alternative, the other house may act on its own bill on the same or similar subject matter.

#### 4.8 Conference Committee – Resolution of Differences

Unless the legislation passed by both houses is identical, a Senate-House conference committee may be convened to reconcile differences between the two versions. As an alternative, each house can amend a bill to be identical, and then pass the bill. If the conference committee reaches agreement on a bill, the revised bill goes back to each house for a vote on final passage. After an identical bill passes both houses, it is enrolled.

#### 4.9 The President

An enrolled bill is sent to the President for consideration. The President has ten days to sign the bill into law, allow it to become law without his signature, or veto it. If the President vetoes the bill, it can still become a law if two-thirds of each house then votes to override the veto.

#### 4.10 Law

Signed bills are given a Public Law number (e.g., P.L. 105-100). The number before the dash indicates the Congressional session in which it was enacted. Only “general and permanent” laws are codified in the United States Code (U.S.C.) so new laws that apply for a limited time, such as those in an appropriations act, are not codified (note: if such limited provisions are significant, they still may be printed as “notes” to related U.S.C. sections). A new law also may amend an act with a popular name, such as the Social Security Act. The text of a bill/law will cite the amended sections of the U.S.C. and any Act. Wikipedia has a good explanation of the codification process with links to the United States Code:

[http://en.wikipedia.org/wiki/United\\_States\\_Code](http://en.wikipedia.org/wiki/United_States_Code)

Detailed background information on Federal legislative and budget procedures, prepared by the Congressional Research Service (CRS) of the Library of Congress, which provides technical assistance and assists Congressional offices with legislative research, can be found at this House Rules Committee Webpage:

[http://www.rules.house.gov/archives/crs\\_reports.htm](http://www.rules.house.gov/archives/crs_reports.htm)

One of the more useful CRS reports on this webpage is “Legislative Research in Congressional Offices: A Primer.” The CRS prepares excellent reports on many major issues and topics of County interest. While there is no single website with all of its reports, the following websites have many of the CRS reports:

<http://opencrs.cdt.org/collection/tmll/3>

<http://fpc.state.gov/c4763.htm>

<http://www.cnie.org/nle/>

The “THOMAS” website of the Library of Congress contains the bill text and status of all Federal bills, and has links to a wide variety of information relating to Federal legislation:

<http://thomas.loc.gov/>

## **5.0 Differences Between the Federal and State Legislative Processes**

In general, the Federal legislative process is similar to the State with the following major exceptions:

- There are differences in content. Subject matter in a State bill must be germane. Federal bills can contain multiple subjects, and U.S. Senate rules allow a Senator to offer non-germane floor amendments to a bill.
- Federal bills have less specific statutory language than State bills. As a result, Federal regulations play a more important role in the implementation of Federal laws. Legislative history (e.g., committee report language and floor colloquies) also is important in determining how Federal laws are interpreted.
- Unlike State bills, Federal bills do not include the actual text of the existing law that is being amended.
- Unlike State bills, there are no fixed time deadlines for Federal bills to be introduced, pass out of committee, or chambers.
- Unlike State bills, a bill's author cannot amend his/her own bill. Instead, a bill can only be amended by a vote (or unanimous consent) of a committee or chamber.
- Multiple versions of a Federal bill can exist at the same time, and the number assigned to a Federal bill can change as it moves through Congress. State bill numbers remain the same throughout the legislative process, and there is only one version of a State bill at any given time.
- Far fewer Federal bills are enacted each year than State bills. As noted earlier, there also is not any committee action on the vast majority of bills.
- Changes to Federal programs generally are considered only in the years when the programs are up for reauthorization. Changes to mandatory spending programs, such as Medicaid, also are considered when the annual budget resolution includes reconciliation instructions for committees to report legislation needed to meet spending targets. Statutory changes to State programs are enacted more frequently.
- Except for revenue bills and bills affecting the County as an employer, Federal bills generally do not directly affect the County. This is because Federal laws generally do not impose direct mandates on local governments, and most Federal funds flow to the County through the State.
- All Federal bills require a simple majority vote to pass; however, in the Senate, a 60-vote majority is needed to close floor debate on any bill other than budget reconciliation legislation. The State requires a simple majority vote on non-fiscal bills and a two-thirds vote on fiscal bills and urgency bills which take effect upon enactment.

