The California Legislative Process: Resources for Citizen Engagement

A Quick-Start Guide for Academics, Activists, and Everyday Citizens

Following what happens in the state legislature can seem like a daunting task to the uninitiated citizen. But with a little work and the right resources, keeping up with legislative activity is easier than it's ever been. Not easy, but easier.

In an effort to simplify the process for the academic community (and other casually interested parties), this document lists some of the key online resources for researching, tracking, and understanding state legislation.

Specifically, it's designed to help the reader answer the following questions:

1. Where can I learn more about a bill?
2. What bills should I be following?
3. When does legislative activity take place?
4. Where can I watch hearings and hear stakeholder testimony?
5. Do all bills go to heaven?
6. How can I propose a bill?
7. How can I keep up with news about legislation?
8. How can I better understand the legislative process?

Additional resources and a more detailed guide for using LegInfo are located in the Appendix.

1. <u>Where can I learn more about a bill?</u>
   - "I saw an article about a bill, but what does it actually do? Who supports; who opposes?"
   - "When will SB 32 come up for a vote in committee? How did my local legislator vote in the last hearing?"

California Legislative Information (LegInfo)

LegInfo is the primary public resource for looking up and tracking factual information about bills - bill language, votes, committee analyses, hearing dates, support and opposition, etc. You can also set keyword alerts to see new bills which get introduced and to find out what bills impact your specific interest area, although I would recommend using the lists below instead (or better yet, ask a stakeholder).

Once you've identified a bill that you want to track, you can easily sign up for e-mail alerts for activity on the bill – amendments, hearing dates, votes, etc. A more detailed LegInfo tutorial is included in the appendix.

2. <u>What bills should I be following?</u>
Just about every advocacy group keeps a running list of legislation they are tracking for their members/clients. While most are not public; CalChamber manages a public, exhaustive, and diligently updated bill list for its members. Regardless of the degree to which CalChamber reflects your political philosophy, the operative attribute here is exhaustivity. Relevant subject lists for energy policy enthusiasts include:
   - Climate Change
   - Energy
   - Transportation and Infrastructure
   - Environmental Justice
   - Air Quality

For a quick fix, check out CalChamber's list of JOB KILLERS or the California League of Conservation Voters Issues List.

3. <u>When does legislative activity take place?</u>

To the outside observer, it can seem like legislative activity occurs in random, infrequent, and unpredictable spurts throughout the year. In reality, the vast majority of bills follow some variation of the generalized schedule below:

- **January to March:** "Bill Introduction"
    - Bills are introduced. They are often vague, inconsistent, or otherwise not ready for primetime.
    - Many (most?) bills will never move past this step in the process.
- **March to June:** "House of Origin"
    - Assembly bills are heard in the Assembly; Senate bills are heard in the Senate.
    - This is the period during which some "rough draft" proposals start to become more coherent.
    - Many bills die in this time period; some return from the dead later in the year.
- **July to September:** "Concurrence"
    - Assembly bills are heard in the Senate; Senate bills are heard in the Assembly.
    - Bills in this period are taking firmer shape and are more likely to pass, though negotiations and revisions often continue into the final hours.
    - Many bills die in this time period; a few return from the dead before the end of the year.
- **September to October**: "Bill Signing"
    - The Governor has one month from the final day of the legislative session to sign or veto bills passed by the Legislature.
    - Many bills die in this time period; many return from the dead (the following year).

When and how frequently you tune in is likely to be a function of your level of engagement. Many casual observers will be satisfied with seeing only what the Governor signs or vetoes; fools like the author of this guide seem to enjoy the journey as much as the destination.

In general, it's worth checking in June to see what proposals are out there and again in August/September to see what has a realistic chance of being sent to the Governor. If you are tracking a specific bill, set an alert in LegInfo; if you are interested in an issue area, check out the relevant committees' websites.

*Specific calendar dates fluctuates from year to year. For specific dates, see the Legislative Calendar.

4. <u>Where can I watch hearings and hear stakeholder testimony?</u>
   - "SB 32 is facing a really tough vote in the Assembly on Thursday and I'm biting my nails. Where can I catch it live?"
   - "Why did SB 32 just fail? What happened in committee last week? Who are these 'Mod Dems?!'"

Next to actually talking with legislators and stakeholders, watching a hearing is the best method of understanding *the upside down* of the legislature – the subtle, parallel political process which accompanies the formal procedural process of policy evaluation.

