Chapter IX

The Legislative Process

Bills and Bill Titles

In California, all laws are enacted by the passage of bills. A bill either proposes a new law or amends or repeals the existing law.

The Constitution provides that every act shall only embrace but one subject and that subject must be expressed in the title of the measure.[1]

The courts have been very liberal in their construction of what must be contained in the title of a bill.

"Where the body of the act embraces provisions germane to the general subject stated in the title, or when the title suggests the field of legislation which is included within the text of the act, the title will be held to be sufficient."

"The title should be liberally construed so as to uphold the statute if a reasonable reference to the subject matter included therein may be ascertained from the language employed." [2]

Every law must contain the enacting clause: "The people of the State of California do enact as follows:" [3]

A bill becomes a statute when it is signed by the Governor and given a final chapter number by the Secretary of State. The Governor's office works in conjunction with the Secretary of State's office to ensure that signed bills are enacted in the order intended by the Legislature and the Governor. Before a bill becomes law, it must be read by title on three different days in each house unless the house itself dispenses with this constitutional requirement by a two-thirds vote of the membership of the house. No bill may be considered for final passage by either house of the Legislature until the bill, with any amendments that may have been adopted, has been printed and distributed to the members. The vote on the passage of the bill must be entered in the Journals of the respective houses.

Non-urgency statutes enacted in the regular session before the Legislature adjourns for the "interim study recess" in the first year of the biennium shall go into effect on January 1 of the following year. For example, a non-urgency bill passed on September 5, 2005 would take effect on January 1, 2006. A non-urgency measure, however, that is enacted in the second year of the two-year session takes effect on January 1, following a 90-day period from the date of enactment.[4] For example, a bill that is enacted on or before October 2, 2006 would take effect on January 1, 2007. In contrast, a bill

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[1] *Constitution,* Article IV, Section 9.

[2] *People v. Oreck,* 74 Cal. App. 2d 215. Reaffirmed in *People v. Horner,* 137 Cal. App. 2d 615; *Orange County Water Dist. v. Farnsworth,* 138 Cal. App. 2d 518; *People v. Oosterveen,* 154 Cal. App. 2d 620; *San Joaquin Helicopters v. Dept. of Forestry et al.,* App. 3 Dist. 2003.

[3] *Government Code,* Section 9501.5. The *Constitution of 1849,* Article IV, Section 1, provided that the enacting clause of every law be as follows: "The people of the State of California, represented in Senate and Assembly, do enact as follows:" a similar provision remained in the Constitution until the adoption of *Proposition 1-a* in 1966, which removed it from the Constitution. However, it was subsequently enacted as part of the Government Code.

[4] *Constitution,* Article IV, Section 8(c). A bill is "enacted" when signed by the Governor or when a vetoed bill is overridden by the Legislature. *See also, People v. Cargill (1995)* 38 Cal. App. 4th 1551. Court held that a citizen arrested only 7 hours after Governor signed urgency legislation was still subject to the new law: "[n]othing in the clear language of the statute indicates that 'immediately' should be construed as 'the next day.' "

enacted on October 3, 2006 would not take effect until January 1, 2008. However, the likelihood of a regular statute (non-urgency, non-tax levy, etc.) being enacted any time after August 31 in the second year is remote. In fact, the only regular (non-urgency, non-tax levy, etc.) legislation that can be enacted after August 31 in the second year would be a "regular" bill that was vetoed by the Governor and then overridden by the Legislature during Final Recess. In other words, if the Governor vetoed a bill September 28, 2006, and the Legislature were to override the veto on November 3, 2006, the bill would go into effect January 1, 2008. This delay is imposed by operation of the Constitutional requirement that dictates a statute's effective date as occurring on January 1 *next following a 90-day period from enactment.*

This provision does not apply to statutes calling elections, for tax levies or appropriations for the usual and current expenses of the state or if the bill itself contains an urgency section which consists of a statement of the facts constituting the necessity for its immediate effectiveness. The facts constituting an urgency in this instance require that they be related to and necessary for the immediate preservation of the public peace, health or safety. Such a statute may not have an immediate effect unless the urgency section and the bill each receive, upon a separate rollcall vote entered in the Journals, a two-thirds vote of the membership of both houses.[5]

In California, the Budget Bill is introduced simultaneously in both houses. Unlike the Federal Constitution, the California Constitution does not require that appropriation measures be introduced only in the lower house; they may originate in either the Assembly or the Senate.

Bills in the Early Sessions

Many of the bills and amendments to bills in the early sessions of the Legislature were written in longhand. This did not present a difficult or serious problem as few bills were introduced in the First Legislature or during the early sessions.

Bills enacted into law were translated into Spanish by the State Translator, since the California Constitution of 1849 provided that "all bills, decrees, regulations and provisions which from their nature require publication shall be published in English and Spanish." [6]

In accordance with this constitutional provision, the First Legislature provided that 1,050 copies of each law be printed in English, and 350 copies be printed in Spanish.[7]

The new Constitution adopted in 1879 provided that all laws shall be published in the English language.[8] Notwithstanding this law, the publication of official proceedings in both English and Spanish continued to be a long-standing practice into the early 1900s. As late as 1909, the Legislature provided that 240 copies of "laws, resolutions and memorials as may be designated by the Legislature" shall be printed in Spanish.

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[5] *Constitution,* Article IV, Section 8(d).
[6] *Constitution of 1849,* Article XI, Section 21.
[7] *Statutes of 1850,* Chapter 24.
[8] *Constitution of 1879,* Article IV, Section 24. Repealed by Proposition 1-a 1966.

There has been a material change in legislative procedure and parliamentary practice over the years. One example is the following Assembly rule which was repealed more than 75 years ago:

"No amendment shall be received for discussion at the third reading of any bill, but it shall at all times be in order, before the final passage of such bill, to move its commitment to a Select Committee, under special instructions to amend." [9]

Conforming to this rule, the Speaker would appoint a member to act as a Select Committee of One, who would sit down at his desk in the Chamber, write the amendment, insert it in the bill, and report to the House according to its instructions. The House would then adopt or reject the amendment.

The current rules require that floor amendments be prepared and approved as to form by the Legislative Counsel. Additionally, all substantive floor amendments are analyzed by a Committee Consultant in conjunction with the Assembly Floor Analysis Unit in the Chief Clerk's Office. A copy of the amendments and analyses are distributed to each Member's desk and available on each Member's laptop computer prior to the commencement of floor debate.[10] There is, however, no requirement that the bill and the proposed floor amendment be re-referred to committee. The amendments are presented, debated and adopted or defeated on the floor. The Speaker may, at his or her discretion, re-refer substantially amended bills to a policy or fiscal committee for further analysis, debate, and vote.[11]

Governor's Message to the Legislature and the Budget

The Governor shall, on or before January 10 of each year, submit to each house, with an explanatory message, a budget containing a complete plan and itemized statement of all proposed expenditures of the state provided by existing law or recommended by him or her and of all estimated revenues, for the ensuing fiscal year. The Budget shall also contain a statement of cash-flow for the preceding fiscal year and an estimate of the cash-flow for the current and the succeeding fiscal year and shall show for each month the income, expenditures and borrowing from individual funds.[12]

The Budget Bill

After the Governor has submitted his or her Budget, an appropriation bill, known as the Budget Bill, which reflects the Governor's proposed Budget, is introduced in each house of the Legislature and referred to the Assembly Budget Committee and the Senate Budget and Fiscal Review Committee, respectively. The Constitution requires that the Legislature pass the Budget Bill by midnight, June 15. Until the Budget Bill has been enacted, neither house shall send to the Governor any other appropriation bill, except

[9] *Assembly Rule 37,* 1925 Regular Session. Repealed in 1929. For example, *see Journal of the Assembly, 1925 Session,* March 30, 1925, p. 1373.
[10] *Assembly Rule 69.*
[11] *Assembly Rule 77.2.*
[12] *Constitution,* Article IV, Section 12(a); *Government Code,* Section 12021.

emergency bills recommended by the Governor, or appropriations for the salaries, mileage and expenses of the Legislature.[13]

All other bills may contain only one item of appropriation, and that expenditure must be for only one certain and expressed purpose. No bill that appropriates money from the General Fund, except appropriations for public school purposes, shall be operative unless passed by a two-thirds rollcall vote of the membership of each house.[14]

At regular sessions, no bill, other than the Budget Bill, may be heard by any committee or acted upon by either house until the 31st day after the bill is introduced, unless this provision is dispensed with by a three-fourths vote of the house.[15]

The 2005–06 fiscal year State Budget, as chaptered, totaled $90 billion. When all special and bond funds are included, the total Budget for 2005–06 exceeded $113 billion.

Of the $113 billion General Fund budget, approximately $21.9 billion was allocated to support the operation of state government, and $67.7 billion was allocated for assistance to local programs, government, and school districts. From the amount made available from the General Fund, about $27.1 billion was for health and public assistance programs, and $46.8 billion for education. The health, public assistance and educational expenditures comprised 82.1 percent of the General Fund budget.[16]

The Budget Bill and any other appropriation measures which come before the Legislature are considered by the fiscal committees of the respective houses, the Budget and Fiscal Review or Appropriations Committees in the Senate and the Budget or Appropriations Committees in the Assembly.

The items eliminated or reduced (item vetoed) by the Governor in the Budget Bill are reconsidered separately and this "item veto" may be overridden in the same manner as bills.[17] The Governor may approve or veto one or more items of appropriation in a bill containing several items of appropriation. The Governor, however, may not change a proposed law by striking out parts of a bill.[18]

History of the Item Veto

In California, the Constitution of 1849 included a gubernatorial veto provision similar to that contained in the United States Constitution.[19] The Constitution of 1879 added the item veto power, allowing the Governor to "object to one or more items" of appropriation in a bill which contained "several items of appropriation."[20] By constitutional initiative in 1922 (Proposition 12), the Governor was empowered not only to eliminate "items of appropriation" but to reduce them, while approving other portions of a

[13] *Constitution,* Article IV, Section 12(c).
[14] *Constitution,* Article IV, Section 12(d). Appropriations for the public schools may be passed by a majority vote of the membership of each house.
[15] *Constitution,* Article IV, Section 8(a).
[16] This information supplied by the Assembly Budget Committee.
[17] *Constitution,* Article IV, Section 10(e).
[18] *Harbor v. Deukmejian,* 43 Cal. 3d 1078.
[19] *Constitution of 1849,* Article IV, Section 17.
[20] *Constitution of 1879,* Article IV, Section 16.

bill.[21] The 1922 amendment also directed the Governor to submit a budget to the Legislature containing his recommendation for state expenditures.[22]

Constitutional Amendments [23]

Constitutional amendments proposed by the Legislature require a two-thirds affirmative vote of the members of each house, and must be submitted to a direct vote of the people, and adopted and ratified by a majority vote of the qualified voters, before they become a part of our State Constitution.[24]

Prior to its being voted upon by the people, the Legislature may amend or withdraw the proposal.[25]

Although all proposed constitutional amendments are usually submitted to the people at the direct primary or the general election, a special election may be called by the Governor to be held throughout the state for the adoption or rejection of constitutional amendments or other measures.