## **6.0 Differences Between the Federal and State Budget Processes**

There are significant differences in each budget process, which are described below:

- The Federal fiscal year (FFY) begins on October 1<sup>st</sup> of the prior calendar year (e.g., FFY 2007 began on September 30, 2006) while the State fiscal year begins on July 1<sup>st</sup> of the current calendar year.
- Federal fiscal bills require a simple majority vote for passage; however, in the Senate, a 60-vote majority is needed to close floor debate on budget reconciliation legislation needed to meet the spending or revenue targets in a budget resolution. State fiscal bills require a two-thirds majority vote.
- The Governor has a line-item veto authority, which enables him to cut spending on individual budget items without vetoing an entire bill while the President lacks such authority. The President also does not have any authority relating to the annual budget resolution. As a result, the Governor has greater influence over the State budget than the President has over the Federal budget.
- There is a single annual State budget act, but no single annual Federal budget act.
- The State Budget Bill, which initially reflects the Governor's proposed budget, is introduced in each house of the Legislature and will not go to the Governor until all issues are resolved by both houses. Until the Budget Bill has been enacted, no other appropriations bill, except emergency bills, can be sent to the Governor for signature.
- More than 60 percent of all Federal spending consists of "mandatory" spending, which is permanently set by existing law, such as Social Security, Medicare, and Medicaid, and interest payments on the national debt. This means that mandatory spending will occur pursuant to current law unless Congress enacts new legislation affecting them.
- The remaining balance is "discretionary" spending, which is set through annual appropriations bills. The House Appropriations Committee has ten subcommittees responsible for various Federal departments and agencies, while the Senate Appropriations Committee has 12 subcommittees. Not counting supplemental appropriations bills, Congress may fund discretionary programs through as many as 12 annual appropriations bills.
- Congress attempts to pass an annual budget resolution to set non-binding spending and revenue targets to guide legislative action on fiscal matters. This resolution may include "reconciliation" instructions to committees to recommend legislation which would achieve the desired revenue and spending levels. There is no comparable budget resolution for the State budget.
- The State budget process focuses on the budgetary impacts on the "budget year" (i.e., upcoming fiscal year) while the Congressional budget process focuses on the five-year impacts.

## **6.1 Federal Budget Bills**

As noted previously, there is no single Federal budget bill. With respect to the Federal budget, the following is important to note:

### **Appropriations Bills**

There currently are up to 12 annual appropriations bills that together fund the entire Federal government. In recent years, a number of the appropriations bills have been consolidated into an “omnibus” appropriations bill. In addition to the annual appropriations bill, Congress may enact one or more supplemental appropriations bill, such as when more funding is needed for disaster aid.

### **Authorization Bills**

An authorization bill may directly appropriate funds for a program or agency or authorize annual funding levels that are subject to annual appropriations. Authorizations may be annual, multi-year, or permanent. Programs with annual or multi-year authorizations must be extended through “reauthorization” bills.

### **Budget Resolution**

The annual budget resolution sets annual and five-year spending and revenue targets to guide Congressional action on fiscal legislation. The budget resolution is not enacted into law, and is non-binding. There are some years, such as this year, in which Congress fails to reach agreement on a budget resolution.

### **Budget Reconciliation Bill**

The budget resolution may include reconciliation instructions for committees to recommend legislation to meet its revenue and mandatory spending targets. Under Senate rules, only a simple majority, not the normal 60-vote majority, is required to close debate on a budget reconciliation bill. Therefore, such a bill cannot be filibustered.

### **Revenue Bills**

These bills focus on methods for raising money such as taxes, user fees, customs duties, and tariffs.