Almost every legislative hearing is recorded and available publicly online. For context, the general flow of a bill hearing is as follows:
   - The bill's author makes a short presentation (~1-10 minutes)
   - Supporters of the bill testify (~2-3 minutes each, max, most much less)
   - Opponents of the bill testify (~2-3 minutes each, max, most much, much less)
   - Committee members comment and ask questions of the author, or, more rarely, of witnesses (~0 minutes - 2+ hours)
   - Roll call vote (1 minute)

The California Channel (CalChannel)

This is the only source for live video. In addition to bill hearings, CalChannel provides informational hearings, press conferences, and State of the State addresses (which have a surprisingly high frequency of major energy policy announcements).

Live video is fairly easy to figure out; archived videos a little less so (see Digital Democracy for a better source for viewing recorded hearings).

Digital Democracy

Digital Democracy is a very useful tool for searching and viewing bill hearing videos and machine-generated transcripts. It's new, so videos only go back a few years, and while not all transcripts are exact, it's a tremendous improvement from sifting through hours of footage for a five minute bill presentation.

For example, one can instantly find the video and transcript of every hearing on a bill, watching every single comment made on the bill by a legislator or stakeholder throughout its entire existence.

Similarly, one can very simply search for a speaker or organization – for example, a specific lobbyist, a specific trade association, a specific legislator – to see how they act and how they engage on specific bills. A fun exercise for getting to know your local legislative representative, the NGO hitting you up for money, your local utility, etc.

5. <u>Do all bills go to heaven?</u>
   - "I was really excited about the bill to mandate 100% bike-powered freight deliveries in disadvantaged communities, but I never heard about it after June. What happened?"

One of the first lessons taught to new legislative staffers is this: *Never fall in love with your bill.*

As noted briefly in the above section, many bills fail to make it across the finish line. What happens? Outlined below are some of the most prominent end-of-life scenarios for legislative proposals in order of when they might occur in the process:

1. **Never taken up for a vote:** Many bills are never formally considered by a committee. This can happen for several reasons:
   a. The author recognizes that the bill has insurmountable issues and chooses not to move forward
   b. Everyone but the author recognizes that the bill has insurmountable issues, and the Committee Chair / Staff convinces the author not to move forward

2. **Fails in committee:** Very few bills fail a public committee vote. This generally only happens because:
   a. The author knows he or she lacks support, but wishes to bring the bill up for a vote to make a statement (press releases follow).
   b. The author believes he or she has support through a negotiated compromise, but the agreement falters prior to the vote due to miscommunication, aggressive opposition lobbying, or both.

3. **Held in the Appropriations Committee:** Nearly all bills of substance pass through the Appropriations Committee's *Suspense File*, a 2-3 week holding zone between policy committees and a floor vote. A majority of significant, controversial bills which are not destined for success die here because:
   a. A bill has glaring, unresolved policy concerns with few signs of improvement, despite having been passed by several policy committees as a "work-in-progress."
   b. A bill has political issues which could result in a damaging, politically compromising "floor fight" in which legislators much pick between equally flawed, no-win voting options.
   c. A bill has "author problems," meaning its author is out-of-favor among other legislators. Author problems may arise from criminal allegations (e.g. spousal abuse, federal corruption charges, or weapons trafficking) or simply the political baggage of being a Republican and/or not playing nice with legislative leadership.

4. **Fails a Floor Fight:** A "floor fight" is a politically contentious bill hearing on the Senate or Assembly floor. Contentious floor fights are not uncommon, but the majority of bills which are taken up for a floor fight are taken up because the author believes he or she has the votes for passage. For reasons why these may fail, see *Fails in Committee* (2).

5. **Subsumed by Other Legislation:** Occasionally, a bill which has failed in one of the above stages (or remains active) may be incorporated into a different bill on a related subject or incorporated into one of the budget trailer bills.

6. **Vetoed:** Every Governor has a different approach to the veto pen. Governor Brown has taken a liberal approach to vetoing legislation, extending his reputation for asceticism to legislation which threatens to impose on the state coffers. Additionally, vetoes can arise due to:
   a. Philosophical differences: "Not every human problem deserves a law." (Brown, 2011, vetoing a bill requiring children to wear ski helmets.)
   b. Unresolved agency or administration concerns with a bill.
   c. Failure by the Legislature to pass related (or unrelated) proposals from the administration.

7. **Chaptered:** Congratulations! Your bill has become law. Unless…

8. **Overruled by Supreme Court:** Many controversial bills face legal challenges on a variety of grounds, some more legitimate than others. In energy, these often involve:
   a. Revenue – Is it a tax, a fee, a market mechanism, or a mystery?
   b. Interstate Commerce – Are California windmills better than Wyoming windmills?
   c. Pre-emption – Can California develop its own rules for tailpipe emissions?

