

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Dispensing Optician Committee Members

Date: July 14, 2017

From: Natalie Martin-Rojas, Legislative Analyst
Division of Legislative & Regulatory Review

Telephone: (916) 575-7170

Subject: Agenda Item 5 – Legislative and Regulatory Process Overview

Legislation and Regulation Training

- Determining Best Course of Action
- Define Common Terms
- Overview of Legislative Process
- Overview of Regulatory Process
- Setting up an Internal Process



Policy Change Is Needed: Legislation Versus Regulation

Regulation

Pros:

- Board has control over language adopted

Cons:

- Need Statutory Authority
- Takes time

Legislation

Pros:

- Can be done quickly

Cons:

- Little control over final language enacted
- Have to find an author

Cast Of Characters



Legislators



Legislative Staff



Governor's Administration



Constitutional Offices



Independent Boards



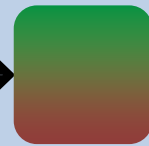
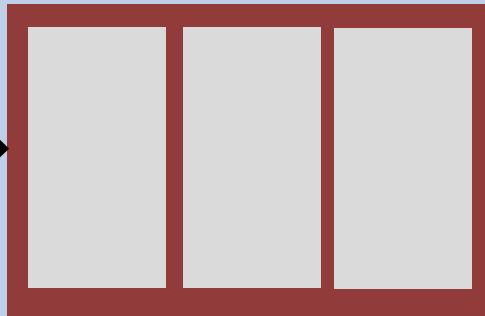
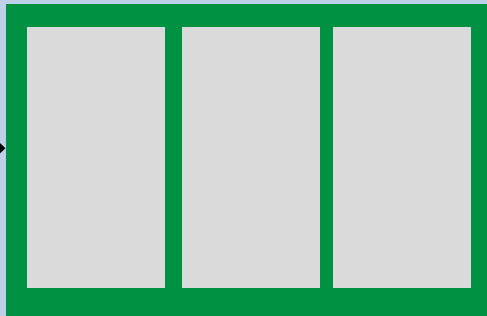
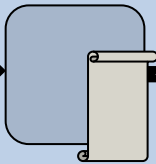
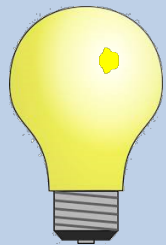
Stakeholders and Interest Groups

Major Terms: Defined

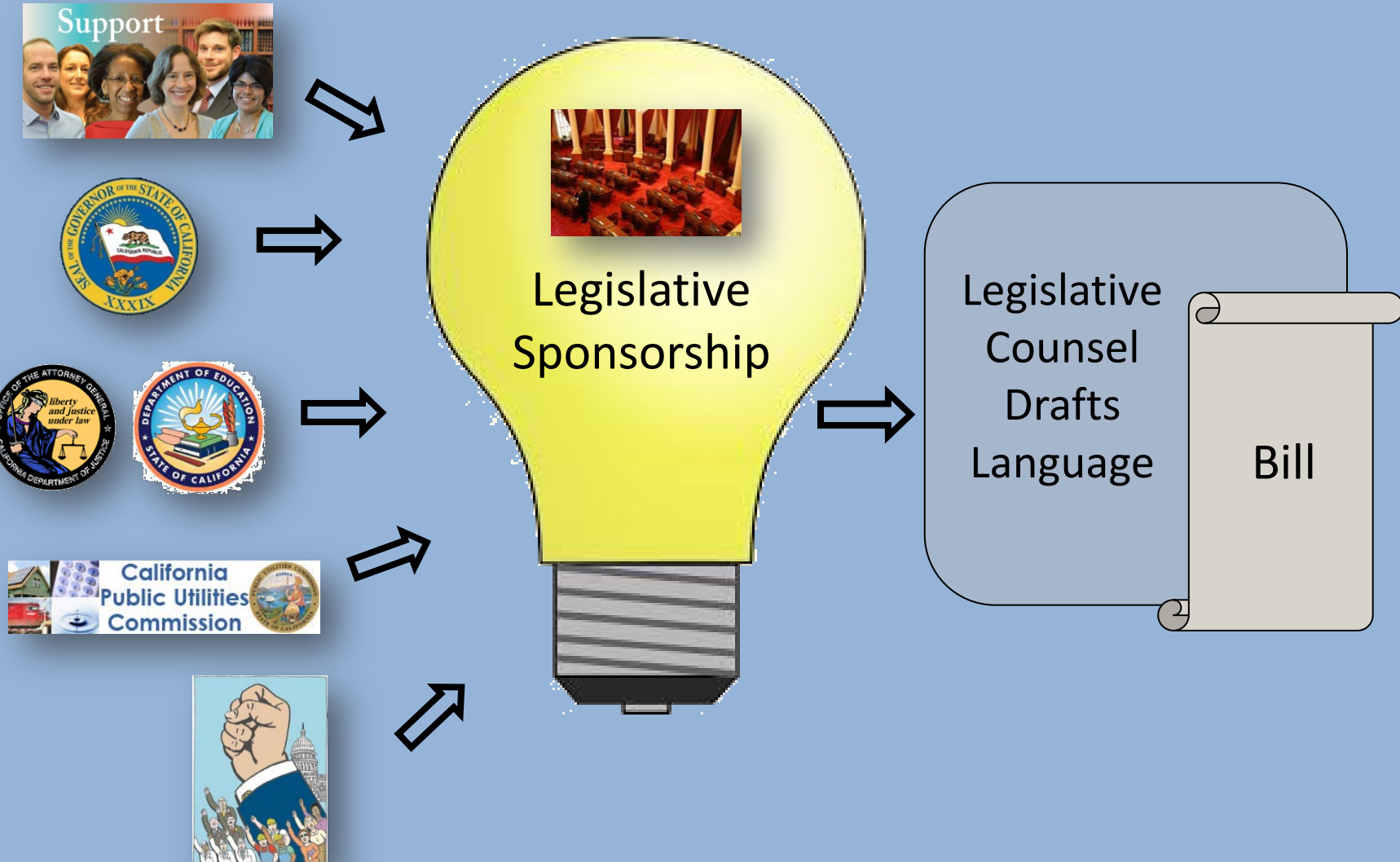
- House of Origin (First House)
- Second House
- Author
- Sponsor
- Enrolled
- Chaptered