## **7.0 Legislative Analysis**

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

- Understanding its anatomy.
- Identifying intent.
- Identifying the prohibition, permission, or requirement statements.
- Understanding the bill's context.
- Identifying changes in existing law.
- 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. An analysis checklist and format are also provided in Appendices 1 and 2.

### **7.1 Reading a Bill: Understanding its Anatomy**

Familiarity with the anatomy of a bill will help you locate key information quickly. The first page of a bill contains 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.

When conducting your analysis, be sure to have a copy of the full text of the bill. If you are obtaining the bill from the Internet, use the "PDF," rather than "HTML" format, as it will give you an exact copy of the document as officially printed. The illustration on the next page highlights the useful information on a State bill when conducting an analysis.

# THE ANATOMY OF A BILL

Date noted each time Bill is amended. →

AMENDED IN SENATE APRIL 20, 2005

Indicates house of origin. →

**SENATE BILL**

**No. 861**

← Bills are introduced in sequential order

Author(s) → Co-authors listed here.

**Introduced by Senator Speier**

February 22, 2005

← Date introduced

Code Section being added or amended. →

An act to amend Section 14105.7 of the Welfare and Institutions Code, relating to Medi-Cal.

Legislative Counsel drafts legislation and writes a summary.

Most bills require a majority vote. An urgency or fiscal measure requires a 2/3rds vote. → State mandated local cost . →

LEGISLATIVE COUNSEL'S DIGEST

SB861, as amended, Speier. Medi-Cal: allowable drug product prices: updates.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law requires the director to update allowable drug product prices no less often than every 30 days, with these updates to include any prior change in drug product price of which the director has received notice.

This bill would, instead, require the director to update allowable drug product prices within ~~48 hours~~ 7 days of receiving notice of a drug product price change.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

←  
*Italics indicate amending language. Strikeouts show deletion.*

*The people of the Sate of California do enact as follows:*

- 1 SECTION 1. Section 14105.7 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 14105.7. (a) In order to fairly reimburse pharmacies for the
- 4 furnishing of prescription drugs to Medi-Cal beneficiaries, the
- 5 director shall update allowable drug product prices within ~~48~~

Bills which affect State spending are "appropriation" measures and require 2/3rds vote.



This is actual language which would have become part of the Welfare and Institutions Code had the bill not been amended several more times before being enacted. The rest of the bill language continued on subsequent pages. The text of the bill could contain "intent" or "statutory" language.

### 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 listed above the first set of double lines at the top of the page (Senate Bill No. 861 in the illustration). The bill number is commonly referred to as “SB” or “AB”, followed by the bill number, i.e., “SB 861.”

### 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 (February 22, 2005 in the illustration). Each time a bill is amended, the date of amendment is posted on the top of the page, with the last amendment above the previous one (AMENDED IN SENATE APRIL 20, 2005 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.***

### Authors

The author of a bill is listed below the first set of double lines. Note, one or several lawmakers, or a committee can author bills. The first name in a list of authors on a bill is generally referred to as “the author.” Coauthors are listed below the author(s) who introduced the bill.

### Code Sections Affected

Below the second pair of double lines is a reference to the sections of California law that the bill proposes to change. 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

About the middle of the page is a section prepared by Legislative Counsel that begins with the bill number, the author and the title. This section also summarizes what the bill does. Although somewhat helpful, never rely on this summary as your primary source of information because it may not fully summarize all the sections of a bill. You must read the actual bill language to determine the impact. Only the actual bill language will become law upon passage.

### Vote, Appropriation, Fiscal Impact, and Local Program Impact

Immediately below Legislative Counsel’s Digest you will find a brief series of references about the bill. The “Vote” section indicates whether the bill requires a majority or two-thirds vote to pass out of committee, each house and the legislature. The sections entitled “Appropriation” and “Fiscal” indicate whether the bill includes funding, if there is a fiscal impact on the State, and if it must be heard in the fiscal committees in each house.

“State-mandated local program” is Legislative Counsel’s judgment that the bill does or does not impose a cost on local governments such as the County. This is an important section and a “no” should not be considered the final word as your review may indicate otherwise. Any impact this legislation has on the County or your department should be noted in your analysis.

