

The Inner Workings of the Legislature Disclosed

by Paige Smith

We've discovered that legislative procedure is complex and interesting and we're learning more about it every day. We hope the following description will inspire you to take part in the legislative process. If you'd like more detail than I can squeeze in here, the various rules that govern the legislature are found in the California Constitution, and the Senate, Assembly, and Joint Rules, all of which can be accessed at the Senate web site. The more we know, the more effective we can be.

Each legislative session is a two-year-long event. Bills can be introduced at the beginning of each year of the session, until the last week of February, and there is a big rush to get thousands of bills introduced in time. If a bill isn't quite ready by the deadline, a "spot bill" can be introduced instead to serve as a foot in the door for the bill to come. Then, after introduction, the spot bill can be amended to say what the legislator had in mind in the first place.

Once a bill is introduced, it goes to the house Rules Committee which assigns it to a policy committee for study and hearings. Usually bills are assigned according to topic (e.g. education bills to the Education Committee, etc.), but if a bill covers more than one area, the Rules Committee, with input from the author, makes the final decision.

The policy committee studies the bill and takes testimony from proponents and opponents during committee hearings. The committee can take several actions at the time of the hearing including: Do Pass, Amend and Do Pass, No Action, Hold in Committee (or "kill"), Re-refer to Same Committee, or Send to Interim Study. If a bill does not pass a hearing, reconsideration may be granted one time. Sometimes, if an author feels a bill will not do well in the hearing, he or she will cancel the hearing and set a later date, but this can only be done three times (unless the hearing is postponed by the committee rather than the author). The bill can also be made a "two-year bill," which means that it will be held over for the hearing process until the second year of the legislative session. Getting a bill through the committee process can be tough, and sometimes by the time a bill makes it through it has been amended so substantially it is virtually a new bill.

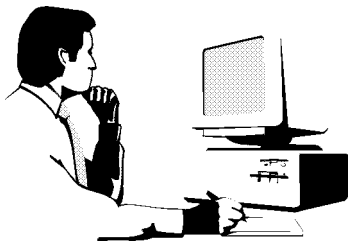
Bills which are passed out of the policy committee are either sent over to the appropriations committee if they would have a

fiscal impact, or directly to the second reading file. They are then read a second time and placed on the agenda, or "daily file" for third reading, debate and vote. (All of these hearing and daily file schedules are available to read on the Internet at the Senate site.)

Most bills which have passed through committee easily are likely to pass the third reading/roll call vote, but passage cannot be taken for granted. Bills need differing numbers of affirmative votes to pass, depending on whether they are normal or urgency or appropriation bills and based on the number of legislators in the house. (See "Bill to Law" chart.) If a bill's future looks shaky at this stage, it may be placed in the "inactive" file while the author drums up support for it, and be brought to the floor later by a vote of the house. However, a bill must be passed out of the house of origin by early June, so can't be set aside for too long. Bills which pass the third reading/roll call vote are sent on to the other house, where the whole process begins again.

After the third reading/roll call vote in the second house, a bill that passes is returned to the first house, with or without amendments. If the house of origin agrees with amendments made by the second house, the bill is sent on to the Governor for signature. If not, a conference committee composed of three members each from the Assembly and Senate meets to work out a compromise which is reported to both houses for a vote. If the compromise passes both houses, the bill goes on to the Governor. If not, a second or third conference committee can be formed to work on the bill. If any conference committee fails to produce a compromise report to the legislature, the bill dies.

Now the Governor has 12 days to veto or sign or approve the bill without signature. If the Governor vetoes the bill, it can still become law if passed by a two-thirds vote in both houses. If the bill stays alive through this process, it goes to the Secretary of State to be "chapters" or given a code number, and takes effect on January 1 of the following year if it was enacted by October 2. Any bills with an urgency clause take effect immediately after they're chapters. Surprisingly enough, even with all these complicated steps to pass through, well over a thousand bills become law after each legislative session.