ROAD
MAP

The Legislative Process: A Roadmap From Idea to Law



The Legislative Idea Process



Policy Committee

Policy Committee(s)
Review and Analyze
Proposed Legislation.

Policy Committee(s)
Review and Analyze
Proposed Legislation.

Appropriations Committee

Fiscal
Committee
Reviews and
Analyzes
Proposed
Legislation,
if Necessary.

Fiscal
Committee
Reviews and
Analyzes
Proposed
Legislation,
if Necessary.

Floor Consideration

Floor of
House of
Origin Votes
Whether or
not to Pass
Bill Out of
House.

The diagram illustrates the process of floor consideration. It features two main rectangular boxes, one green on the left and one red on the right, connected by a black arrow pointing from left to right. Each box contains a smaller, empty rectangular area on its left side, representing a placeholder for a bill or document. The green box is labeled 'Floor of House of Origin Votes Whether or not to Pass Bill Out of House.' and the red box is labeled 'Floor of Second House Votes Whether or not to Pass Bill Out of House.'



Floor of
Second
House Votes
Whether or
not to Pass
Bill Out of
House.

2017 TENTATIVE LEGISLATIVE CALENDAR
 COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE
 Revised 11/16/2016

DEADLINES

JANUARY						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 4** Legislature **reconvenes** (J.R. 51(a)(1)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 16** Martin Luther King, Jr. Day
- Jan. 20** Last day to submit **bill requests** to the Office of Legislative Counsel

FEBRUARY						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

- Feb. 17** Last day for bills to **be introduced** (J.R. 61(a),(1)(J.R. 54(a)).
- Feb. 20** Presidents' Day

MARCH						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- Mar. 31** Cesar Chavez Day.

APRIL						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

- Apr. 6** **Spring recess** begins upon adjournment of this day's session (J.R. 51(a)(2)).
- Apr. 17** Legislature **reconvenes** from Spring recess (J.R. 51(a)(2)).
- Apr. 28** Last day for **policy committees** to hear and report to **fiscal** Committees **fiscal bills** introduced in their house (J.R. 61(a)(2)).

MAY						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

- May 12** Last day for **policy committees** to hear and report **non-fiscal bills** introduced in their house to Floor (J.R. 61(a)(3))
- May 19** Last day for **policy committees** to meet prior to June 5 (J.R. 61(a)(4)).
- May 26** Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61(a)(5)).
Last day for **fiscal committees** to meet prior to June 5 (J.R. 61(a)(6)).
- May 29** Memorial Day.
- May 30-June 2 Floor Session Only.** No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61(a)(7)).

