

Hi, this is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law in its Capital Lawyering program. Thanks for joining today's podcast on lobbying bill referrals.

An area that is rarely talked about in California's capitol community concerns the infrequent lobbying of bill referrals. In other words, how does someone get a bill referred to a favorable committee, or perhaps an unfavorable committee, or even to multiple committees?

In most instances, the policy committee to which a bill will be referred is relatively straightforward. For example, a bill amending the Code of Civil Procedure is most likely to be referred to the Judiciary Committee in either house. Similarly, a bill amending the Streets and Highways Code will often be referred to the Transportation Committee in either the Senate or the Assembly.

Nonetheless, sometimes a lobbyist may want a bill to be referred to a friendlier committee, perhaps for a sponsored bill, or a more hostile committee for a bill that he or she opposes. This raises the question naturally of how does a lobbyist try to influence where a bill will be referred by the respective Rules Committees of the Senate and the Assembly?

There really is little formal guidance on lobbying bill referrals. And few lobbyists ever try to influence where a bill is or is not referred. As such, the best advice is like that which is given in other similar lobbying situations. It's usually most valuable to talk with all the persons who can and do provide input on the referral of bills in the Assembly and the Senate.

While the bill referral process is often clear, there are occasions when a lobbyist would prefer a bill go to a specific committee, or even two or three committees, as well as instances where he or she wouldn't like a bill to go to a particular committee for its composition, how it views a policy issue, for whatever reason. In those instances, a determination must be made about possible committees that may be appropriate recipients of the bill.

First, you've got to review the bill in detail. You should review the Code section or sections that are being added, or amended, or repealed in the bill. This is often the key issue for determining where is the appropriate policy committee for a bill to be referred.

What's the subject matter of the bill? Obviously, policy committees have jurisdiction over subject matters. And take a look, of course, at the committee's membership and the staff to determine how that particular bill might be received by that committee.

Once you've determined where a bill would ideally be referred or not referred to, then you need to tackle the respective Rules Committee, the Assembly for an AB and the Senate for an SB in the house of origin, and then obviously switched when they move over to the other house.

In each house there's a staff person who is responsible for reviewing and recommending all bill referrals. This person's title is the Bill Referral Consultant. When it comes to lobbying the Rules Committee, just with other committees in the Legislature, there are members, the Chairs, and the Vice Chairs of these committees. First, after talking with the Bill Referral Consultant who is initially charged with reviewing and making recommendations regarding

to which committee or committees a bill should be referred, then you got to go and tackle the members of the Rules Committees, starting first with the Chair and the Vice-Chair.

Note that in addition to their own review and analysis, the Bill Referral Consultants work with individual policy committee consultants in their respective houses in order to help in making the correct bill referral determinations. Now, ultimately, the decision is made by a majority of the full Rules Committee, but they generally follow the Chair's recommendation, who in turn follows the Bill Referral Consultant's recommendation.

In the vast majority of recommendations, it's done unanimously by the Rules Committee members. But there are instances, for example, where the minority party would like a bill to be referred or not to be referred to a particular committee. As a result, it's important to communicate with both the Rules Committee staff as well as the Republican Caucus consultant who handles bill referrals. That Republican Caucus consultant can be found in both the Assembly Republican Caucus staff office as well as the Senate Republican staff office. You'll also want to talk with the policy and fiscal committee staff of the possible recipients of that bill.

Sometimes bill referrals can be controversial because referral of a bill to a particular committee could mean the bill's easy passage or likely failure. As a result, lobbying on bill referrals can create additional tensions and controversies on a particular measure. In general, bill referrals are first made upon the committee's subject matter jurisdiction and then the Rules Committee consultants look to how were prior bills of the same or similar nature treated, i.e., where were they referred? And then, of course, they considered the requests made by the committees. And then those determinations, again, are discussed between the Bill Referral Consultant and the policy committee staff.

I hope you enjoyed this brief look at lobbying bill referrals in the California Legislature. Thanks for joining.