

## SEVEN TIPS FOR READING A BILL

Yvonne Hunter<sup>1</sup>

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Even for the experienced, reading a legislative proposal, also known as a bill, and understanding how it changes existing law can be a challenge. This short guide offers tips on how to read a bill, understand where it makes changes to existing law, and how to avoid common mistakes. This tip sheet refers to California legislation only.

**1. Read the Most Recent Version.** Over the course of a two-year legislative session, bills may be amended numerous times. When reading a bill, be sure to read the most recent version. The Legislature's website includes a resource that displays each version of a bill. And, since bill numbering starts with one (i.e., SB 1 or AB 1) at the start of each two-year session, be sure to match the bill number with the year. [[www.leginfo.legislature.ca.gov/](http://www.leginfo.legislature.ca.gov/)]

**2. Legislative Counsel Digest – Friend or Foe?** Each bill includes a summary prepared by the Legislative Counsel (often referred to as Leg Counsel). It includes a description of existing law and how the bill changes that law. Leg Counsel is the Legislature's non-partisan attorney and is responsible for translating policy concepts or ideas into proper legal language. The Leg Counsel's Digest appears at the beginning of the bill.

There is a difference of opinion about whether one should read the Leg Counsel's digest before or after reading the bill itself. Regardless of how one proceeds, the Leg Counsel digest should never be a substitute for reading the entire bill carefully. Sometimes the digest does not reflect recent amendments or only lists generalities of the bill's provisions. And, beware of Leg Counsel language such as, "This bill requires energy providers to do x,y,z, except as specified." Reading the bill's text to understand what "as specified" means is critical.

**3. Amending an Existing Code or Adding a New Section to the Codes?** When reading a bill, be sure to check whether the different parts of the bill amend existing law or add a whole new section to existing law. Recognizing the difference between the two is important because of how the language and amendments are displayed in the bill. How to read amendments is explained in #4 below.

It is also helpful to be aware of which code is impacted (i.e., Public Utilities Code, Government Code, Public Resources Code). Access to California codes is available through the Legislature's website listed above.

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<sup>1</sup> Yvonne Hunter is a member of the Valley Clean Energy Community Advisory Committee and Chairs the 2018 Legislative-Regulatory Task Group. Before she retired in 2014, she served as Sustainability Program Co-Director at the Institute for Local Government. Prior to that she was a Legislative Representative with the League of California Cities for over twenty years. Thanks to the former lobbyists and/or legislative staff who reviewed drafts of this document and offered helpful suggestions.

- **A. Example of legislative language that amends an existing code**  
**SECTION 1.**

Section 25252 of the Health and Safety Code is amended to read: [emphasis added]

In this case, in the first version of the bill (as introduced), the language that is existing law appears in regular print, while amendments appear as ~~strikeouts~~ (for deleted language) or *italics* (for new language).

- **B. Example of legislative language that adds a new section to an existing code**  
**SEC. 2.**

Section 51206.3 is added to the Education Code, to read: [emphasis added]

In this case, all of the language in the first version of the bill (as introduced), appears as regular print. This means that even if it is new, it is not displayed in italics (as an amendment with new language). This is an important distinction to remember.

#### 4. How to Read Amendments.

- Every time a bill is amended, a new version is prepared and made available in print and online. The top of the bill includes a list of the amended versions, such as displayed below. The date of the first version, as introduced, is listed below the author's name.

AMENDED IN ASSEMBLY JUNE 19, 2017

AMENDED IN SENATE APRIL 26, 2017

AMENDED IN SENATE MARCH 23, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR  
SESSION

**SENATE BILL**

**No. 456**

**Introduced by Senator Pan**

**February 16, 2017**

- A bill as introduced either:
  - Displays proposed amendments to existing law (Example 3A above) with ~~strikeouts~~ and *italics*;
  - or
  - Displays with regular text the proposed language is to be added to existing law (Example 3B above).
- It is important to remember that each subsequent version of the bill reflects amendments to the *previous* version, *not* to existing law. To find out how the amendments change existing law, one needs to compare the most recent version of the bill with existing law.