9. **Ballot Box:** If the opposition really hates your bill, they might attempt a referendum, a confusing process by which voters must affirm a law on their voting ballots, or a proposition to explicitly overturn your bill. While few bills face challenges by ballot box, the ones that do often tend to be major. This can occur because:
   a. A well-funded opposition group *really hates* your bill. This is not a decision made lightly – ballot measures often cost each side tens of millions of dollars (e.g. overturning AB 32).
   b. A political or activist group *really hates* your bill (e.g. mandatory vaccinations).
   c. A political group thinks that a ballot measure will increase voter turnout among their members (e.g. the completely hollow Citizens United ballot measure). These are often put on the ballot by the Legislature themselves.

If your bill has survived all of the above challenges, it could be on the books for the next hundred years. Or it could be amended out of existence by a new bill in six months. Good luck!

6. <u>How can I propose a bill?</u>[1]
   - "There ought to be a law…"
   - "Not every human problem deserves a law."

Have you come to the realization that our state is imperfect? Identified an economically sub-optimal policy? Experienced a moment of injustice? Figured out the perfect minimum wage? Congratulations – perhaps you can propose one of the thousands of bills that churn through the legislature each year. Perhaps you'll even propose one of the lucky dozens that gets signed into law by the Governor.

But long before that step, it's important to do some soul searching. Can you answer the following questions?
   - Articulate your proposal in thirty seconds or less. How does it sound? How would the average voter react to your proposal?
   - What action, if any, has the legislature taken on this or related issues in recent years? What action, if any, have state or federal agencies taken on this or related issues in recent years? Has your idea (or a variant thereof) been proposed previously?
   - How does your proposal fit into existing policy frameworks? Is there another venue that would be more appropriate, such as a local government, state agency, or court?
   - Is your proposal consistent with the powers enumerated by the California constitution? Is it consistent with the constraints of federal law?
   - Who would support your proposal? Who would oppose? How would your opposition characterize your proposal?
   - How would a journalist characterize your proposal? How would an AM radio host characterize your proposal?
   - Are you willing to fight hard and lose? Are you willing to accept a compromise? Would you be sad if your bill dies along the way?

OK, you're satisfied with the answers you've provided above. What's next?

   - **Writing the bill language**: You don't need to be a lawyer to propose a bill. In fact, there is an entire corps of attorneys employed by the legislature specifically to write legislation. To access this resource you need to find a…
   - **Bill author:** A bill without an author is just an idea. To introduce a policy proposal into the legislative process, it must be sponsored by one or more legislative authors. This is an important consideration. Who you select to author your bill can dramatically impact its chances of success. A successful author needs to be thoughtful, well-liked, committed to

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[1] **Disclaimer:** Proposing a successful bill is a feat achieved by very few. This guide is intended only to highlight that challenge – there is an entire industry dedicated to passing and killing legislation. If you are serious about pursuing legislation, consult a professional.

the cause, and skilled at negotiation. Should you take the first offer you get? Depends how good your idea is.

- **Committees:** Committees are the sieves of public policy. If your bill is to be successful, you need to convince committee staff (and ultimately, committee chairs) that your bill is worth approving. Identify relevant committee staff early and reach out.
- **Stakeholders:** Ditto committees. Identify stakeholders early and reach out. Don't underestimate the ability of well-heeled opposition to torpedo obvious, no-brainer bills.

Raising a bill takes a village, and you're going to need help. Reach out to the resources you have available to you. For example:

- If you believe that California's minimum auto insurance liability coverage of $15,000 for the death or injury of one person is absurdly low… contact:
  - The consultants to the Senate Insurance Committee or the Assembly Transportation Committee
  - The Legislative Office of the California Department of Insurance
  - The trial attorneys and the auto insurance trade associations
- If you believe that every new building in California should come with a natural gas-fired fuel cell someone else pays for… contact:
  - The consultants to the Assembly Natural Resources Committee or the Senate Environmental Quality Committee
  - Bloom Energy, the California Building Industry Association, Pacific Gas and Electric or Southern California Edison
  - The Natural Resources Defense Council

It can be tricky connecting with these groups. The Secretary of State's Cal-Access page is your key to finding the contact info for lobbyists. For instance, entering "University of California" in the Cal-Access search bar will provide contact information for the lobbying arms of UCOP, the Faculty Association, and the UC Student Association, among others.

7. <u>How can I keep up with news about legislation?</u>

Rough and Tumble News Aggregator – One Stop Shop
- Rough and Tumble is a well-curated, daily news aggregation site with the top policy and political articles, editorials, blogs, etc. It's the first website most legislative staff and lobbyists open in the morning and is really the one-stop shop for staying in the loop on high-level Sacramento activity. If there were a required reading list for California voters this would be towards the top.