Resolutions

Legislative constitutional amendments are, in fact, resolutions which propose to the people of the State of California amendments to the State Constitution.

There are three other kinds of resolutions used in the Legislature. Two of these, concurrent resolutions and joint resolutions, require consideration and adoption by both houses of the Legislature before they can take effect. House (Assembly) and Senate resolutions are adopted by the house of origin only. All resolutions require a majority vote for passage.

Joint Resolutions

Joint resolutions are those which relate to matters connected with the federal government.[26] These resolutions are used almost exclusively for the purpose of memorializing Congress—that is, expressing approval or disapproval by the California Legislature of legislation pending or proposed in Congress or programs and activities of the federal government. Additionally, the California Legislature utilizes joint resolutions to ratify amendments to the United States Constitution. (See also Chapter 2.)

Joint resolutions take effect upon their being filed with the Secretary of State.[27]

Concurrent Resolutions

Concurrent resolutions relate to matters to be treated by both houses of the Legislature, and are used for a variety of purposes, such as adopting the Joint Rules, creating joint committees, directing executive departments to make

[21] *Constitution of 1879,* Article IV, Section 10(b).
[22] *Constitution of 1879,* Article IV, Section 12(a).
[23] Amendments to the United States Constitution must be proposed by a two-thirds vote of both houses of Congress, or, upon application of the legislatures of two-thirds of the several states, Congress must call a convention for proposing amendments. In either case, the amendments become a part of the Constitution only when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress. *United States Constitution,* Article V.
[24] *Constitution,* Article XVIII, Sections 1 and 4. For amendment of the Constitution by the initiative, see Chapter III, *supra,* p. 38.
[25] *Constitution,* Article XVIII, Section 1.
[26] *Joint Rule 5.*
[27] *Government Code,* Section 9602.

specific reports to the Legislature, and memorializing the death of a Member or a former Member of the Legislature or their immediate families.[28]

Concurrent resolutions take effect upon their being filed with the Secretary of State.[29]

House and Senate Resolutions

House (Assembly) and Senate resolutions are the expression of one house of the Legislature and take effect upon their adoption. These resolutions are normally used to amend the house rules, to create committees, or to request a committee of the house to study a specific problem.

House resolutions and Senate resolutions are printed as separate documents in the same manner as bills. Resolutions, however, are not subject to the same 30-day waiting period that applies to bills. After a resolution is referred to committee, it may be acted upon. The previous practice in the Assembly of printing the text of house resolutions in the Journal of the Assembly was discontinued at the beginning of the 1991–92 Regular Session as a cost-saving measure.

Introduction of Bills

In the Assembly, the first bills are introduced on the first day of a biennial session. On that day, during the order of business ''Introduction and Reference of Bills,'' the Reading Clerk calls the roll from A to Z and, as each Member's name is called, the Member may introduce one bill or resolution.[30] In the Senate, and in the Assembly following the initial roll call, Members may introduce bills by presenting them at the Secretary of the Senate or the Chief Clerk's desk in their respective chambers.

Within the meaning of the Rules and usage and custom, the word ''bills'' includes house, concurrent and joint resolutions and constitutional amendments, unless joint and concurrent resolutions are specifically exempted by the language of a particular rule.[31]

Before the convening of each session, the respective houses provide the Legislative Counsel with printed covers for use in the preparation of bills for introduction.

The Joint Rules provide that ''No bill shall be introduced unless it is contained in a cover attached by the Legislative Counsel and unless it is accompanied by a digest, prepared and attached to the bill by the Legislative Counsel, showing the changes in the existing law which are proposed by the bill.'' [32] In addition to providing a summary of the changes in the existing law, the digest also contains the number of votes required to pass the bill, and indicates whether or not the bill contains an appropriation or a state-mandated local program.

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[28] *Joint Rules 5 and 34.2.* In practice, most memorials are done by a motion to ''adjourn in the memory'' of a prominent deceased citizen or elected official. Such memorial adjournments are printed in the journal. *See Assembly Rules 40, 45.5 and 54.*

[29] *Government Code,* Section 9602.

[30] *Assembly Rule 47; see also Senate Rule 22.*

[31] *See Joint Rule 6. See also Senate Rule 19; Assembly Rules 46, 66 and 73.*

[32] *Joint Rule 8.5.*

When the bill is drafted, its text is placed in Legislative Counsel computer storage and identified by a "request number." A typewritten copy of the bill and three copies of the digest are placed in a bill cover supplied by the house in which the bill is to be introduced. The title of the bill is typed on the cover, and the bill is then delivered to the author for introduction.

When the author wishes to introduce the bill, he or she delivers it to the Chief Clerk or Secretary who gives the bill a number. The Chief Clerk or Secretary notifies the Legislative Counsel that a bill bearing a particular request number has been introduced as Assembly Bill No. ____ or Senate Bill No. ____. The Legislative Counsel then extracts the text, adds the bill number and electronically transmits the text, digest and number to the Office of State Publishing.

One copy of the digest is retained by the author, one copy accompanies the bill to the printer, and one copy is retained by the Chief Clerk or the Secretary who provides additional copies for the press.

The Assembly Rules provide that the bill must be signed by the author and coauthors, if any, before it may be accepted for introduction.[33]

If any bill which does not comply with the foregoing requirements is presented to the Secretary of the Senate or Chief Clerk of the Assembly for introduction, the Secretary or Chief Clerk returns it to the member who presented it.

After the bill and its accompanying digest is placed across the desk and it has been numbered, the bill is read for the first time and referred to a committee.[34] The bill's number, the date of its introduction and first reading, the committee to which it is referred, the dates it is sent to and received from the printer, as well as any other clerical notations made necessary by a deviation from the ordinary procedure, are shown on the bill cover.

During a regular session, the date of the 31st day after the introduction of the bill is stamped by a clerk on the bill cover. No bill other than the Budget Bill, or a bill introduced in an Extraordinary Session, or a resolution, may be heard by any committee or acted upon by either house until 30 calendar days have elapsed following the date the bill was introduced. This provision, however, may be dispensed with by a vote of three-fourths of the members of the house which is considering the measure.[35] The front section of each Senate and Assembly Daily File charts the 31st day after each bill's introduction, providing the public, staff and clerks with a quick reference as to when the bill may be heard.

Upon introduction Assembly bill covers are white, while those used by the Senate are goldenrod. Covers for concurrent and joint resolutions and constitutional amendments are each of a different and distinctive coloring. The different colored covers provide the clerks with an easy method of identifying the various types of proposed legislation.

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[33] *Assembly Rule 47.*

[34] In the Assembly, the Chief Clerk, after notifying the Legislative Counsel of the new bill number assigned to the particular Legislative Counsel request number, sends the bill to be printed. The Rules Committee, at an open public meeting, then formally refers the bill to a policy committee. *Assembly Rule 51.* This introduction procedure is essentially the same in the Senate. *See Senate Rule 22.*

[35] *Constitution,* Article IV, Section 8(a). The bill must also have been in print for 30 days prior to being heard and acted upon. This provision of the Constitution may be dispensed with by a three-fourths vote of the House in which it is being heard (60 votes in the Assembly; 30 votes in the Senate). *See also, Joint Rule 55.*

A bill shall not contain any indication that it is introduced at the request of any person, state agency, or officer.[36] In addition, no bill may embrace more than one subject, which must be expressed in its title.[37]

Immediately after introduction, a computer printout is produced which provides several copies of the title of each bill. These titles are used to produce the legislative journals and histories.

The Assembly bills are sent to print immediately and, upon being returned, are delivered to the Assembly Rules Committee (see example on page 115). These bills are assigned to the appropriate standing committees at the Rules Committee's next meeting. After assignment, the bills are returned to the Chief Clerk who advises the appropriate Assembly committees that bills may be "picked up" at the Assembly Desk. Senate bills are assigned to committees prior to being printed and after printing are delivered to the Senate committees by the Secretary of the Senate. After receiving the necessary information, the Office of State Publishing produces copies of each bill for public distribution and review.[38]

At the same time bills become available in print, they are also available to staff through the Legislature's computer system, the Legislative Inquiry System (LIS). LIS is administered by the Legislative Data Center, which is under the direction of the Legislative Counsel. LIS provides an electronic version of the text of each bill upon introduction and at each stage of the amending process, as well as history actions and vote information. Most of this same information is also available to the public, free of charge, on the Internet.[39]

For convenience, bills are referred to or designated as AB for Assembly bills and SB for Senate bills. Concurrent resolutions are indicated by ACR or SCR, joint resolutions carry the letters AJR or SJR, and constitutional amendments are identified as ACA or SCA. A single house resolution in the Assembly is designated HR (House Resolution) and SR (Senate Resolution) in the Senate.

Restriction on Bill Introduction

Prior to the adoption of Proposition No. 9 at the 1958 general election, amending Article IV, Section 2, of the Constitution, almost all bills during the general sessions were introduced before the constitutional recess. The Constitution provided that no bills could be offered after the recess without the consent of three-fourths of the elected membership, and in no case could a member offer more than two bills subsequent to the recess. As a result, literally thousands of bills were introduced in the days preceding the recess. In 1957, for instance, more than 6,700 bills were introduced in the Legislature during the 19 days before the recess.