Tips for Online Research

For your research, here's a preliminary list of keywords to try: homeschool, home and education, home and study, private and school, private and education, truant, compulsory and attendance, compulsory and education, career and work, school and work, private and elementary, private and secondary.

As you'll note, many of these keywords are actually two words, linked by a "boolean connector" such as "AND" "OR" and "NOT," which enables you to search by more than one word at once. For example, "law AND legal" will get you any bill that contains both terms, "law AND (legal OR court)" will bring up documents that contain the terms law and legal as well as those with law and court. Each search engine has slight variations in the rules, so check the "help" section before you begin complicated searches. And, even with the most sophisticated search terms, be prepared for a pretty long list of bill numbers to look through.

Anatomy of a Bill

Bill number and title: SB 514 Education curriculum: Great Irish Famine.
BILL NUMBER: SB 514 AMENDED 04/22/97
BILL TEXT

Principal author is listed first. AMENDED IN SENATE APRIL 22, 1997
INTRODUCED BY Senator Hayden
(Principal coauthor: Assembly Member Shelley)

Date bill was introduced. FEBRUARY 20, 1997

Date of this amendment.

Sections of the California Code(s) to be added or amended. Almost all of California's laws are organized into one of twenty-seven codes.

Coauthors who wish to support or be identified with the bill are listed here and can be from either house.

Legislative Counsel is employed by the Legislature to draft all bills and write a summary digest describing how the bill will change current law.

Most bills require a majority vote of both houses to pass and then take effect on the first day of January following their enactment. Bills with appropriations (requiring funding/spending of money) or are urgency bills (to take effect immediately) require a 2/3 vote.

Text of the bill as amended. (The ellipses are ours and indicate parts left out to accommodate our available space.

Italics, or in some cases brackets with a + sign, indicate text to be added.

Strikeover text, or brackets with a - sign, indicate text to be deleted.

Why read this bill? In this case, it might have amended Ed. Code Section 51220, which outlines the course of study required to be taught in all California public and private schools, and therefore, all homeschools.

What do we look for? How the bill might affect us. If the bill would have a negative effect, we would consider possible amendments that would make it less problematic. Or we may continue to watch it for amendments that would change it from having no effect on us, to having a negative effect on us.

Bill number and house of origin. SB = Senate, AB = Assembly. Bills are numbered in order of introduction. This was the 514th bill introduced in the Senate during the 1997/1998 session.

An act to amend ~~Sections 51220 and Section 51226.3~~ of the Education Code, relating to educational curriculum.
LEGISLATIVE COUNSEL'S DIGEST
SB 514, as amended, Hayden. Education curriculum: Great Irish Famine.
(1) Existing law specifies the course of study for grades 7 to 12, inclusive, and requires the State Department of Education to incorporate specified materials in department publications used as curriculum resources.
This bill would require the social science curriculum to include the study of the inhumanity of the Great Irish Famine of 1845-50, and would require the State Department of Education to provide resources in curriculum publications materials, as specified, to assist in teaching about the Great Irish Famine of 1845-50. This bill would require that the Great Irish Famine of 1845-50 be included in the 1998-99 "Model Curriculum for Human Rights and Genocide" prepared by the State Department of Education. *This bill would require that the Great Irish Famine of 1845-50 be included in the social sciences curriculum course study, no later than the 2000-01 school year. This bill would require that the Great Irish Famine of 1845-50 be included in the state-recommended social sciences curriculum framework no later than the 2003-04 school year.* This bill by increasing the required areas of study would impose a state-mandated local program on school districts.
(2) The California Constitution requires the state to reimburse local agencies . . . This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.
Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