## Bill Text

The actual language of the bill begins in the section where the numbers are aligned on the left-hand side. If your bill does not have the numbers aligned on the left-hand side, you probably have an HTML-formatted bill. Always use the PDF format because the aligned numbers help you refer to the bill's provisions on each page of the text. This is especially helpful if you are discussing the bill with someone else. When examining amended versions of a bill, additions to the text are indicated in *italic*; deletions to the text are indicated by an ~~everstrike~~.

The Bill Impact Assessment Checklist, in Appendix 1, will assist you in completing your analysis. Appendix 2 provides the format to use when submitting your analysis to the CEO.

### 7.2 Identifying Intent

Look for phrases like “it is the intention of the Legislature” or “the Legislature declares its intent to.” There may not always be such explicit statements of intent in the bill. Sometimes you will have to interpret language that implies intent. Often legislative intent will be found at the beginning of the bill or at the beginning of a section in the bill.

### 7.3 Identify All of the Prohibition, Permission, or Requirement Statements

Bills may prohibit, permit or require certain conduct. Look for phrases or words like “shall not,” “prohibited,” “may,” “authorized,” “required,” “must,” or “shall.” For each action prohibited, permitted, or required by the bill, note the following elements if specified: Who, what, when, where, how, conditions, contingencies, incentives, and/or penalties.

### 7.4 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?
- What are his or her committee assignments?
- Who are the sponsors?
- 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? A policy statement or previous position on similar legislation?

Information about the author of a bill can be obtained by visiting his or her website and can be accessed through the Assembly or Senate web pages.

The Assembly and Senate websites are:

<http://www.assembly.ca.gov/> and <http://www.sen.ca.gov/>

The bill analysis will provide information about the sponsors, support, opposition, previous legislation, etc. The bill analysis can be found on the same website you use to obtain a copy of the bill text:

[www.leginfo.ca.gov](http://www.leginfo.ca.gov)

Once you know the sponsors, supporters, and opponents of the bill, you can try to locate their websites or contact their offices for additional information on the issue.

#### 7.5 Identifying Changes to Existing Law

Compare the specific directives and requirements in the bill with existing laws and regulations. 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.

#### 7.6 Estimating Impact

Describe how the bill may affect the overall mission of your department or the County, any mandated, new or changed functions, operational changes, legal issues, 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. Determine whether the bill would affect your department significantly.

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.

#### 7.7 Developing Recommendations for a Board Position

When developing your recommendations, remember to base them on the impact noted above and, refer to the County Legislative Agendas to determine if a particular proposal is already addressed by existing policy.

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 IGA 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 legislative language, and work with County Counsel to draft the amendments.

When developing your recommended position, choose from among the following:

### **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 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 has some feature or features 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.

## **7.8 Bill Analysis Format**

Use the format in Appendix 2 of this manual to prepare your written analysis after considering the above elements. ***Be sure to include the analyst's name and phone number on the analysis!***

## **8.0 Legislative Resources**

This section lists websites that are helpful in locating information about State and Federal legislation and the political process.

### **8.1 County Resources**

Chapter 7 of the Board of Supervisors Policy Manual outlines the County's general legislative policies which can be found by scrolling down and clicking on the links under Chapter 7 at the following website:

<http://countypolicy.co.la.ca.us/>

The web page of the CEO Intergovernmental and External Affairs Office provides comprehensive access to information about the County's legislative program. On it you will find the County's most recent Federal and State legislative policies; a list of State bills, by legislative session, on which the County has a position; State and Federal Legislative Update Memos; and, Board Agenda Memos on legislative issues. In addition, you can also locate the members of the Sacramento and Washington, D.C. Advocacy Offices and the CEO Legislative Office. It may be found at:

[http://ceo.lacounty.gov/igr/leg\\_info.htm](http://ceo.lacounty.gov/igr/leg_info.htm)