The budget session (even-numbered years), until it was abolished in 1966, was limited to the consideration of the Budget Bill, revenue acts necessary therefor, and the approval or rejection of charters and charter amendments of

[36] *Joint Rule 10.7.*
[37] *Constitution,* Article IV, Section 9.
[38] For provisions relative to the manner of printing of bills on their introduction, *see Joint Rules 8.5, 10, 10.7 and 12.*
[39] *Government Code,* Section 10248 (added by *Statutes of 1993,* Chapter 1235).

cities, counties, and cities and counties, and acts necessary to provide for the expenses of the session. There was no limitation on the number of bills that could be introduced in a Budget Session, as long as they pertained to the above subjects.

With the advent of the regular annual sessions beginning in 1967, there was no limitation on the number or type of bills that could be introduced at each regular session of the Legislature. The only limitation on bill introduction was contained in the Joint Rules. These Rules provided for unlimited bill introduction until March 15, after which date a Member was permitted to introduce three additional bills. If the Member desired to introduce an additional bill it was necessary to petition the Rules Committee, secure their favorable recommendation, and then offer and have a resolution adopted by a two-thirds vote of the members granting him or her permission to introduce the bill.

The rules in each house presently place a limit on the number of bills that can be introduced in a two-year session. A Senator may introduce a total of 50 and an Assembly Member no more than 40 bills in the regular session.[40] Assembly Members are also limited to five resolution introductions per session.[41] These limits are, in turn, subject to the Joint Rule deadline for bill introduction. After this deadline only committee bills, constitutional amendments, resolutions, Assembly bills approved by the Speaker, and Senate bills approved by the Senate Committee on Rules may be introduced.[42]

During extraordinary sessions, the Legislature has no power to legislate on any subjects other than those specified in the Governor's Proclamation which convenes it into extraordinary session, but it may provide for the expenses of the session and other matters incidental thereto.[43] There is no restriction on the number of bills which may be introduced, if they come within the purview of the items in the proclamation.

Governor's Reorganization Plans (GRP)

In California, the Legislature has the sole power to introduce bills. Although the Governor is required to draft a state budget plan by January 10 of each year, the actual legislation is introduced by state legislators and then substantially amended in each house. In addition, the Constitution grants the Governor, subject to the Legislature's approval, the authority to "assign and reorganize functions among executive officers and agencies and their employees." [44] These proposals to reorganize the Executive Branch are called "Governor's Reorganization Plans," or "GRP's." [45]

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[40] *Assembly Rule 49; Senate Rule 22.5.* House Resolution 4 of the 1993–94 session established the original limit of 50 bills. House Resolution 36, 1995–96 Regular Session, reduced the bill limit per member from 50 to 30. This 30-bill limitation first took effect during the 1997–98 Regular Session (House Resolution 1, 1997–98 Regular Session). In 2003, the Senate reduced from 65 to 50 the number of bills a Senator may introduce (Senate Resolution 8, 2003–04 Regular Session).

[41] This limitation includes House, Concurrent, and Joint Resolutions, but does not include resolutions for the organization of the house or resolutions introduced by the Speaker as part of a session honoring a retiring Assembly Member. *Assembly Rule 49.* These resolution introduction limitations were first implemented in the 2005–06 Regular Session.

[42] *Joint Rules 54(a) and 61.*

[43] *Constitution,* Article IV, Section 3(b). *See also Extraordinary Sessions, Ch. VI, supra,* p. 76.

[44] *Constitution,* Article V, Section 6.

[45] Two examples of GRP's: Governor Deukmejian submitted GRP No. 1 in 1984. This plan transferred functions from the State Personnel Board to the Department of Personnel Administration as it related to the official roster of civil service employees. GRP No. 1 took effect June 11, 1984. Governor Wilson submitted GRP No. 1 in 1995, transferring authority from the California State Police to the California Highway Patrol. This plan took effect July 12, 1995.

Main Book

GRP's are prepared by the Governor in bill form and language submitted to both Houses of the Legislature. The plan is assigned a number (e.g., GRP No. 1) and upon receipt each respective House assigns it to a Standing Committee for study and report.[46] The Legislature has 60 calendar days to act on the plan. It takes effect on the 61st day unless a resolution rejecting the plan is adopted by both the Senate and Assembly by a majority vote.

At least 10 days prior to the 60-day period, the Senate and Assembly Standing Committee in each House must submit a report in their respective Houses. The committee report may include a recommendation with respect to a resolution. Moreover, the resolution is only in order after a committee report is submitted or during the last 10 days prior to the 60th day.[47]

[46] *Government Code,* Section 12080.2.
[47] *Id.*

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL No. 392

Introduced by Assembly Member Chan

February 11, 2005

An act to amend Sections 18986.86 and 18986.87 of, and to repeal Section 18986.88 of, the Welfare and Institutions Code, relating to county integrated health and human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 392, as introduced, Chan. County integrated health and human services.

(1) Existing law authorizes Humboldt, Mendocino, and Alameda Counties, and any additional county or counties, as determined by the Secretary of the California Health and Human Services Agency, with the assistance and participation of the appropriate state departments, within the existing resources of those departments, to implement a pilot program, upon approval of the county board of supervisors, for the funding and delivery of services and benefits through an integrated and comprehensive county health and human services system.

This bill would instead authorize any county, with the assistance and participation of the appropriate state departments, within the existing resources of those departments, to implement a program, upon approval of the county board of supervisors, for the funding and delivery of services and benefits through an integrated and comprehensive county health and human services system.

(2) Existing law authorizes the integrated system to include specified health and human services.

This bill would authorize the integrated system to include, but not be limited to, those existing specified services and additional services and programs.

Example of a Bill (as introduced) from the 2005–06 Regular Session

Bills and Standing Committees

After introduction, bills are referred to the standing committees of the respective houses.

Though the rules of both houses provide that their committees must hold hearings and act upon bills referred to them as soon as practicable after they have been referred to them, certain requirements must first be met.

First, standing committees and their subcommittees are proscribed from taking action on a bill at any hearing held outside of Sacramento or during a joint recess. However, a committee may hear the subject matter of a bill during a period of recess, provided notice is published in the Daily File four days prior to such hearing.[48]

Next, during a regular session, committees must wait for a period of 30 days after a bill has been introduced and in print [49] before they may take action on it. These prohibitions may be dispensed with by an extraordinary vote in the house considering the measure.[50] This waiting period permits proponents and opponents to review the provisions of the bill and to prepare testimony for presentation to the committee.

Finally, a schedule or calendar of bills set for hearing is proposed by each committee. Publication of this list in the Daily File must occur at least four days in advance of a hearing by the first committee and two days in advance by subsequent committees of the same house.[51] For instance, a Senate or Assembly bill first referred to the Assembly Committee on Transportation must be noticed at least four days prior to hearing; if the bill is subsequently rereferred to the Assembly Appropriations Committee, the bill must then be noticed two days prior to hearing in that committee. If a committee wishes to hold an informational hearing on a general topic, a four-day notice is also required.

Publication of the lists of bills set for hearing gives notice to interested parties, including the general public, of the date and time when they may wish to appear before the committee to offer arguments for or against a bill. Occasionally, when a bill is of statewide importance or of a highly controversial nature, the date for its hearing is set a week or more in advance, to allow ample time for the attendance of those who live a considerable distance from the Capitol.

A bill may be set for hearing in a committee only three times. In order to be counted as one of the three "sets," notice of the hearing on the bill must be placed in the Daily File for at least one day. If the hearing of the bill is postponed at the committee's request, or if "testimony only" is to be taken, the hearing is not counted as one of the three times a bill may be set.[52]

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[48] *Joint Rule 60.*

[49] *Constitution,* Article IV, Section 8(a); *Joint Rule 55.*

[50] The vote required for dispensing with the constitutional provision is three-fourths of the house considering the bill; the joint rule may be dispensed with by a vote of two-thirds of the house but is usually suspended in conjunction with the constitutional provision, *Constitution,* Article IV, Section 8(a); *Joint Rules 10.8 and 55.*

[51] *Joint Rule 62(a).*

[52] *Id.*

The members of the various committees spend many long and studious hours considering the measures which have been referred to them. It is not unusual for a committee meeting begun during the day to continue well into the night.

Many times, opposition to bills can be overcome by amendments submitted in committee. Amendments proposed by the committees are seldom opposed by the house, since these amendments generally are offered to correct an error in the bill or to remove opposition.

Also, upon request of the author of a bill, the chair of the committee to which it has been referred may, without a committee meeting, cause the bill to be reported to the Assembly with the recommendation that the author's amendments be adopted and the bill be rereferred to the committee.[53] This procedure, known as author's amendments, permits the author to correct any errors in the original bill and to get his or her bill in the exact form he or she wishes it to be before presenting it to the full committee.

It must be noted that the standing committees of the Legislature have only the power to submit, recommend, or propose amendments to legislative measures. Amendments endorsed by a committee must be adopted by the house by a majority of the Members present and voting on second reading before they may become part of the bill. The general practice is that the House unanimously ratifies committee recommendations by adopting committee amendments on second reading. The adoption of amendments by the house does not mean that there will be no opposition to the amended bill when it comes up for final passage.

The Joint Rules of the Senate and Assembly are explicit regarding the conduct of the meetings of standing committees. A quorum must be present in order for a bill to be passed out of committee. When a committee takes action on a bill, the vote must be by rollcall. Further, all rollcall votes must be recorded by the committee secretary and transmitted to the Chief Clerk of the Assembly or the Secretary of the Senate for publication as part of the Journals of the respective houses. Committee actions are also published in a manner prescribed by each house.[54] Committee votes are also available at the official legislative information website (www.leginfo.ca.gov). In the event a bill fails to receive the necessary votes to pass it out of committee and reconsideration is not granted within 15 legislative days, it is returned to the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, and may not be considered further during the session.[55]

When a bill is reported out of a committee, the committee chairperson submits a report to the house indicating what recommendation the committee makes to the house, such as "do pass," "do pass, as amended," or any other determination made by the committee. The original bill accompanies this report. After the bill has been reported from committee, read a second time,

[53] *Assembly Rule 68; Senate Rule 27.5.*

[54] *Joint Rule 62(c); Assembly Rule 58.5.* In the Assembly the committee votes are published periodically as an appendix to the Assembly Journal. In the Senate they are printed weekly as part of the Senate Journal.

[55] *Joint Rule 62(a).*

and reported correctly engrossed,[56] the engrossed copy of the printed bill is inserted in a newly created bill cover (or ''jacket''), and used instead of the original typewritten bill. Engrossed bill covers are green for Assembly bills and yellow for Senate bills unless the measures include an urgency clause where Assembly bill jackets are red and those for Senate bills are orange. Under the direction of the Chief Clerk of the Assembly or Secretary of the Senate, the original bill is filed in the respective Engrossing and Enrolling office along with other legislative documents and amendments.