*Holiday schedule subject to Senate Rules committee approval

2017 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE

Revised 11/16/2016

JUNE						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

June 2 Last day for bills to be **passed out of the house of origin** (J.R. 61(a)(8)).

June 5 Committee meetings may resume (J.R. 61(a)(9)).

June 15 Budget must be passed by **midnight** (Art. IV, Sec. 12(c)(3)).

JULY						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

July 4 Independence Day observed.

July 14 Last day for **policy committees** to hear and report fiscal bills to **fiscal** Committees (J.R. 61(a)(10)).

July 21 Last day for **policy committees** to meet and report bills (J.R. 61(a)(11)). **Summer Recess** begins upon adjournment of session provided Budget Bill has been enacted (J.R. 51(a)(3)).

AUGUST						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Aug. 21 **Legislature Reconvenes** (J.R. 51(a)(3)).

SEPTEMBER						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Sep. 1 Last day for **fiscal committees** to meet and report bills to Floor (J.R. 61(a)(12)).

Sept. 4 Labor Day.

Sept. 8 Last day to **amend** on the floor (J.R. 61(a)(14)).

Sept. 5-15 Floor session only. No committees, other than conference or Rules Committees, may meet for any purpose (J.R. 61(a)(13)).

Sept. 15 Last day for **each house to pass bills** (J.R. 61(a)(15)). **Interim Study Recess** begins at end of this day's session (J.R. 51(a)(4)).

*Holiday schedule subject to Senate Rules committee approval

IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS

2017

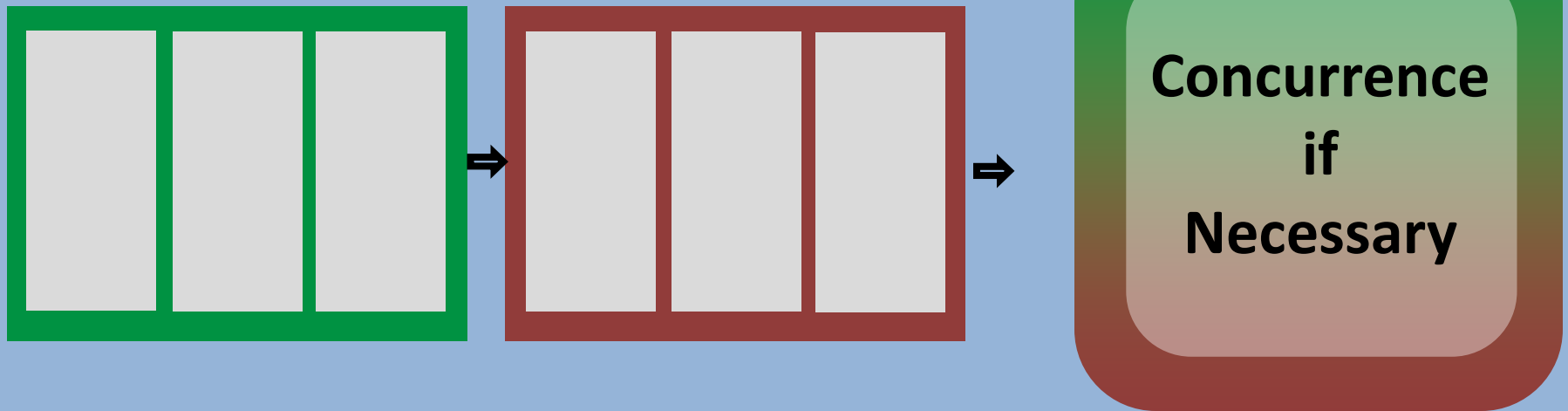
Oct. 15 Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 15 and in his possession after Sept. 15 (Art. IV, Sec.10(b)(1)).

2018

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

Jan. 3 Legislature reconvenes (J.R. 51(a)(4)).