Other state policy and political news resources:
- Los Angeles Times Essential Politics
- SacBee Capitol Alert
- Capitol Weekly

- Around The Capitol (incl. "The Nooner" newsletter)

Energy specific policy news
- Energy Institute @ Haas
- Utility Dive
- GreenTech Media
- Sammy Roth, The Desert Sun

8. <u>How can I better understand the legislative process?</u>

More resources for the committed. You may be surprised how accessible legislative staff is if you have expertise or knowledge on a relevant issue (particularly over the Summer or Fall Recess periods). Don't call them if you're looking to rant – or if you do, don't tell them I sent you.

- State Assembly Homepage
- State Senate Homepage
- California State Senate – A Citizen's Guide
- Department of Finance –Detailed Legislative Process for Agency Staff (Budget Focus)
- How a Bill Becomes a Law Flowchart
- Who's My Legislator? (Davis, CA: Sen. Bill Dodd and Asm. Cecilia Aguiar-Curry)
- Who's My Lobbyist?
   - Search under "Lobbyist Employers" – You may be surprised how many you have (your employer, your union, your city and county, your bank, your utility, your CCA, your cellphone carrier, your dentist, your grocery store…)

Where can I learn more about energy legislation and policy?
- Assembly Natural Resources Committee (Cap & Trade, Emissions)
- Assembly Utilities and Energy Committee (Elec. and Gas)
- Senate Energy, Utilities, and Communications Committee (Elec. and Gas)
- Senate Environmental Quality Committee (Cap & Trade, Emissions)
- Senate EUC Committee - Background on Electricity Policy
- CPUC Legislative "Umbrellas"
- ARB Laws and Regulations
- CEC Office of Government Affairs

Appendix A – LegInfo Tutorial

See below for a short tutorial on the basics of LegInfo's search and tracking features.

Specific Bill Look-up and Tracking - e.g. What is going on with that 50% RPS bill, SB 350?

Lookup:

1. http://www.leginfo.legislature.ca.gov
2. Select "Bill Information" tab
3. Enter bill number and "session" (e.g. 2015-2016), search, select relevant bill
   - Example: To look up the 50% RPS bill, enter "350" and "2015-2016".
   - Select "SB-350" (SB = "Senate Bill", as opposed to AB = "Assembly Bill" or AJR = "Assembly Joint Resolution")
   - If you don't know the bill number you can search by author or keyword, but will have to comb through to find the specific bill.
4. The landing page for SB 350 will be the latest bill language, which in this case is the final bill chaptered by the Governor.
5. If you are interested in what this bill actually did, select the "Today's Law As Amended" tab. This shows a "track changes version" of the bill relative to then-current law. This is often much more useful than simply seeing the final, unformatted version chaptered by the Governor. You can also see prior iterations of the bill with the "version" tab, but this is returned as edits upon edits and is often an extensive process to untangle.
6. Select the "Bill Analysis" tab to download PDF analyses of the bill, which include the third-party support and opposition to the bill as of that hearing.
   - Example: Download the "9/10/15 - Assembly Natural Resources" file to see that committee's final SB 350 analysis.
   - The analyses, which contain commentary, legislative history, and support and opposition are generally the most valuable tool for understanding a bill. They are generally released the day prior to the bill's hearing and reflect the then-current language of the bill - so you can see the evolution of a bill and third-party positions on it as it moves through the process

Tracking:

1. Login/Create a free account.
2. Find the active bill you are interested in tracking using the steps above. Because SB 350 is no longer active (signed by Gov. in 2016), we'll look-up one of the energy bills introduced in 2017, Assembly Bill 79 (Levine).
   - Example: Select AB 79 by searching the current session (2017-2018) for "79".
3. From the AB 79 page, select "Track Bill." Unless you plan on being very engaged (showing up to a hearing to testify), I would suggest only receiving notifications on:
   - "Amended"
   - "Floor Results"

- "Final Results"
4. Those will give you the results after a vote or when the bill is amended, which is enough for the casual observer.
5. Alternately, if you want to avoid email clutter, you can select "Add to My Favorites" so you can easily check the status as desired from the LegInfo
6. Note that AB 79 was vetoed by the Governor on October 3. Why? Unfortunately, veto messages are not currently available through LegInfo. Instead, these are hidden within press releases from the Governor announcing the batch signing / veto of legislation. These can be searched for on gov.ca.gov (e.g. "AB 79"), or, with luck, using the following hyperlink format:

> https://www.gov.ca.gov/docs/[BILL NUMBER]_Veto_Message_[YEAR].pdf
> [BILL NUMBER] = "AB_79 "
> [YEAR] = "2017"
> https://www.gov.ca.gov/docs/AB_79_Veto_Message_2017.pdf

Bills which are signed are generally not accompanied by signing messages, with some exceptions.