~~SECTION 1. Section 51220 of the Education Code is amended to read: 51220. The adopted course of study for grades 7 to 12, inclusive, shall offer courses in the following areas of study:~~
(a) English, . . . (b) Social sciences, . . . the study of the inhumanity of genocide, slavery, the Holocaust, and the Great Irish Famine of 1845-50, and contemporary issues . . .
~~SEC. 2.~~
SECTION 1. Section 51226.3 of the Education Code is amended to read: 51226.3. (a) The State Department of Education shall incorporate, into publications that provide examples of curriculum resources for teacher use, those materials developed by publishers of nonfiction, trade books, and primary sources, or other public or private organizations, that are age-appropriate and consistent with the subject frameworks on history and social science that deal with civil rights, human rights violations, genocide, slavery, the Holocaust, and the Great Irish Famine of 1845-50.
(b) The Legislature encourages all state and local professional development activities to provide teachers with content background and resources to assist in teaching about civil rights, human rights violations, genocide, slavery, the Holocaust, and the Great Irish Famine of 1845-50.
SEC. 2. Notwithstanding Section 17610 of the Government Code, . . . reimbursement to local agencies and school districts . . . shall be made . . .
Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

© California Homeschool Network 1999.

A Bill Analysis

BILL ANALYSIS

SENATE COMMITTEE ON EDUCATION
Leroy F. Greene, Chairman
1997-98 Regular Session

Date of the hearing for which this analysis has been written.

If this bill had already been amended, the amendment date would be here instead.

BILL NO: SB 514
AUTHOR: Hayden
AMENDED: As Introduced 2/20/97
FISCAL COMM.: Yes HEARING DATE: April 16, 1997
URGENCY: No CONSULTANT: Scott P. Plotkin

Person who worked on analysis.

Fiscal and urgency bills both require a 2/3 rather than a simple majority to pass. If either answer here is yes, the legislators know that more favorable votes will be required.

SUMMARY

This bill, in addition to other provisions, requires the state social science curriculum to include the study of the Great Irish Famine of 1845-50.

BACKGROUND

Current law specifies the course of study for grades 7 to 12, inclusive, and requires the State Department of Education to incorporate specified materials in department publications used as curriculum resources. Current law also requires that the social sciences include human rights issues, with particular attention to the study of the inhumanity of genocide, slavery, and the Holocaust.

The background and analysis parts of the Bill Analysis are a condensation of the legislative counsel's digest that was published when the bill was introduced.

In addition, the current social studies framework approved by the State Board of Education includes the study of the history and contributions of the various ethnic groups that make up American society.

ANALYSIS

This bill requires the social science curriculum to include the study of the inhumanity of the Great Irish Famine of 1845-50, and requires the State Department of Education to provide resources in curriculum publications materials to assist in teaching about the Great Irish Famine.

An analysis is done each time a bill is scheduled to be heard. The analysis informs and reminds legislators of the bill's effect and also lets them know what the citizenry thinks about the bill.

The staff comments section contains historical context ("what's been done by other states, agencies, etc.") and a synopsis of letters of support and opposition to the bill that have been received.

STAFF COMMENTS

State and National Attention. The United States Congress and the state legislatures of Connecticut, Massachusetts, New Hampshire, New Jersey, New York, and Pennsylvania have all undertaken similar efforts to encourage the study of the Great Irish Famine.

New Mandate Appropriate? Opposition to the bill stems not from any concerns about the subject matter, but a concern that the work of the Commission for the Establishment of Academic Content and Performance Standards (created in AB 265 - Alpert) should be the proper venue for determination of such a proposal for specific study of the Great Irish Famine.

These are the registered supporters and opponents of the bill. Organizations are listed by name, private citizens are referred to as private citizens.

How to get listed here? Make sure your letter reaches your legislator at least a week before the hearing, and to be sure, you can also send a copy of it to the committee office.

Some bills will have long lists of supporters and opponents. Others appear hardly to have been noticed. Our bill here is about average.

SUPPORT

Ancient Order of Hibernians in America
Irish American Unity Conference
Irish Famine Curriculum Committee on Education Fund, Inc.
Irish National Caucus, Inc.