### **8.2 State Resources**

The most comprehensive source of information about State legislation can be found on the Official California Legislative Information website maintained by the Office of Legislative Counsel. There you can find bill language, status, history, vote, analyses, and a bill subscription service to help you track specific bills. You can also find the California Code, the legislative calendar, and information about the Assembly and Senate. It may be found at:

<http://www.leginfo.ca.gov>

The Official California Legislative Information website also has a Legislative Index and a Table of Sections Affected that allows searching of bills by subject matter, and California Codes. It may be found at:

<http://www.leginfo.ca.gov/legpubs.html>

The Governor's web page has bill signing and bill veto messages, the annual address to the Legislature, and other items of interest. It may be found at:

[http://www.governor.ca.gov/state/govsite/gov\\_homepage.jsp](http://www.governor.ca.gov/state/govsite/gov_homepage.jsp)

The State of California's main page has a State agency index and statistical information. It may be found at:

<http://www.ca.gov>

The Department of Finance has information about fiscal, budget, and demographic issues. It may be found at:

<http://www.dof.ca.gov>

The Legislative Analyst's Office has information on policy issues and the State budget. It may be found at:

<http://www.lao.ca.gov>

The Senate Office of Research is a source of information on policy issues. It may be found at:

<http://www.sen.ca.gov/sor/>

The California Code of Regulations, also known as the California Administrative Code, contains the rules and regulations in the implementation of California law and for Federal programs and funds that are administered by the State. It may be found at:

<http://www.oal.ca.gov>

The Secretary of State maintains information about lobbyists and lobbying organizations, as well as Statewide ballot measures. It may be found at:

<http://cal-access.ss.ca.gov/lobbying/>

The California State Association of Counties (CSAC) represents County governments on Statewide issues. Its website also posts a legislative bulletin with analysis of pertinent legislation. It may be found at:

<http://www.csac.counties.org>

The California Institute for County Government conducts research on topics of interest and importance to counties and maintains a database of financial, economic, and demographic statistics. It may be found at:

<http://www.cicg.org>

State Net is a web-based subscription service that can provide bill copies, status, histories, votes, committee reports, calendars, political clipping services, and links to other related information services. They also offer additional services, such as the ability to create folders or files of all the bills you are tracking, including customized reports that display information on bills of interest. The County has a master agreement that can be utilized to subscribe to this service at a lower rate than individual departmental subscriptions.

For further information, telephone 213-974-1464 in the CEO/IGA. The State Net website may be found at:

<http://www.statenet.com>

The Sacramento Bee's *Capitol Alert* and *Rough and Tumble* Magazines are online sources of public policy and political news. They may be found at:

<http://www.capitolalert.com> and <http://www.rtumble.com>

#### Urban Counties Caucus (UCC)

UCC is an organization representing the 10 largest California counties. It also publishes legislative bulletins that include an analysis of bills affecting county government. The Caucus publications can be obtained from your CEO IGA analyst. UCC currently does not have a website.

#### 8.3 Federal Resources

THOMAS, a service of the Library of Congress, is the most comprehensive source of legislative information about Federal legislation. It can direct you to Federal laws, votes by Congress, the Congressional Record, committee reports, and House and Senate directories. It may be found at:

<http://thomas.loc.gov>

The Congressional Budget Office and the Office of Management and Budget are sources of policy and fiscal information. They may be found at:

<http://www.cbo.gov> and <http://www.whitehouse.gov/omb>

The National Association of Counties (NACo) is the national organization that represents county government in Washington, D.C. It may be found at:

<http://www.naco.org>

This is the Federal Government's main site. You can find an agency index, and statistical information. It may be found at:

<http://www.firstgov.gov>

**BILL IMPACT ASSESSMENT CHECKLIST**

Bill Number: \_\_\_\_\_ Author: \_\_\_\_\_ Version (Date): \_\_\_\_\_

Recommended Position:

Analyst: \_\_\_\_\_

**BACKGROUND**

- Previously introduced
- Clean-up
- Amends Existing Law: Code and Section Reference \_\_\_\_\_
- Similar to other current bills
- Extends or repeals sunset
- New Bill
- Has Urgency Clause