Keyword Search / Tracking - e.g. Does the legislature have any bills on coal power plants this year?

1. Login/Create a free account.
2. Select "Bill Information" tab.
3. Select "Text Search"
4. Search for your desired keywords.
   - Example: Searching for "coal" in the 2017-2018 session returns two bills, including AB 79 which we saw above.
5. To sign up for notifications on other coal-related bills that may be introduced this year, select "Track the KEYWORD(S)"
6. I recommend using this as a filter for bills as they get introduced, and only very narrowly to avoid being overwhelmed with e-mails during busy periods. To do so, only select "Across the Desk" to be notified when bills are initially introduced – and be prepared to unsubscribe from some (or many) if your keyword search is too broad.

Keyword Tips

1. Specificity is key.
   - Example 1: Searching for "renewables" in the 2015-2016 session returns 140 bills.
   - Example 2: Searching for "renewables" and "2030" returns 26 bills.
   - Example 3: Searching for "renewables" and "2030" and "environmental justice" returns 3 bills: SB 350 (De Leon) and the two omni-bus state budget bills which are hundreds of pages and include every imaginable keyword.

2. Because many bills contain platitudes known as "findings and declarations," they often contain keywords not actually relevant to the bills themselves. You'll also get a lot of (Republican) bills which were dead before they were imagined. In short, you'll be overwhelmed by the sheer volume of bills (as are most legislators). I try to remedy this by pairing keywords and using jargon which comes up less frequently. Some examples:

- "Renewables Portfolio Standard" and "Utility"
- "Utility" and "Time-of-use"
- "Fuel Cell"
- "Net energy metering" instead of "solar"
- "Megawatt" or "Kilowatt" instead of "electricity"

Appendix B – Sample Bills

So now you're an expert on looking up bills. But what should you look up? Here's a far-from-exhaustive list of bills which may provide some insight on the legislature's multi-faceted role in regulating energy:

Climate:
- SB 32 (Pavley, 2016)
- AB 197 (Garcia, 2016)
- AB 32 (Pavley, 2006)

Renewable(s) Portfolio Standard:
- SB 350 (De León, 2015)
- SB 1139 (Hueso, 2014)
- SB 1122 (Rubio, 2012)
- SB-X 2 (Simitian, 2011)
- SB 107 (Simitian, 2006)
- SB 1078 (Sher, 2002)

Deregulation:
- SB 286 (Hertzberg, 2016)
- AB 2145 (Bradford, 2014)
- SB 695 (Kehoe, 2009)
- AB 117 (Migden, 2002)
- AB 6X (Dutra, 2001)
- AB 1890 (Brulte, 1996)

Customer Generation:
- AB 1637 (Lowe, 2016)
- AB 2339 (Irwin, 2016)
- AB 327 (Perea, 2013)
- AB 2514 (Bradford, 2012)
- SB 594 (Wolk, 2012)
- AB 510 (Skinner, 2010)
- SB 1 (Murray, 2006)
- SB 656 (Alquist, 1995)

Energy Efficiency:
- SB 350 (De León, 2015)
- AB 802 (Williams, 2015)
- SB 765 (Wolk, 2015)
- AB 1330 (Bloom, 2015)

Customer Rates:
- AB 1530 (Levine, 2015)
- AB 327 (Perea, 2013)
- AB 1755 (Perea, 2012)
- SB 695 (Kehoe, 2009)
- AB 265 (Davis, 2000)

Nuclear Power:
- SB 418 (Jackson, 2013)
- AB 1632 (Blakeslee, 2006)

Generator Emissions:
- AB 1937 (Gomez, 2016)
- SB 180 (Jackson, 2015)
- SB 1368 (Perata, 2006)

Energy Storage:
- AB 2868 (Gatto, 2016)
- AB 1637 (Lowe, 2016)
- AB 2514 (Skinner, 2013)
- SB 861 (Budget, 2014)
- AB 970 (Ducheny, 2000)

Electric Vehicles:
- SB 350 (De León, 2015)
- SB 1275 (De León, 2014)
- AB 1092 (Levine, 2013)

Vehicle Emissions:
- AB 8 (Perea, 2013)
- AB 1493 (Pavley, 2002)

Urban Planning:
- SB 743 (Steinberg, 2013)
  - SB 375 (Steinberg, 2008)