The biennial session is governed by constitutional deadlines for bills to be acted upon. The first occurs on January 31 of the second year of the biennium (2006), at which time those bills introduced in the first year of the biennium (2005) and still in the house of origin may no longer be acted upon by the house, and they are filed with the Chief Clerk or the Secretary of the Senate.[57] No bill may be presented to the Governor after November 15 of the second year of the session (2006). Another deadline occurs at the end of the second year, following adjournment *sine die* [58] (November 30, 2006), when all bills remaining in committee are returned to the Chief Clerk or Secretary.

After final adjournment, the Chief Clerk of the Assembly and the Secretary of the Senate file all the bills of the respective houses in the archives of the Secretary of State's office.

Second Reading and Engrossment of Bills

All bills reported out of committee are placed on the second reading file for the next legislative day. They may not be read a second time except under that order of business, and they must be read the second time in the order of their appearance upon the second reading file.[59]

After a bill has been reported from a committee without amendments, it is read the second time, and then sent to the Engrossing and Enrolling office in the Chief Clerk's office (if it is an Assembly bill), or to the Committee on Rules in the Senate (if it is a Senate bill). There, the printed bill is compared with the original bill and, after comparison, the bill is returned to the Assembly or Senate third reading file.[60]

This comparison of the printed bill with the original bill is called engrossing.[61] Both the Assembly and Senate have an Engrossing and Enrolling Clerk and each house engrosses its own bills. During this engrossment process the Engrossing and Enrolling Clerk is authorized to make technical corrections and changes in the printed bill and may also send ''queries'' to the Legislative Counsel Bureau when, in his or her professional estimation, there is a drafting error in the text of, or amendments to, a bill.

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[56] An engrossment is a proofreading and verification in order to be certain that the bill before the house is identical with the original bill as introduced, with all amendments which have been adopted correctly inserted. *Mason's Manual of Legislative Procedure*, Section 735.

[57] *Constitution,* Article IV, Section 10(c); *Joint Rule 56.*

[58] *Constitution,* Article IV, Section 3(a).

[59] *Assembly Rules 63 and 66; Senate Rule 29.*

[60] *Assembly Rules 66 and 67; Senate Rule* 32.

[61] *Assembly Rule 79; Senate Rules 32 and 33.* The engrossing and enrolling process is an ancient one; Blackstone in his *Commentaries,* published in 1765, states that when the house agreed or disagreed with the committee amendments or had added its own amendments the bill was ordered engrossed which literally meant written in a strong *gross* hand. *See* Cooley's Blackstone, *Commentaries on the Laws of England,* Callaghan and Company, 1899 (4th Ed.), Vol. I, p. 166.

In the event that the bill has been reported out of committee with amendments, and these committee amendments, or amendments offered from the Floor, have been adopted on second reading, it is reprinted, showing such amendments by the use of ~~strikeout type~~ for matter omitted, and *italic type* for the new matter.[62] Thereafter, the bill is referred to as of the date of last amendment, e.g., Senate Bill No. 406, as amended in the Senate April 19, 2005 (see example on page 122). Each time that the bill is amended it is reprinted; and after each reprinting, if the amendments were adopted in the house of origin, it is re-engrossed and a new bill cover and report are prepared to reflect the last amended version of the bill.[63] Any amendments made by the other house are proofread before the bill is enrolled.

In the Assembly, bills amended on second reading, whether by committee amendment or amendment from the Floor, shall be ordered reprinted and returned to the second reading file.[64] There is no such requirement in the Senate. In the Senate, a bill that is amended upon its second reading, whether by a committee amendment or an amendment from the Floor, is reprinted and is not returned to the second reading file, but is placed upon the third reading file and is eligible for passage the day after the adoption of the amendment.

Third Reading and Passage of Bills

The next step in the progress of the bill is its third reading. On the Floor of each respective chamber, immediately after the third reading of the bill, and prior to the final vote, the members present their arguments for and against the measure.

No bill may be considered or acted upon on the Floor of the Assembly unless and until a copy of the printed bill as introduced, a printed copy of each amended form of the bill, and an analysis of the bill edited and distributed by the Assembly Floor Analysis Unit of the Chief Clerk's Office, have been placed upon the desks of the members.[65] In addition, both caucuses provide partisan third reading analyses to their respective members.

Bills on third reading may be amended by motion from the Floor, and, if the motion to amend carries by a majority vote of those present, the bill is reprinted, engrossed, and returned to its original position on the third reading file. Each house has a waiting period for bills amended on third reading. Assembly Rule 69(d) requires that any bill amended on the third reading file must wait one calendar day after being amended before it is eligible for final passage. This waiting period provides more time to analyze the bill in its newly amended form before being voted on. Budget related bills are exempt from this waiting period. In the Senate, a bill amended on third reading is

[62] *Joint Rule 11.* If the amendments delete the entire contents of the bill, the matter deleted is not reprinted in "strikeout type" in the amended version of the bill. Instead, a brief statement is attached at the end of the bill identifying the previously printed version of the bill containing the deleted material. *Joint Rule 11.*

[63] *Assembly Rules 66, 67, 69 and 79; Senate Rule 32.* If the bill is amended in the other house it is not again read and checked until it has been passed by that house and returned to the house of origin, where it is read and checked. This final reading and checking of a bill after its passage by both houses is called enrolling the bill. *Joint Rules 24 and 26; Assembly Rule 79; Senate Rule 33. See also Government Code,* Sections 9502–9509.

[64] *Assembly Rule 67.*

[65] *Constitution,* Article IV, Section 8(b); *Assembly Rules 64, 68.6 and 69.5; Senate Rule 29.8.* Now that each Member has a computer on his or her chamber desk, the Assembly Rules provide that an electronic copy of bills, amendments, analyses, and conference reports meets any print requirements. Printed bills are still available in the chamber should any Assembly Member or member of press request a copy.

returned to second reading pursuant to Senate Rule 29.3, providing a similar waiting period before it returns to third reading for final debate and passage.

The Assembly Rules provide that amendments are not in order until a copy of the amendments are placed on the desks of the Members.[66] The Rules also require that the author draft the amendments in Legislative Counsel form. In addition, amendments from the Floor during a bill's third reading, which would make a substantive change in the bill, shall have an analysis prepared by the committee of origin in conjunction with the Assembly Floor Analysis Unit (a division of the Chief Clerk's office). A hard copy of the analysis is then distributed to the Members and also made available via the Assembly Floor System.[67]

The Senate requires that the Office of Senate Floor Analysis prepare an analysis of all bills on third reading. Additionally, any bill amended on the Senate Floor is not eligible to be taken up for passage until it has been in print for at least one legislative day.[68]

After any floor amendments have either been taken or rejected and the bill has been reprinted to reflect its final form, and after all debate on the bill has been concluded, a vote is taken by rollcall, and the bill is either passed or refused passage. It requires a majority vote of the membership of the Assembly (41 votes) to pass most bills. Certain measures, i.e., urgency bills, bills appropriating money from the General Fund (except money for the public schools), changes in state taxes for the purpose of increasing revenue, and Constitutional Amendments must receive a two-thirds vote (54 votes).[69] In the Senate, the vote required is proportionately the same—21 affirmative votes are required to pass most bills, and 27 affirmative votes are necessary to pass the others.

The Consent Calendar

During the 1959 Regular Session, the Legislature adopted joint rules permitting the establishment of consent calendars in the respective houses.[70]

A bill must conform to three basic requirements before it may be placed upon the consent calendar. First, the bill cannot be a revenue measure nor a bill upon which the 30-day constitutional waiting period has been dispensed with; second, the bill must receive a "do pass" or a "do pass, as amended" recommendation by a unanimous vote of the committee members present; third, the bill, in its final version as approved by the committee, cannot have had any opposition expressed to it by anyone present at the committee meeting.[71]

Having met these prerequisites, the bill may be reported out of the committee with the recommendation that it be placed on the consent calendar. The bill is then read the second time, the committee amendments, if any, are adopted, and the bill placed upon the consent calendar by the Chief

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[66] Assembly Rule 69.5 allows for electronic distribution of bill text in the Assembly.
[67] *Assembly Rule 69.* The Senate has a similar rule. *See Senate Rule 38.6.*
[68] *Senate Rules 29.3 and 29.8.*
[69] *Constitution,* Article IV, Sections 8(d) and 12(d), Article XVIII, Section 1, *Constitution,* Article XIII A, Section 3.
[70] *Joint Rules 22.1–22.3.*
[71] *Joint Rule 22.1.* The Assembly has added the additional requirement that the bill must not have received any *"no"* votes in any Assembly standing committee before it is eligible for Assembly Consent Calendar consideration. *See Assembly Rule 71.*

Clerk of the Assembly or the Secretary of the Senate. No consent calendar bill may be considered for adoption until the second legislative day following the day of its placement on the consent calendar.

If any member objects to the placement or retention of any bill on the consent calendar at any time before its final passage, the bill is returned to the third reading file.

Also, if any bill on the consent calendar is amended from the Floor, it automatically ceases to be a consent calendar bill, and is returned to the third reading file.[72]

Immediately prior to voting on the first bill on the consent calendar, the presiding officer in either house calls to the Members' attention that the next rollcall will be on the first bill on the consent calendar. Though consent calendar bills are not debatable, a reasonable time is allowed for questions from the Floor.[73]

Following the pause for questions, each bill on the consent calendar is read the third time, and voted upon.

[72] *Joint Rule 22.2.*
[73] *Joint Rule 22.3.*

AMENDED IN SENATE APRIL 19, 2005

SENATE BILL **No. 406**

Introduced by Senator Dutton

February 17, 2005

An act relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 406, as amended, Dutton. Workers' compensation: *medical* expenses and indemnity payments report.

Existing law requires every employer except the state to secure the payment of workers' compensation either by being insured against liability by one or more insurers duly authorized to write compensation insurance in this state or by securing a certificate of consent to self–insure from the Director of Industrial Relations.

