

## California Legislative and Regulatory Terminology

### Enacted Laws - Distinguish between Statutes, Code Sections and Regulations.

**Statute** – A Statute is a legislative proposal that is enacted into law. Every law enacted by the legislature is enacted as a Statute.

**Chaptered Statute** – the Statutes enacted each year are published in Statute book. Within the volume the Statutes are organized in the order they took effect. Ordinarily that reflects the order in which the Governor approves the proposals. After the Governor signs the bill the Secretary of State assigns a Chapter number to the enacted statute, hence the term Chaptered Statute which refers to law that has been approved and assigned a Chapter number by the Secretary of State. Thus the first bill signed by the Governor in a given year is assigned as Chapter 1, the second is Chapter 2, etc.

The Chapter assigned identifies the law in the annotated codes. Following each section, the history will refer to the chaptered statutes that affected the section by a small c. or ch. Followed by a number. For example, c.123 of 1995 refers to Chapter 123 of the Statutes of 1995.

**Codes** - are an organizational scheme developed by legislature that effectively allows statutes to be deconstructed and reassembled in the various logical locations within already existing laws on the subject.

**Uncodified Statute** - A bill approved by the legislature and signed by the governor that, organizationally, has not been formatted for incorporation into a Code. Originally, all statutory law was enacted as uncodified statutes (See definition for Chaptered Statute above). Codes were created by Statutes to provide a secondary organizational structure to make the law more accessible.

**Regulations** are laws adopted by Regulatory agencies within the executive branch pursuant to delegations of authority by a legislature. Regulations are found in the California Code of Regulations. The legislature has no direct involvement in promulgating regulations.

### Legislative Bills -

**Assembly Bill/Senate Bill** - A formal proposal to add, amend or repeal some provision of statutory law. Historically printed on newsprint in a roughly 5x7 format, since 1995 bills are available online at the Legislative Counsel Website. If the bill is introduced in the Assembly it is and will always be an Assembly Bill, if introduced in the Senate it is and will always be a Senate Bill. However the substantive provisions may be moved from one bill to another by amendment.

Each time a bill is amended, the bill is reprinted with the date of the amendment at the top of the first page. Thus, when the Legislature speaks of an "amended version" of a bill, they refer to the bill as it existed after the changes adopted on a particular date.

### Terminology regarding the legislative process -

**Concurrence** - After the second house approves a bill, it goes back to the floor of the house of origin for concurrence in the other house amendments.

**Consent** - When a bill is considered uncontroversial, it may be presented on the floor as part of a package of bills presented simultaneously on what is called the "Consent Calendar." Floor analyses for bills on the Consent Calendar are termed consent analyses.

**Fiscal Committee** - Each house maintains one committee to consider all bills that might impact the state budget. Fiscal committees are not concerned with policy; their task is budgetary.

**Floor** - Shorthand for Assembly floor, or Senate floor; refers to matters under consideration by the entire Assembly or Senate, as opposed to matters being considered by committees composed of some portion of the entire body.

**Floor analysis** - When a bill is up for approval on the floor of the Senate or Assembly, each legislator receives an analysis of the bill, either a Senate Floor analysis, or an Assembly Floor analysis. Confusing matters in recent years, Assembly floor analyses of Senate bills are titled "Senate Third Reading" even though the analysis is prepared by the Assembly for use by Assembly members. The three primary forms of floor analyses are Third Reading, Concurrence and Conference Committee analyses.

**Legislative Analyst** - The Legislature's budget arm, counterpoint to the Governor's Department of Finance. Legislative Analyst analyses are very common in legislative files. The Legislative Analyst focuses on the state budget, which limits the utility of these analyses for legislative intent questions of substantive law.

*(Political sidelight - for many years the Legislature felt it was disadvantaged in budget negotiations by the lack of trained staff, since the Governor had his Department of Finance to rely upon. But the legislative attempts to create a Legislative Analyst were repeatedly vetoed by the Governor. The Legislature finally crafted an office using Legislative Rules. Later, the Governor's relented and the office is now statutory).*

**Legislative Counsel** – Attorneys to the Legislature, the Office of the Legislative Counsel drafts the language of bills, prepares summaries of legislation, and renders legal opinions on questions of law posed by legislators. Legislative Counsel regards their relationship with the Legislature as an attorney-client relationship, so opinions rendered to individual legislators are confidential. However, the legislators sometimes release the opinions, or deposit them in legislative files, where they become accessible to the public.

**Policy Committee** - Committee focusing on specific topics in the law to make the initial policy investigation into legislative bills. As an example, bills dealing with local government issues will be assigned to the Local Government Committee. The Assembly and Senate both maintain numerous standing committees on different topics that continue from session to session, and also appoint shorter-term committees from time to time to address particular topics.

**Third Reading** - Legislative rules require that each bill must be read on the floor three times before it can be approved. Thus when a bill is up for third reading, it is at the point of a final vote on approval/rejection.

**Third Reading Analysis** - The floor analysis prepared for a bill up for final vote in the Assembly or Senate.