**IMPACT ON DEPARTMENT**

- Consistent w/Department's mission
- Changes or repeals existing programs
- Enhances protection efforts
- Acts on a strategic issue
- Implements new program
- Weakens protection efforts

**FISCAL IMPACT**

*UNFUNDED MANDATE*

- Added revenue
- Changes fines/penalties
- Repeals or reduces fees
- Funding source: \_\_\_\_\_
- Requires redirection of resources
- Cost savings
- Proposes new or increased fees to offset costs
- Includes appropriation
- Additional costs
- Neutral
- Minor impact-program absorption

**REPORTING REQUIREMENTS**

- Requires one-time report
- Requires new operating procedures
- Requires change to existing procedures
- Requires new or amended contract
- Requires annual report
- Requires new forms
- Requires amended forms
- Requires new study

**LEGAL/ENFORCEMENT IMPLICATIONS**

- Creates conflict with existing law
- Requires regulations or workshops
- Provisions are enforceable
- Requires change to existing enforcement procedures
- Resolves conflict in existing law
- Creates a new crime
- Provisions are not enforceable

**COORDINATION REQUIREMENTS**

- Requires coordinated implementation with County agencies:
- Requires coordinated implementation with other non-county entities: (Identify and describe)

**RECOMMENDATION**

- Amendments Proposed (must be included and signed off by County Counsel)

**Bill Analysis Format****Bill No. (Author): Description – Recommended Position**

Introduction or amendment date:

Priority:    Major     Minor **Analyst Name and Phone Number:**

If any of the following apply, include as appropriate and return:

**No Analysis required** – No impact on Department roles/responsibilities, clients/users**No Analysis required** – No impact on Departments roles/responsibilities. See comments below for impact on users.**Analysis no longer required.** Amendments have removed all impacts on Department roles/responsibilities.**No Change to previous analysis.** Previous position of \_\_\_\_\_ remains valid**Technical/Non-substantive Amendments** (summarize below)**Other Amendments** (summarize below)

(Note: major amendments require update of original analysis)

When completing your analysis, clearly and concisely indicate the following in this section of your analysis:

1. **Current law.**
2. **Bill summary (how the bill changes current law, the bill's intent and major provisions).**
3. **The bill's operational and fiscal impact on your department (and other significant stakeholders, including other departments, agencies and organizations).**
4. **Legal issues, if any, including County Counsel's comments.**
5. **The bill's sponsor and any support and/or opposition and, the bill's status.**
6. **The recommended position.**
  - a. *Base on impact noted above.*
  - b. *Relate to existing policy, if applicable.*
  - c. *Indicate any political or timing issues.*
  - d. *If the bill is department-specific and/or technical in nature, indicate that the department and/or its association will be the bill's primary advocates.*
  - e. *If amendments are recommended, please attach legislative language that has been reviewed by County Counsel.*

**Quick Links**

Roster of IGA Analysts:

[http://ceo.lacounty.gov/igr/state\\_fed.htm](http://ceo.lacounty.gov/igr/state_fed.htm)

Policies Regarding the Coordination of County Representation and Legislative Position:

<http://countypolicy.co.la.ca.us/7.010f.htm>

County State and Federal Legislative Agendas and Legislative Update Memos

[http://ceo.lacounty.gov/igr/leg\\_info.htm](http://ceo.lacounty.gov/igr/leg_info.htm)

Board Motion & Related Agenda Memo:

Motion: <http://www2.co.la.ca.us/supdocs/sops2002/sd10770.pdf>

Memo: <http://www2.co.la.ca.us/supdocs/sops2002/sd10770a.pdf>

Agenda Letter Recommending a Policy or Position on Legislation:

<http://www2.co.la.ca.us/supdocs/sops2001/sd7768.htm>

Status of Bills of Interest to the County:

[http://ceo.lacounty.gov/igr/leg\\_info.htm](http://ceo.lacounty.gov/igr/leg_info.htm)