This bill would require the~~ director~~ *Commission on Health and Safety and Workers' Compensation*, on or before June 30, 2006, to prepare a report to the Legislature regarding the feasibility of collecting and providing~~, through the director's Internet Web site, online, cumulative,~~ statewide *public agency* data related to *medical and indemnity costs and* payments made~~ to vendors and service providers, and indemnity payments to workers,~~ *by the state* and by employers~~ under~~ *that are* self–insured ~~programs~~.

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

The people of the State of California do enact as follows:

1 SECTION 1. (a) ~~The Director of Industrial Relations shall~~
2 ~~prepare a report regarding the feasibility of collecting and~~
3 ~~providing, through the director's Internet Web site, online,~~

Example of an Amended Bill from the 2005–06 Regular Session

Members Required to Vote

Whenever a rollcall is required by the Constitution or by rule (demanded by three Members, or ordered by the Speaker) every Member in the Assembly Chamber must record his or her vote openly and without debate, unless the Assembly shall, by a majority vote of the members present, excuse him or her from voting.[74]

The Senate Rules provide that a member answer "Aye" or "No" whenever a rollcall is required by the Constitution or by rule (ordered by the Senate, or demanded by three members).[75]

An electronic rollcall system has been installed in the Assembly Chamber for the recording of votes in the Assembly, but the Senate retains the method of orally calling the roll of Senators in alphabetical order.

The Assembly and Senate Rules both provide that no member shall be permitted to vote or change his or her vote after the announcement of the vote by the presiding officer.[76]

Both the Senate and the Assembly, by rule, have provided for the procedure to be followed in the event that a member refuses to vote.[77]

Absence of Quorum

At any time during the session of either house a member may rise to a point of order that there is an absence of a quorum. It is then the duty of the presiding officer to ascertain whether a quorum is present. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members. A quorum is defined as one-half plus one of the duly elected and qualified members of the house (41 in the Assembly; 21 in the Senate).[78]

Call of the House

The reason for a "call of the house" is different from that for a "quorum call." A call of the house is placed in order to compel the attendance of absent members and to require them to vote upon the matter before the house, even though those members necessary to constitute a quorum are physically present in the house at the time the call of the house is placed. A quorum call, on the other hand, is used to compel the attendance of the minimum number of members required to permit the house to conduct its business, and is not related to a specific matter before the house.

"After the roll has been called, and prior to the announcement of the vote, any member may move a call of the Assembly. The members present may order a call of the Assembly by a majority vote of the members present and voting, and the Speaker shall immediately order the Sergeant at Arms to lock all doors and shall direct the Chief Clerk to prepare a list of absentees as disclosed by the last rollcall. The list of absentees shall be furnished to the

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[74] *Constitution,* Article IV, Section 7(b); *Assembly Rules 104 and 105.*

[75] *Senate Rule 44.*

[76] *Assembly Rules 104 and 106; Senate Rule 44.* As a practical matter, Members of the Assembly are routinely allowed to "add on" to, or change their votes on, any rollcall, provided the addition or change doesn't affect the result of the vote as announced by the presiding officer.

[77] *Assembly Rule 104; Senate Rule 45.*

[78] *Constitution,* Article IV, Section 7(a); *Assembly Rule 4; Senate Rules 2 and 3;* and, *Mason's Manual of Legislative Procedure,* Section 500(2).

Sergeant at Arms. Thereupon no members shall be permitted to leave the Assembly Chamber except by written permission of the Speaker. No person shall be permitted to enter except members, Senators, or officers, attachés, or employees of the Legislature in the official performance of their duties.

"Those members who are found to be absent, and for whom no leaves of absence have been granted, shall be forthwith taken into custody wherever found by the Sergeant at Arms or his or her assistants or any person designated by the Sergeant at Arms, including members of the California Highway Patrol, and sheriffs or their deputies, and brought to the Assembly Chamber.

"No recess or adjournment shall be taken during a call of the Assembly. Additional business may be conducted and calls placed regardless of the number of calls in effect. A call of the Assembly may be dispensed with at any time upon a majority vote of the members present, such action to become effective upon the completion of the rollcall and the announcement of the vote upon the matter for which the call was ordered . . . ."[79]

The rule governing the call of the Senate, while different in some particulars, has a similar effect as the call of the Assembly, i.e., it compels the attendance of absent members for the purpose of requiring them to vote on the item under call.[80]

Reconsideration of Bills

When a bill has been passed by either house it shall be transmitted promptly to the other house with a message signed by the Secretary of the Senate or by the Chief Clerk of the Assembly, as the case may be, unless a motion to reconsider has been made or it is held pursuant to some rule or order of the house.[81]

In the Assembly, a motion to reconsider on the next legislative day the vote whereby any bill was passed or refused passage, or the vote whereby any motion, amendment, concurrence, Assembly resolution or proposition other than a bill was passed or refused passage, must be made on the same day the vote to be reconsidered was taken.

In the Assembly, no motion to reconsider shall be adopted unless it receives an affirmative recorded vote of 41 members. A motion to reconsider may be voted on without a second.

A motion to reconsider a vote must be made by a member voting on the question, and shall take precedence over all motions, except a motion to adjourn. The motion is: "I notice reconsideration on Assembly Bill ____."

Upon such motion being made, the matter to be reconsidered is placed upon the unfinished business file, and no further action can be taken prior to the next legislative day. When a motion to reconsider has once been made, it becomes the property of the Assembly, and, with the consent of the house, may be continued from day to day. A motion to reconsider which is neither taken-up nor continued lapses. Once a reconsideration motion has lapsed, the

[79] *Assembly Rule 101.*
[80] *Senate Rule 42.*
[81] *Joint Rule 21; Assembly Rule 100; Senate Rule 43.*

question or measure returns to the same position it held prior to the motion being made (e.g., if a motion to reconsider was made on a bill that had already passed, and on a subsequent legislative day the motion was allowed to lapse, the bill would be deemed passed).

Any member voting on any motion, amendment, Assembly resolution or proposition other than a bill or concurrence may move to take up on the same day the motion to reconsider such a question, previously made by another member. The motion to take up the reconsideration on the same day takes precedence over the motion to reconsider, and upon demand of any member, the motion to take up the reconsideration on the same day must be put to an immediate vote. If the motion to take up the reconsideration on the same day is adopted, the motion to reconsider becomes the next order of business before the house.

When reconsideration is granted, the matter to be reconsidered resumes its exact position before the Assembly voted on the question. The author may take it up immediately after reconsideration is granted.[82]

In the Senate, the procedure differs slightly. A motion to reconsider any question may be made by any member on the day on which the vote was taken. The motion may be considered on the day it is made, or on the succeeding legislative day, but may not be further postponed without the concurrence of 30 Senators.[83]

In the Senate, bills may be reconsidered by a majority vote (21) even though the bill required a two-thirds vote (27) for passage. Constitutional amendments that are adopted can be reconsidered by 14 votes, while constitutional amendments that have been defeated require a two-thirds vote (27) for reconsideration.[84]

Amendments by the Other House

After a bill has been passed by the house of origin, transmitted to the other house, and amended in the second house, it is immediately reprinted, as amended, by the house which adopted the amendment or amendments. A copy of the amendments are stapled inside the bill cover and endorsed as being ''adopted.'' When the bill is passed by the second house, the bill with the amendments attached is returned to the house of origin, where it is placed on the unfinished business file. Every time a bill is amended by the other house it is reprinted in its entirety, unless the amendment affects the bill's title only. Such an amendment must still be concurred-in by the house of origin.[85]

Concurrence in Amendments of Other House

When the Senate amends and passes an Assembly bill, or the Assembly amends and passes a Senate bill, the Senate (if it is a Senate bill) or the Assembly (if it is an Assembly bill) must either ''concur'' or ''refuse to concur'' in the amendments. If the Senate concurs (if it is a Senate bill), or the

[82] *Assembly Rule 100.* There are special provisions governing the motion to reconsider on the last two legislative days preceding the Interim Study Recess, January 31st of the even-numbered year, and the Final Recess. *See Assembly Rule 100(b)(1), (2) and (3).*
[83] *Senate Rules 43 and 47(2).*
[84] *Senate Rules 47(12), (20), (21) and (26).*
[85] *Joint Rule 25.*

Assembly concurs (if it is an Assembly bill), the Secretary or Chief Clerk notifies the house making the amendments and the bill is ordered to enrollment.[86]

If the bill up for a concurrence vote was substantially amended in the other house, there are procedures in the rules in each house for re-referring the bill to the appropriate committee for further review.[87] Absent such a referral, the concurrence vote proceeds and requires the same vote as is required for the passage of the bill. Assembly Rule 77 requires that an Assembly bill returning to the body for concurrence in Senate amendments must wait one calendar day before it is eligible to be taken up on the floor. This waiting period gives the Members, staff, and public ample time to analyze any changes the Senate made to the bill.

If the amendments add an urgency clause to the bill, the house must first adopt the urgency clause section by a two-thirds vote of the elected members, and then concur in the amendments by a two-thirds vote. If the affirmative vote on either of these questions is less than two-thirds, the bill goes to a conference committee.[88]

Conference Committees

If the Senate or the Assembly refuses to concur in the other house's amendments, the Senate Committee on Rules (if it is a Senate bill) or the Speaker of the Assembly (if it is an Assembly bill) appoints a Committee of Three (3) on Conference and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken and request the appointment of a like committee.[89]

Two of the members of such conference committee from each house must have been chosen from those voting with the "majority" (i.e., larger vote) and the other member from each house from the "minority" (i.e., smaller vote), if there is a minority vote, on the question in dispute.

The first Senator named on the conference committee acts as chairperson of the committee from the Senate, and the first Assembly Member named on such committee acts as chairperson of the committee from the Assembly. The chairperson of the committee on conference of the house in which the bill originated (the Assembly chairperson, if it is an Assembly bill, or the Senate chairperson, if it is a Senate bill) arranges for the times and places of the conference meetings, and directs the preparation of the conference committee report.[90]

All conference committees, including the conference committee on the Budget Bill, must be open and accessible to the public. All other conference committees must hold open public meetings which are noticed in the Daily File one calendar day prior to the meeting. [91]

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[86] *Joint Rule 26.*
[87] *Joint Rule 26.5; Senate Rules 28.5, 29.8 and 29.10; Assembly Rule 77.2.*
[88] *Joint Rule 27.*
[89] *Joint Rule 28.*
[90] *Joint Rules 28.1 and 29.*
[91] *Joint Rule 29.5(a). See also Government Code,* Section 9027; *Constitution,* Article IV, Section 7(c)(1).

