

Hi, this is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli, and also an adjunct professor at McGeorge School of Law in its Capital Lawyering Program. Today we're continuing our discussion of common misconceptions about the California legislative process. Today's podcast deals specifically with bill referrals.

So the first misconception is that only spot bills cannot get referred to a policy committee. Spot bills are not referred to Committee in either house. See, for example, Assembly Rule 51.5. In addition, note, that the Senate does not refer bills to committee that only call for studies or reports. However, the Assembly does refer such measures to committee. In addition, the Assembly imposes a deadline for amendments to all spot bills in order for those bills to be timely referred to a policy committee while the Senate does not have such a rule.

Misconception: The appropriations committees determine whether a bill have a fiscal impact and therefore are referred to the fiscal committees for consideration. Well, under Joint Rule 10.5, the Legislative Counsel keys a bill fiscal and does so without any input from neither the Department of Finance, nor the Legislative Analyst, nor the appropriations committees in either house. By the way, it's estimated that about 80% of all bills are deemed by Legislative Counsel to have a fiscal impact.

Misconception: Only appropriations bills are keyed fiscal. Again, Legislative Counsel determines whether a bill has a fiscal impact. A fiscal bill is generally defined as one that is a measure that contains an appropriation of funds or that requires a state agency to incur additional expense. So, the Legislative Counsel's designation of that fiscal impact appears at the end of the Legislative Counsel's digest in the printed the bill amongst the keys.

Misconception: A motion to concur or not concur is not in order until the Legislative Counsel's digest has appeared in the Daily File. Under Joint Rule 26.5, that is true. However, a motion is in order even if the digest has yet to be printed, so long as an analysis of the bill has been prepared and distributed to the members on the floor. And, by the way, this rule can be suspended by a mere majority vote of the respective house's members.

Misconception - and the last one here: If the Legislative Counsel's digest discloses that an amendment has made a substantial substantive change to a bill, as it first passed out of its house of origin, then the bill MUST be referred to the appropriate standing committee, when that bill that's been amended in the other house, returns to its house of origin for a concurrence vote. Well, this issue's addressed by Joint Rule 26.5. So in the case of Senate Bill amended by the Assembly, that bill is referred to the Senate Rules Committee by request of the Rules Committee Chair. In the case of an Assembly Bill that's been amended in the Senate, that bill may be referred by the Speaker to the appropriate standing committee.

Thanks for listening to this discussion on bill referrals.