

Hi, this is Chris Micheli, with the Sacramento governmental relations firms of Aprea & Micheli, and an adjunct professor at McGeorge School of Law. Thanks for joining today's podcast on a bill's keys.

What exactly are they? Each bill in the California Legislature contains certain features, such as an enacting clause, a title, the author's name, the bill number, our Legislative Counsel's Digest, among numerous other provisions. At the end of the Legislative Counsel's Digest is a line of what they call keys. It lists four items: vote, appropriation, fiscal committee, local program.

For the vote, it specifies is it a majority, 2/3, even in some rare instances you could have a 4/5. For the appropriations key, fiscal key, and local program key there's a yes or a no answer following it. Again, these are the four keys of the bill. They're determined by the Office of Legislative Counsel for each bill that office drafts.

The four keys are, what's the vote requirement for the bill in order to pass? Second, does the bill appropriate funds? Third, should the bill be referred to the fiscal committee, which of course is called the Appropriation Committee in both houses? And fourth, does the bill impose a state mandates local program? Let's take a look at each of the four keys.

Again, the first is vote. What's the vote requirement for the bill to pass? In other words, what vote threshold must be met? As you may be aware, most bills in the California Legislature require a simple majority vote. That's 21 votes in the 40-member Senate and 41 votes in the 80-member Assembly. But there are other vote thresholds includes 2/3 and even 4/5 for some selected measures. These vote thresholds are found in the California Constitution or the Government Code. The key specifies which of these vote thresholds is required.

Appropriation, does the bill appropriate funds? If the bill results in an appropriation from the state's General Fund or any Special Funds, then an appropriation would be proposed by the bill. The key specifies a yes, that the bill would result in an appropriation, or a no, that the bill would not appropriate funds.

The third key is fiscal committee. The Joint Rules of the Assembly and Senate help guide the Legislative Counsel. Joint Rule 10.5 governs this determination because this particular Joint Rule provides guidance to the Office of Leg Counsel when determining whether a bill should be keyed as a fiscal bill. If the Legislative Counsel that a bill is fiscal, then the measure is supposed to be referred to the Appropriations Committee in each house. On the other hand, if a bill is not keyed fiscal, then the bill is sent normally to a policy committee or two for a hearing unless the Appropriations Committee requests and received that bill by its respective Rules Committee.

Joint Rule 10.5 lists basically four reasons that the bill appropriates money, results in a substantial expenditure of state money, results in a substantial increase or loss of revenue for the state, or results in a substantial reduction in expenditures of state money by reducing, transferring, or eliminating any existing responsibilities of any state agency, program, or function. Based upon the language of this Joint Rule there are four instances in which a bill is keyed fiscal.

Finally, the last key is local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs that are mandated by the state. Statutory provisions establish procedures for making that reimbursement pursuant to Part 7, which starts with Section 17500, of Division 4 of Title II of the California Government Code. As a result of this statutory provision, if the state's Commission on State Mandates determines that the bill contains costs that are mandated by the state of California, then reimbursement of those costs must be made pursuant to this section of the Government Code.

The most common example of this is when a bill expands the definition of a crime which thereby imposes a state-mandated local program. As you would expect, the key on the bill specifies yes when the bill would result in a state-mandated local program, or no when the bill would not result in such a mandate.

That's an overview of a bill's keys in the California Legislature. Thanks for joining today's podcast. Hope you enjoyed it.