The committee on conference reports to both the Senate and the Assembly. It requires the affirmative vote of not less than two of the Senate members and two of the Assembly Members of the committee to agree upon a report.

The report of the conference committee must be prepared in writing and signed by two Members of the Assembly and two Senators who agree to the report. Provision is also made for a dissenting conference committee member to file a minority report. Two signed copies of the report must go to the house of origin of the bill, and one signed copy must go to the other house. The conference committee's proposed amendments are inserted and the bill is reprinted in the form as proposed by the conference committee.

After the proposal has been in print and noticed in the Daily File for not less than one legislative day and in print for two calendar days, it may be voted upon. The report of the committee on conference is not subject to amendment, and if either house refuses to adopt the report, the conferees are discharged, and new conferees are appointed. However, no member may serve upon more than one conference committee on the same bill, and there can be no more than three conference committees on any one bill.[92] If the third conference committee fails to agree, or if either house fails to adopt its report, the bill is dead.

The vote required for adoption of the conference report is the same as the vote required for passage of the bill. If the amendments in the conference report add an urgency section to the bill, the urgency section must first be put to a vote. If adopted by a two-thirds vote of the elected members, the vote is then taken on the adoption of the conference report, which also requires a two-thirds vote. If the affirmative vote is less than two-thirds of the elected membership of the house, the report is refused adoption.[93] Both houses must agree on the conference report before it becomes effective.

When a conference committee is unable to agree upon a report (a vote of not less than two of the conferees of each house is required), a letter from the chairperson of the committee indicating that the committee is unable to submit a report is sent to the Chief Clerk of the Assembly and the Secretary of the Senate. Upon such notification, the conferees are discharged and other conferees appointed.[94]

The conference committee on the Budget Bill must report within 15 days after the bill has passed both houses. If they fail to do so, the Chief Clerk and the Secretary are notified and a new conference committee appointed in accordance with the Joint Rules.[95]

Enrollment of Bills

After a bill has passed both houses, it is returned to the house of origin. If the bill has not been amended by the other house, it is immediately sent to the

[92] *Joint Rules 29 and 30; Senate Rule 29.9; Assembly Rule 68.8.*
[93] *Joint Rule 30.5.*
[94] *Joint Rule 30.7.*
[95] *Joint Rules 29.5(b) and 30.7.*

Engrossing and Enrolling office of the Chief Clerk's office (if it is an Assembly bill), or to the Committee on Rules in the Senate (if it is a Senate bill), to be enrolled. If, however, the other house has amended the bill, such amendments must be concurred in before the bill may be sent to enrollment. If the amendments have not been concurred in, and the bill has gone to conference, the conference committee report must have been adopted by both houses before the bill is enrolled. Each house enrolls its own bills.

The bill is printed in enrolled form, omitting symbols indicating amendments, and compared by the Engrossing and Enrolling Clerk of the house where it originated to determine that it is in the form approved by the houses. The enrolled bill is thereupon signed by the Secretary of the Senate and the Chief Clerk of the Assembly, or their designees, and presented without delay to the Governor. After receipt by the Governor, the Chief Clerk and Senate Rules Committee must report to their respective houses of origin the time of presentation of the bill to the Governor, and the record must be entered in the Journal.

After enrollment and signature by the Secretary of the Senate and the Chief Clerk of the Assembly, or their designees, constitutional amendments, concurrent and joint resolutions are filed without delay in the office of the Secretary of State, the time of filing is reported to the house of origin, and the record is entered in the Journal.[96]

For example, during the 2003–04 Regular Session, there were 1,405 Assembly bills and 828 Senate bills enrolled and presented to the Governor, and a total of 360 constitutional amendments, joint and concurrent resolutions enrolled and filed with the Secretary of State, making a total of 2,593 enrolled measures for that session.[97]

Enrollment is the final legislative action taken on a bill before it is presented to the Governor. When the enrolled bill is delivered to the Governor, it shall be endorsed as follows: "This bill was received by the Governor this _____ day of _____, _____." The endorsement shall be signed by the Private Secretary of the Governor or by some other individual designated by the Governor, whose identity the Governor must make known to the Speaker and the President pro Tempore.[98]

Bills Signed by the Governor

The Governor, after receiving a bill from the Senate or Assembly, has 12 days in which to sign or veto it. Should the Governor fail to take any action, the bill becomes law without a signature.

The 12-day "signing" period is applicable to all bills that are presented to the Governor 12 or more days prior to the date the Legislature adjourns for a joint recess in the first year of the biennium, and on or before August 20th of the second year of the biennium. The applicable calendar date in the first year is based on the date both houses of the Legislature "consent" to adjourn for the interim recess and is subject to change. For example, in 1995, the

[96] *Government Code,* Sections 9507 and 9508; *Joint Rule 24.*
[97] *See, Final Histories of the Assembly and Senate,* 2003–04 Regular Session.
[98] *Government Code,* Section 9509.

Legislature adjourned for the interim recess on September 15th. The Governor had until October 15th to act upon any bill that passed the Legislature on or before September 14th and was presented to him on or after September 4, 1995.

In contrast, the recess date in the second year of the biennium is fixed by the State Constitution. Bills that are passed before September 1st in the second year of the biennium and which are in his or her possession on or after September 1st must be signed or vetoed by September 30th of that year or they become a statute without his or her signature.[99]

Any bill passed by the Legislature at a special session which is in his or her possession on or after the adjournment of the session becomes a statute unless the Governor vetoes the bill within 12 days by depositing the veto with the office of the Secretary of State.[100] Prior to 1973, the Governor could "kill" (i.e., defeat) a bill in his possession after the adjournment of a special session simply by refusing to sign it.[101]

When the Governor approves a bill, he or she signs it, dates it and deposits it with the Secretary of State. This copy is the official record and law of the state. The Secretary of State assigns the bill a number known as the chapter number. 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 bills were approved by the Governor.[102]

There is only one sequence of bill chapter numbers maintained for each year of the regular session of the Legislature. A separate set of chapter numbers is maintained for each extraordinary session.[103]

If a bill presented to the Governor contains one or several items of appropriation, he or she may eliminate or reduce any or all of them while approving the other portions of the bill. When the Governor executes this "item veto," he or she appends to the bill, at the time of signing it, a statement of the items to which he or she objects and his or her reasons therefor. A copy of this statement is then transmitted to the house in which the bill originated. The items then may be separately reconsidered and the vetoes sustained or overridden in the same manner as bills which have been vetoed by the Governor.[104] (See also page 108.)

Governor's Veto

When the Governor vetoes a bill, he or she returns it, with his or her objections, to the house of origin. The house may consider the veto immediately or place it on the "unfinished business file."

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[99] *Constitution,* Article IV, Section 10(b)(2). *Government Code,* Section 9516.

[100] *Constitution,* Article IV, Section 10(b)(4).

[101] This practice is commonly referred to as the "pocket veto."

[102] *Government Code,* Section 9510. This numerical sequence becomes extremely important, as the bill with a higher chapter number prevails over a bill with a lower number. For example, if the language of Section 400 of the *Government Code* as contained in Chapter 100 conflicts with the language of Section 400 of the *Government Code* as contained in Chapter 99, the language in Chapter 100 will prevail and the conflicting provisions of Chapter 99 are said to be "chaptered out."

[103] *Government Code,* Section 9510.5. Constitutional amendments and joint and concurrent resolutions adopted by both houses and enrolled during the session are designated as Resolution Chapter 1, et seq.

[104] *Constitution,* Article IV, Section 10(e). *Government Code,* Section 9511.

The Legislature has 60 calendar days, days in joint recess excluded, to act upon the veto.[105] If no action has been taken during this time, the measure is deleted from the file and the veto is effective.

Theoretically, the ability to override the Governor's veto gives the Legislature the ultimate control over exactly what is to become the law. Veto overrides are rare.

In 1979, the Legislature overrode the Governor's veto of two bills and eight items in the Budget Bill.[106] Prior to these overrides, the Governor's veto had been overridden on only two occasions since 1973.[107] The Legislature has not overridden a Governor's veto since 1979.

The result of sustaining the Governor's veto or failing to consider it in the time allotted is to "kill" the bill or to reduce or eliminate the appropriation as recommended.

If two-thirds of the elected members of each house disagree with the Governor, the bill as passed by the Legislature becomes law notwithstanding his or her objections.[108]

When the Legislature successfully overrides a Governor's veto, the bill, or items are authenticated as having become law by a certificate.

"The certificate shall be endorsed on or attached to the bill, or endorsed on or attached to the copy of the statement of objections. It shall be in the following form: 'This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both houses by the constitutional majority, has become a law this _____ day of _____, _____'; or, 'The following items in the within statement (naming them) having, after reconsideration, passed both houses by the constitutional majority, have become a law this _____ day of _____, _____.' A certificate signed by the President of the Senate and the Speaker of the Assembly is a sufficient authentication thereof." [109]

The bill or statement so authenticated is then delivered to the Governor, and by him or her deposited with the laws in the office of the Secretary of State. Bills so deposited in the office of the Secretary of State are given a chapter number in the same manner as bills approved by the Governor.[110]

When Laws Go Into Effect

With the exception of measures which take effect immediately, bills enacted in the first year of the regular session before the Legislature adjourns for the "interim study recess" shall go into effect on January 1 of the

[105] *Joint Rule 58.5.*

[106] Governor Brown's veto of SB 91 *(1979–80 Regular Session), Journal of the Senate, 1979–80 Regular Session,* p. 5196, *Journal of the Assembly, 1979–80 Regular Session,* p. 7565. Governor Brown's veto of AB 580 *(1979–80 Regular Session), Journal of the Assembly, 1979–80 Regular Session,* p. 6393, *Journal of the Senate, 1979–80 Regular Session,* p. 5677.

The Legislature also overrode Governor Brown's vetoes of eight items in the Budget Bill, SB 190 *(1979–80 Regular Session), Journal of the Senate, 1979–80 Regular Session,* pp. 6027, 6028, 6029, *Journal of the Assembly, 1979–80 Regular Session,* pp. 8318, 8319, 8333, 8334, 8351.

[107] Governor Reagan's veto of AB 855 *(1973–74 Regular Session). Journal of the Assembly, 1973–74 Regular Session,* p. 9831; *Journal of the Senate, 1973–74 Regular Session,* p. 7722 and Governor Brown's veto of SB 155 (death penalty) *(1977–78 Regular Session). Journal of the Senate, 1977–78 Regular Session,* p. 3895; *Journal of the Assembly, 1977–78 Regular Session,* p. 6553.