**5. Beware the word “Notwithstanding.”** The word “notwithstanding” is used frequently in legislation. But, what does it mean and what are its consequences? Basically, to understand its meaning, one can substitute the phrase, “in spite of” for “notwithstanding.” Notwithstanding is typically used in the following ways.

- “Notwithstanding any provision of law.” This means that in spite of anything else in law, the new requirement, restriction, authority, etc. that is written in the bill supersedes anything else in law.

Example. “Notwithstanding any provision of law, the California Energy Commission shall be the sole approving and regulatory body related to planning and siting of new or expanded petroleum facilities.” This means that all existing law, such as that related to local land use authority, the California Environmental Quality Act, air quality permits issued by local air districts, etc., would no longer apply. Rather, the sole permitting authority would be the Energy Commission. (Note: This is a real example that was proposed in legislation; it was withdrawn by the author within 48 hours of its appearance in bill form.)

- “Notwithstanding Section 123 of the Public Utilities Code.” This is a more restricted use of notwithstanding. It means that in spite of whatever is included in Section 123 of the Public Utilities Code, the provisions listed in that part of the legislative proposal would apply. To determine its impact one must review the relevant section found elsewhere in the codes.
- “Notwithstanding paragraph 2 of this section.” This is an extremely limited use of the phrase, but its impact still could be significant.

## **6. Understand the Difference between Author and Sponsor.**

The author of a bill is the legislator who introduced it. While the author may also be the sponsor, usually the sponsor is the group or individual who asked the legislator to introduce the bill. The sponsor generally works closely with the author and his or her staff to promote its passage. Knowing who the sponsor is may help with insights to the bill’s intent. Usually a simple call to the author’s office will identify the sponsor. (Note: Unlike in the California

legislative process, in Congress, the term “sponsor” usually refers to the Senator or Representative who is also the author.)

## **7. Read the line below the Leg Counsel Digest.**

All bills include a line after the Leg Digest similar to the following:

Vote: majority   Appropriation: no   Fiscal Committee: yes   Local Program: yes

It is helpful to become familiar with the information included, as it identifies key issues and steps in the process that may or may not apply to the bill. As the bill is amended, the items in these four areas may change, depending on the new bill language. Here is what these four key words mean.

Vote: Does the bill require a simple majority or a two-thirds vote of the Assembly and Senate to pass? Bills that require a two-thirds vote include those that appropriate state funds, impose a new or increased tax or are urgency measures (meaning they go into effect immediately after the Governor signs the bill, rather than on January 1 of the next year, unless a later date is specified).

Appropriation: Does the bill appropriate state funds or require a state agency to spend money, thus making it a fiscal bill?

Fiscal Committee: If Leg Counsel determines that the bill is a fiscal bill, it means the bill will be heard in a fiscal committee (i.e., Assembly Appropriations Committee) in addition to a policy committee (i.e., Assembly Natural Resources Committee) in each house.

Local Program: This generally relates to whether or not the bill imposes a state mandate (requirement) on a local agency, such as a school district, city, county or special district. Critical to this issue is whether or not the requirement is eligible for state reimbursement because it is a state mandate. In general, even though a requirement may be a state mandate, if a local agency can pay for it by charging a fee (such as for recycling requirements adopted by state law), the state is not obligated to reimburse the local agency. The State Mandates Commission is the state agency responsible for determining whether or not a mandate is reimbursable.

### **Resources to Learn More**

**Legislature’s Online Bill Tracking System** -- [www.leginfo.legislature.ca.gov/](http://www.leginfo.legislature.ca.gov/)

This site includes links search for a bill in the current or past legislative sessions, the legislative history of a bill, legislative committee analyses, and a notification feature for alerts when a bill is amended or scheduled for a hearing.

**“Navigating the Legislative Process”** -- [www.cacities.org/Resources-Documents/Policy-Advocacy-Section/Legislative-Resources/Presentations-Publications-Papers/Navigating-the-Legislative-Process](http://www.cacities.org/Resources-Documents/Policy-Advocacy-Section/Legislative-Resources/Presentations-Publications-Papers/Navigating-the-Legislative-Process)

This document offers a real world explanation of “how a bill becomes a law”, a glossary of terms and tips on how to write a letter and testify before a legislative committee.