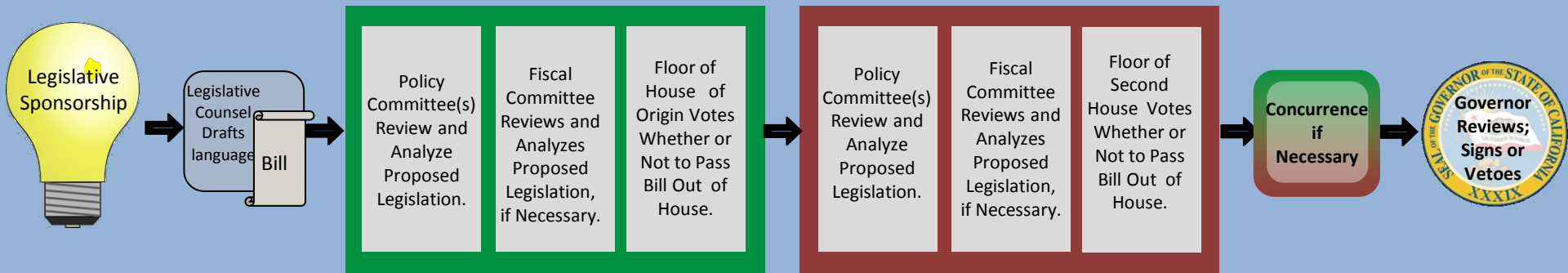
Floor Consideration



The Governor



The Legislative Process: A Complete Picture



Major Legislative Deadlines

Most Important Dates:

- Last day to submit bill requests to Legislative Counsel
- Last day to introduce bills
- First house deadline
- Last day to amend on the Floor
- Last day for bills to pass on the Floor
- Last day for Governor to sign or veto bills passed by the Legislature

Bill Positions

Positions:

- Support
- Neutral
- Oppose
- Oppose Unless Amended

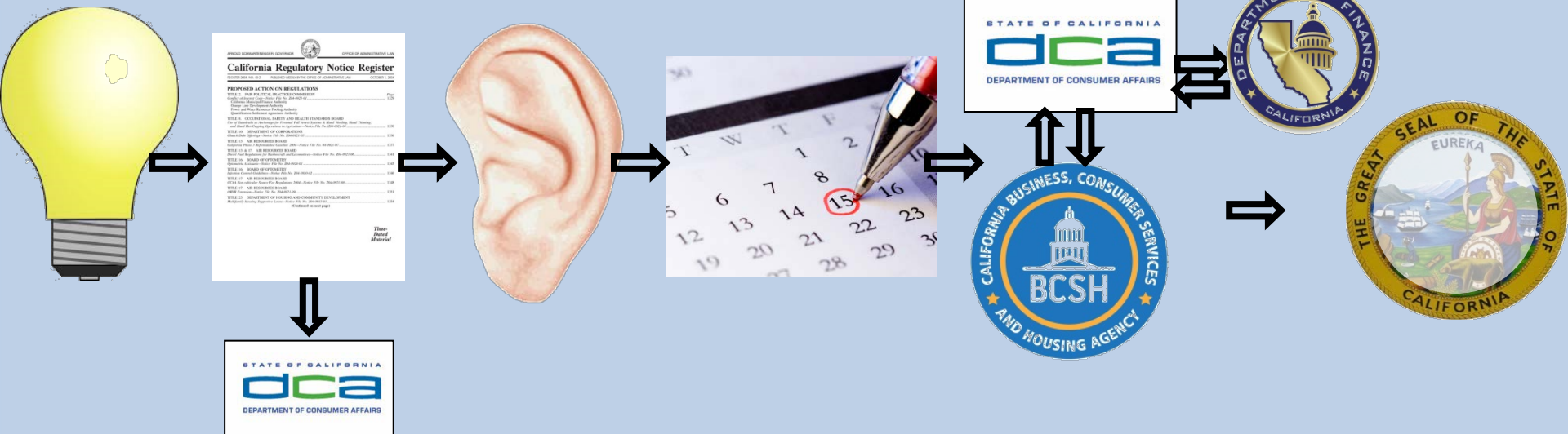
- Support or Neutral “if amended” can be problematic ... BUT, Context matters!
- Follow-up throughout the Process

The Sunset Process

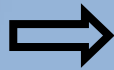
- Report due November/December year before sunset process.
- Background Paper from Committee – Technical Review
- Testify before the Committees
- Written responses to all issues in Background Paper
- Sunset Bill – Opportunity Knocks