[108] *Constitution,* Article IV, Section 10. Prior to the ratification of Proposition No. 4 at the 1972 General Election (Assembly Constitutional Amendment 95), the Legislature recessed for at least 30 days upon concluding their work and then returned for up to five days for the specific purpose of reconsidering the Governor's objections to bills passed during the session. This provision was deleted in 1972.

[109] *Government Code,* Section 9513.

[110] *Government Code,* Section 9514.

following year.[111] For example, a non-urgency bill passed on September 5, 2005 would take effect on January 1, 2006. A non-urgency measure, however, that is enacted in the second year of the two-year session would go into effect on January 1 following a 90-day period from the date of enactment.[112] For example, a bill that is enacted on or before October 2, 2006 would take effect on January 1, 2007. In contrast, a bill enacted on October 3, 2006 or later would not take effect until January 1, 2008. However, the likelihood of a regular statute (non-urgency, non-tax levy, etc.) being enacted any time after August 31 in the second year is remote. In fact, the only regular (non-urgency, non-tax levy, etc.) legislation that can be enacted after August 31 in the second year would be a "regular" bill that was vetoed and then overridden by the Legislature during Final Recess. In other words, if the Governor vetoed a bill on September 28, 2006, and the Legislature were to reconvene and override the veto on November 3, 2006, the bill would go into effect January 1, 2008. This delay is imposed by operation of the Constitutional requirement that dictates a statute's effective date as occurring on January 1 *next following a 90-day period from enactment.*

By contrast, statutes enacted at a special session do not take effect until the 91st day after the adjournment of the session at which they were passed.[113] The delays in the effective dates of the statutes enacted at regular and special sessions provide a 90-day interval between the enactment and the effective date of the statute as is required by the Constitution in order to permit the circulation and presentation of a referendum petition requesting that the statute, or a part of it, be submitted to the electorate.[114]

Any amendment to or revision of the Constitution, proposed by the Legislature, must be submitted to the people for ratification. The amendment or revision is effective the day following its approval by a majority of those voting on the question at the election.[115]

Any measure or constitutional amendment submitted to the electorate through either an initiative or referendum petition, which is approved by a majority of the votes cast on the proposition, takes effect the day after the election, unless the measure itself provides for a different effective date.[116]

Adjournment

The regular session of the Legislature is adjourned "sine die" [117] by constitutional provision as of midnight on November 30 of the even-numbered year (e.g., 2006).[118]

The Constitution prohibits the Legislature from presenting the Governor with a bill after November 15 of the second year of the biennium. Thereafter, the Legislature will presumably recess, thereby enabling them to return to consider any bill vetoed by the Governor after that date. This would mean

[111] *Constitution,* Article IV, Sections 8(c)(2) and 8(d).
[112] *Constitution,* Article IV, Section 8(c)(1).
[113] *Id.*
[114] *Constitution,* Article II, Section 9(b).
[115] *Constitution,* Article XVIII, Section 4. *See also* p. 18.
[116] *Constitution,* Article II, Section 10(a).
[117] From the Latin meaning "without day" and is commonly used to designate the final adjournment of a legislative body.
[118] *Constitution,* Article IV, Section 3(a).

that the Governor would have until midnight November 27 to veto the bill, thus providing at least three days for the Legislature to take action before the two Houses are adjourned *sine die.*[119]

Prior to 1973, the annual regular sessions were not adjourned *sine die* on a specified date. A concurrent resolution, adopted by both houses, set the adjournment time. At the time appointed the presiding officers of each house announced that the time for final adjournment had arrived and declared the house adjourned *sine die* in accordance with the provisions of the resolution.

At the present time, the Joint Rules provide that the Legislature may recall itself from joint recess and reconvene the regular session. Upon reassembling it may consider any type of legislation, with the exception that when it is recalled on September 1 or after in the even-numbered year, it may consider only Governor's vetoes or urgency bills, bills calling elections, levying taxes or appropriating moneys for the usual and current expenses of the state.[120]

Final Disposition of Legislative Records

The Secretary of State is the custodian of the public archives of the state. The documents required by law to be filed, items ordered filed by the Department of General Services and any material the Secretary deems to have historical value are filed, indexed and preserved in vaults maintained by this office.[121]

These archives contain the original and official records of the State Legislature for all its sessions since 1849.

The Committee System

With the volume of legislation that is introduced and considered, it is impossible for each Member of the Legislature to review in detail all of the changes, additions and deletions that are proposed. In the course of a regular session, the Legislature will consider approximately 7,000 bills in addition to numerous constitutional amendments and other resolutions. To cope with the multitude and the variety of the subject matter contained in these bills, it has been necessary to devise and utilize a system of policy committees.

There are currently over 25 standing committees in the Assembly and over 20 standing committees in the Senate.[122] They may best be described as the basic working components of the Legislature. The total number of standing committees may fluctuate in a two-year session, but generally averages between 20 and 29 total committees in each respective House. Assembly Committees are created by House Resolution, and the memberships are appointed by the Speaker. Senate Committees are created by Senate resolution, with committee memberships appointed by the Senate Rules Committee.

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[119] *Constitution*, Article IV, Section 10(a).

[120] *Constitution,* Article IV, Section 10(a); *Joint Rule 52.* This authority to reconvene the Legislature should not be confused with the Governor's power to call a special session of the Legislature. The authority to reconvene may be exercised by the Speaker and President pro Tempore jointly or by petition of 10 or more Members of the Legislature.

[121] *Government Code,* Sections 12221, 12224 and 12227.

[122] *Assembly Rule 11; Senate Rule 12.*

The committees specialize in specific subject matter areas and are designed to treat the proposed legislation relating to their specialty. By referring the bills to committee it is possible to study, in depth, all the bills which have been introduced.

After the bill has been referred to a committee it is scheduled for hearing. At this point, the private citizen, the lobbyist and any other interested party may testify in favor of or in opposition to the bill. It is at this stage that many of the important policy decisions are made.

As a result of the manner in which the committee is appointed and the house's reliance upon the members' and the staff expertise in the area affected, the house usually concurs in the committee's recommendation. It should be borne in mind, however, that the house does have the final word on all legislation, and should it choose to disregard the committee's recommendation, it may do so. When the committee has completed its deliberations it returns the bill with its recommendation to the house.

In addition to standing committees of each house, the Legislature also establishes joint committees. The committees, composed of an equal number of Senators and Assembly Members, study subjects of mutual interest to both houses. These committees are established by statute, concurrent resolution, or the Joint Rules, and the membership and chairpersons are appointed by the Speaker and the Senate Rules Committee, respectively, unless the statute or resolution specifies otherwise.[123]

During the joint recess, the standing and joint committees of the Legislature conduct hearings throughout the state.[124] While they are not permitted to act upon bills during this time, they do elicit information and data leading to the eventual formulation of legislation.[125]

[123] See also *Joint Rules 36.5 and 36.7.*
[124] *Joint Rule 51.* This rule specifies the mandatory joint recesses for each biennium.
[125] *Joint Rule 60(c).*

An Assembly Rules Committee Meeting During 1969 Session

Shown from left to right: Assembly Members Ketchum, Mobley, Gonsalves, Chief Administrative Officer V. G. Neilsen, Chairman Chappie, Secretary Hazel Lombardo, Chief Clerk James D. Driscoll, Assembly Members R. Johnson, Burton, and Quimby.

The Rules Committees

There is in each house of the Legislature a Committee on Rules which acts as the executive committee of the house.[126]

At the beginning of each two-year session the practice is that the "majority party" proposes new House Rules, including the size of the Rules Committee membership. For example, the composition of the Assembly Rules Committee has varied from nine during the 1993–94 Regular Session to 12 during the second year of the 1995–96 Regular Session to 10 upon organization of the 1997–98 Regular Session. Since 2000, the Assembly Rules Committee's membership has consisted of 8 members. In the Assembly, the Speaker appoints the Chair, Vice Chair, and membership of the Rules Committee under the existing rules.

Within two days after the November general election in each even-numbered year, the majority and minority caucuses meet for the purpose of selecting their officers for the upcoming two-year session.[127]

The Senate Committee on Rules consists of the President pro Tempore of the Senate, who is chairperson of the committee, and four other Members of the Senate who are elected by the Senate.[128]

The rules of each house provide that the Rules Committee shall continue in existence during any recess of the Legislature, after final adjournment, and until the convening of the next regular session with the same powers and duties as while the Legislature is in session.[129] A very important function of the Rules Committees is to refer all bills and resolutions to the appropriate standing committees.[130]

The Rules Committees make studies and recommendations designed to promote, improve, and expedite the business and procedure of their respective houses and committees. Amendments to the rules are proposed by the committees when they are deemed necessary.[131]

Some of the important powers and duties the Rules Committees perform for their respective houses are: To authorize the appointment of employees, set their salaries, and adopt rules and regulations limiting the amount, time, and place of expenses and allowances to be paid to committee employees;[132] to approve all claims for expenses incurred by the house's committees, and to approve all proposed expenditures before the expenses are incurred;[133] and to assign the subject matter of bills recommended for study to the appropriate committees.[134]

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[126] *Assembly Rule 13; Senate Rule 11.*
[127] *Assembly Rule 13.1.*
[128] *Senate Rule 11.*
[129] *Assembly Rule 15; Senate Rule 13.*
[130] *Assembly Rules 14, 45 and 51; Senate Rules 12 and 22.*
[131] *Assembly Rule 14; Senate Rule 13.*
[132] *Assembly Rules 14 and 20; Senate Rules 13 and 13.1.*
[133] *Assembly Rule 20; Senate Rule 13.1.*
[134] *Assembly Rule 59.*

CHAPTER 38

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 2005. Filed with Secretary of State July 11, 2005.]

I object to the following appropriations contained in Senate Bill 77.

Item 0250-111-0001—For transfer by the Controller to the Trial Court Trust Fund. I reduce this item from $1,453,866,000 to $1,386,566,000.