Want to get in touch with one of these organizations? Ask the committee. You'll usually get the information you need.

OPPOSITION

California Teachers Association

Writing Your Legislators

To serve you best, your legislators need to know what you think and what your concerns are. You can write a letter, visit your legislator's home office, make a phone call, send a fax or use electronic mail. Based on what we've read and experienced so far though, if we want to make an impact, a written letter rates right at the top, along with a personal visit. Next best is a phone call, and after that, it's a pretty close match between the fax and email methods as many legislators do not use one or the other or both.

When contacting your representatives, you'll have the most success if you keep the following in mind:

- 1) Introduce yourself.
- 2) Discuss only one bill or issue per letter and if you're writing about a bill, reference the number at the top of your letter.
- 3) Know what you're talking about. Make sure you understand the issue you're discussing. And, if you are making a phone call, be ready to field a question or two in a polite and informed fashion.

4) Avoid form letters. Form letters are tempting because they're so easy to send, but your legislator would prefer to hear from you personally, and will give more weight to an original letter.

5) Keep it brief and be sure it's legible. Limit your letter to one page maximum and write neatly or use a typewriter.

6) Mind your manners. We all, legislators included, respond best to polite requests, and do not like being told what to do.

7) Ask for a reply. Perhaps your legislator already shares your views? You won't know unless you ask, and if you do, your legislator will very likely respond.

8) Write more than once. Write your first letter shortly after the bill you're concerned about is introduced. Then you'll have time to write your second letter before the bill is voted on, but after you know what your legislator thinks about it.

And, if your legislator votes the way you'd hoped, write to say thank you.

Your name and address

Date

The Honorable (first and last name)
(Assembly or Senate), State Capitol
Room number
Sacramento, CA 95814

RE: (Assembly or Senate) Bill (number): "Oppose" or "Support" would go here if this was a letter asking for a vote

Dear Senator (or Assemblymember) last name,

I am writing to you as the parent of several school age children and as a teacher in a California school.

While I can see the value in teaching children about the Irish potato famine as part of their history/social studies instruction, I don't feel that it should be necessary to add this detail to our Education Code. It seems to me that this could set a precedent and we'd soon find ourselves forced to revise the Code constantly to add each group of immigrants who have come to our shores over the past several hundred years. The Code would soon become unwieldy.

Would it be possible, instead, to add the potato famine to the list of subjects that is in the History/Social Studies curriculum framework during the next revision process?

Please let me know how you intend to act with regard to this bill. And thank you for considering my views.

Sincerely,

Your name

A Sample Letter

A Second Sample Text

Dear Senator _____,

As an owner of a small business and the employer of minor children, I am writing to thank you for introducing Assembly Bill (number). It does much to streamline minor employment legislation.

However, I am wondering if it would be possible to change the last sentence of SEC. 2, (subsection (a) of Labor Code Sec.1394) from "while public or private schools are in session" to: "while the school of enrollment is in session."

Since there is such a variety of schedules (nine-month, year-round, continuation high school, etc.) for public and private schools, it would be simpler for me to be sure I am in compliance with the law if the only school hours I need be concerned with are those of the minors whom I employ.

Please let me know if this can be done. And thank you again for your efforts to assist employers in California.

And Yet Another Sample Text

Dear Assemblywoman _____,

I am writing as the parent of small children to express my concern about Senate Bill (no.) and to urge you to oppose it when it is heard next week by the Senate Education Committee.

I strongly feel that many five year old children are not developmentally ready to attend school on a daily basis for several hours at a time. Therefore, California's compulsory school age should remain six years of age.

Parents of five year olds who are ready to attend school will still have the option of sending them, but children who need an extra year to develop will be allowed the time they need to mature.

Please let me know how you intend to vote on this bill. Thank you for considering my views.

How A Bill Becomes Law