I am reducing this item by $57,500,000 as a one-time base veto of a portion of the General Fund transfer to the Trial Court Trust Fund. This veto decreases the reserve in the Trial Court Trust Fund from $67,500,000 to $10,000,000, leaving a sufficient reserve in case revenues fall short of expected levels. The Trial Court Trust Fund does not need a large reserve since, pursuant to recent legislation, its primary fund sources now receive a statutory annual adjustment based on the increase in the State Appropriations Limit.

I am also reducing this item by $9,800,000. The Legislature adopted Uniform Civil Filing Fees trailer bill language that would bring in increased revenue of $14,750,000 in 2005–06 to the Trial Court Trust Fund. Of this amount, $4,950,000 will be available as additional expenditure authority to the Trial Court Trust Fund for the facilities program and the remaining $9,800,000 will offset the General Fund transfer. Since the Uniform Civil Filing Fee will not be implemented until January 1, 2006, the above amounts are for a half-year only and will be annualized in 2006–07. As such, the ongoing offset to the General Fund transfer will be $19,600,000.

Item 0520-001-9329—For support of Secretary for Business, Transportation and Housing. I delete this item.

I am deleting the $2,000,000 legislative augmentation that would provide loans to chrome plating businesses. This augmentation is associated with pending legislation and I am opposed to the appropriation of funds for legislation that has not yet been approved by the Legislature and the Administration.

Item 0540-001-0140—For support of Secretary for Resources. I revise this item by reducing:

(1) 10-Administration of Resources Agency from $8,378,000 to $8,362,000,

and by deleting:

(5.5) Amount payable from the River Protection Subaccount (Item 0540-001-6015) (–$16,000).

I am revising this item to conform to the action I have taken in Items 0540-490 and 0540-001-6015.

Item 0540-001-6015—For support of Secretary for Resources. I delete this item.

I am deleting this item to conform to the action I have taken in Items 0540-490 and 0540-001-0140.

Item 0540-490—Reappropriation, Secretary for Resources. I revise this item as follows:

"Notwithstanding any other provision of law, the period to liquidate encumbrances of the following citations are extended to June 30, 2006:

0001—General Fund

(1) Item 0540-101-0001, Budget Act of 1999 (Ch. 50, Stats. 1999)
(2) Item 0540-101-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)
(3) Item 0540-101-0001, Budget Act of 2001 (Ch. 106, Stats. 2001)

Page one of the 694-page Budget Bill of 2005 (SB 77) as chaptered. Historically, each house conducts hearings and crafts its own version of the budget, subsequently finalizing the budget language in a two-house conference committee and in negotiations among legislative leaders and the Governor.

To incur and pay expenses not otherwise provided for as they deem reasonably necessary, including the repair, alteration, improvement, and equipping of the respective chambers and offices through a process governed by competitive bidding.[135]

To assist the committee with its administrative, fiscal and business affairs, the Assembly Rules Committee employs a staff of secretaries and administrators, headed by the Chief Administrative Officer who is appointed by the Chair of the Rules Committee.[136] The Senate Rules Committee employs a similar staff, supervised by an Executive Officer, to assist it in the performance of its duties.

The Senate Rules Committee appoints members to Senate standing committees; the Speaker performs this function in the Assembly.[137]

The Fiscal Committees (Appropriations and Budget Committees)

The Assembly Budget Committee and the Senate Budget and Fiscal Review Committee are among the hardest working and most powerful committees of the Legislature. They are charged with forging a consensus out of the myriad demands made upon a State Budget which is now in excess of $100 billion.

Within the first 10 days of each calendar year,[138] these committees are the recipients of budget bills introduced simultaneously in each house. These identical bills are the result of many months of effort by the executive branch to establish the financial requirements of the state for the forthcoming fiscal year. Initially, then, the priorities reflect the determinations of the Governor. Once introduced, the budget bills immediately come under the scrutiny of the staffs of the fiscal committees of the Legislature and the office of the Legislative Analyst. Opinions are sought regarding every possible service and capital outlay imaginable and are reviewed at numerous hearings by various budget subcommittees.

So important is the attention to a balanced budget that the Constitution expressly prohibits the Legislature from sending to the Governor "any bill appropriating funds for expenditure during the fiscal year for which the budget bill is to be enacted, except emergency bills recommended by the Governor . . .".[139] Thus, every bill appropriating money from the General Fund which is passed by the Legislature prior to the enactment of the Budget Bill requires the Governor's request via a letter before being presented to him or her for signature.

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[135] *Assembly Rule 18; Senate Rule 13.2.*
[136] *Assembly Rule 14(e).*
[137] *Senate Rules 11 and 12.5; Assembly Rule 26(a)(6).*
[138] *Constitution,* Article IV, Section 12(a).
[139] *Constitution,* Article IV, Section 12(c).

Appropriations Committees

Any bill which: appropriates money; imposes new responsibilities or duties on the state; liberalizes any state function, program or responsibility; or results in substantial loss of revenue or reduction of state expenditures, must be heard by the Appropriations Committees in the Assembly and the Senate before it can be voted upon by the respective houses.[140] This means that any bill implicitly or explicitly touching upon one or more of the above criteria must pass through both policy and fiscal committees of both houses. The application of this rule requires these committees to review an estimated 80 percent of all bills considered by the Legislature.

The fiscal committees are generally not thought of as policy committees except for the Budget, although some measures are occasionally referred directly to these committees. The distinction is noted by the Joint Rules which establishes different deadlines for policy committee and fiscal committee action.[141] These staggered deadlines recognize the problem faced by authors of bills which must come under review by the fiscal committee after clearing the policy committee to which they were previously referred.

The Joint Rules Committee

The Joint Rules Committee consists of the Members of the Assembly Committee on Rules, the Assembly Majority and Minority Leaders, the Speaker of the Assembly, and four members of the Senate Committee on Rules. An additional number of Senators may be appointed by the Senate Rules Committee to maintain equality in the number of Assembly Members and Senators on the committee.[142]

The committee has a continuing existence and may meet and conduct business while the Legislature is in recess as well as during the time the Legislature is in session.[143]

The committee ascertains facts and reports its recommendations to the Legislature. Specifically, the committee concerns itself with the relations between the two houses and making recommendations to improve that relationship; changes in the law to cure defects affecting the Legislature; adjustments in legislative procedures governing the processing of proposed legislation; coordination of the work of the Assembly and Senate and their committees by eliminating duplication of effort.

The committee also is empowered to gather data and statistics it deems useful to the houses or the Members. It permits and approves the involvement of the Legislative Counsel in litigation.[144] The committee is also authorized to participate in the work of the National Conference of State Legislative Leaders.[145]

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[140] *Joint Rule 10.5. See also, Senate Rule 12(2).*
[141] *Joint Rule 61.*
[142] *Joint Rule 40.*
[143] *Id.*
[144] *Id.*
[145] *Government Code,* Section 9111.

All space in the State Capitol Building Annex, except the first floor of the annex, is allocated from time to time by the Joint Rules Committee in accordance with its determination of the needs of the Senate and Assembly and for facilities and agencies dealing with the Legislature as a whole, including press quarters, bill room, offices for the Legislative Counsel and for committees created by the two houses jointly.

The space thus allocated to the Senate and to the Assembly is allotted from time to time by the Senate Rules Committee and the Assembly Rules Committee, respectively.[146]

The committee appoints and employs the chairpersons and employees of all joint committees except those of the Joint Legislative Budget and the Joint Legislative Audit Committees. It employs its own staff headed by a Chief Administrative Officer.[147]

In summary, the committee's function is to facilitate and promote the joint legislative and committee functions of the two houses and to report to them on matters of mutual concern.

The Joint Legislative Budget Committee

In the 1930s, it became painfully obvious that the Legislature lacked the capacity to adequately analyze and review the fiscal implications and administrative effects of the Governor's proposals. The Chief Executive had at his command a sizable staff to collect data to substantiate and press for his programs. The Legislature found itself unable to initiate a positive program. It was in the position of reacting to the Governor's proposals rather than acting in an independent or affirmative manner by utilizing its own sources of information.

Recognizing the state of affairs, the Legislature, in 1941, passed a bill establishing a Legislative Audit Bureau.[148] This bill was subsequently vetoed by the Governor. Reacting to the Governor's veto, the Legislature promptly amended the Joint Rules creating the Joint Legislative Budget Committee.[149] The committee immediately employed the first Legislative Analyst.

The committee was reconstituted at each successive session by the adoption of the Joint Rules, until 1951, when it was established on a permanent basis by statute.[150]

The committee consists of eight Assembly Members and eight Senators appointed by the Speaker and the Senate Rules Committee, respectively. The chairperson is elected by the committee from its membership.[151]

The rules of the committee require that a quorum consists of at least four members from each house. Its duties are to ascertain facts and to make recommendations to the Legislature and to each of the houses concerning the State Budget, the revenues and expenditures of the state, the organization and

[146] *Government Code,* Section 9108.
[147] *Joint Rules 40(i) and 40(j).*
[148] *1941 Regular Session,* Assembly Bill 1129.
[149] *Statutes of 1941,* Resolution Chapter 117.
[150] *Government Code,* Sections 9140–9143.
[151] *Government Code,* Section 9141; *Joint Rule 37.*

functions of the state, its departments, subdivisions, and agencies, and such other matters as may be provided for in the Joint Rules of the Legislature.

The committee may also render services to any other investigating committee of the Legislature pursuant to contract between it and the committee for which the services are to be performed.[152]

The Joint Legislative Audit Committee

California's Legislature established the Joint Legislative Audit Committee by statute in 1955. In establishing the committee, the Legislature recognized the need for a postaudit independent of the audit performed by the executive branch of the state government. Through its own audits and investigations, the Legislature can test the reliability of the financial and operating information that is used in the decisionmaking process.[153]

The Joint Legislative Audit Committee consists of seven Senators and seven Assembly Members. Four Assembly Members and four Senators constitute the quorum necessary to conduct the committee's business.[154] Members of the committee are appointed under the provisions of the Joint Rules of the Senate and Assembly. Senate members of the committee are appointed by the Senate Committee on Rules, and Assembly Members are appointed by the Speaker; the chairperson of the committee is selected by the membership of the committee.[155]

The committee is a factfinding and investigative committee which transmits its reports and recommendations to the Senate and Assembly for further action by the policy committees.

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[152] *Government Code,* Section 9142; *Joint Rule 37.*
[153] *Government Code,* Sections 10500–10504.1.
[154] *Joint Rule 37.3.*
[155] *Joint Rules 36.5 and 37.3.*