ROAD
MAP

The Regulatory Process: A Roadmap From Idea to Law



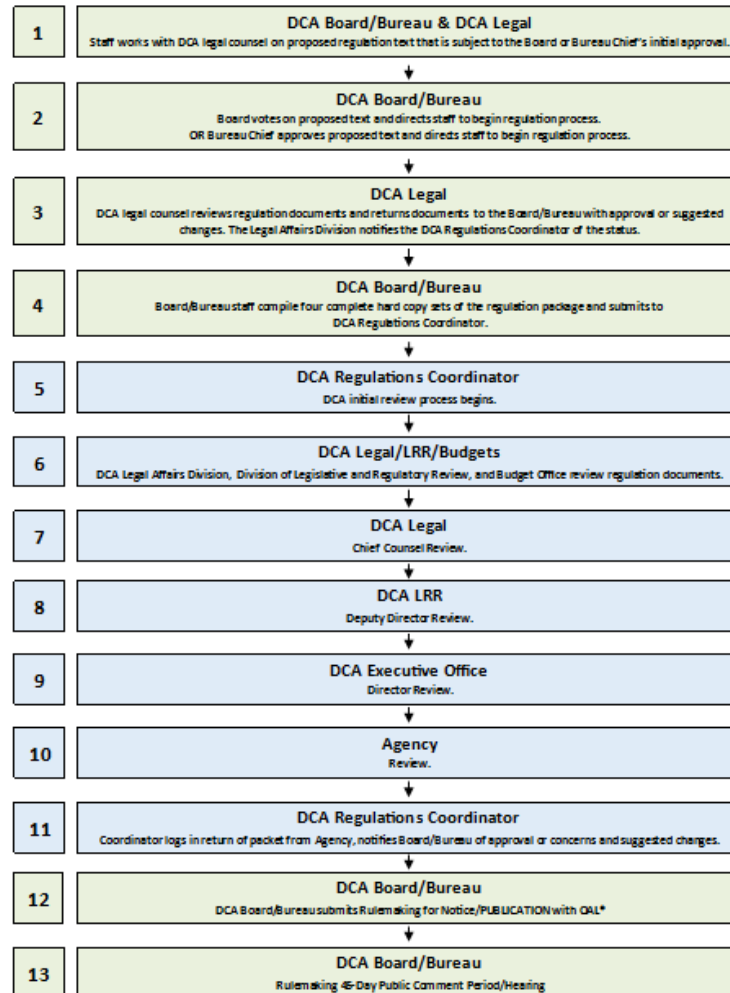
Language Development



Initial Regulations Review Process

REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

INITIAL PHASE




Legend

DCA – Department of Consumer Affairs
LRR – Division of Legislative Regulatory Review
OAL – Office of Administrative Law

* If any changes to language last approved by the Board are needed, a vote by the Board may be necessary.

Publicly Notice Proposed Language


ARNOLD SCHWARZENEGGER, GOVERNOR OFFICE OF ADMINISTRATIVE LAW

California Regulatory Notice Register

REGISTER 2004, NO. 40-Z PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW OCTOBER 1, 2004

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION	<i>Page</i>
<i>Conflict of Interest Code—Notice File No. Z04-0921-01</i>	1329
California Municipal Finance Authority	
Orange Line Development Authority	
Power and Water Resources Pooling Authority	
Quantification Settlement Agreement Authority	
TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD	
<i>Use of Guardrails as Anchorage for Personal Fall Arrest Systems & Hand Weeding, Hand Thinning, and Hand Hot-Capping Operations in Agriculture—Notice File No. Z04-0921-04</i>	1330
TITLE 10. DEPARTMENT OF CORPORATIONS	
<i>Church Debt Offerings—Notice File No. Z04-0921-05</i>	1336
TITLE 13. AIR RESOURCES BOARD	
<i>California Phase 3 Reformulation—Notice File No. Z04-0921-07</i>	1337
TITLE 13. & 17. AIR RESOURCES BOARD	
<i>Diesel Fuel Regulations for Harbors and Locomotives—Notice File No. Z04-0921-06</i>	1341
TITLE 16. BOARD OF OPTOMETRY	
<i>Optometric Assistants—Notice File No. Z04-0921-08</i>	1345
TITLE 16. BOARD OF OPTOMETRY	
<i>Infection Control Guidelines—Notice File No. Z04-0921-02</i>	1346
TITLE 17. AIR RESOURCES BOARD	
<i>CCAA Non-vehicular Source Fee Regulations 2004—Notice File No. Z04-0921-08</i>	1348
TITLE 17. AIR RESOURCES BOARD	
<i>ORVR Extension—Notice File No. Z04-0921-09</i>	1351
TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT	
<i>Multifamily Housing Supportive Loans—Notice File No. Z04-0915-01</i>	1354


(Continued on next page)

Time-Dated Material

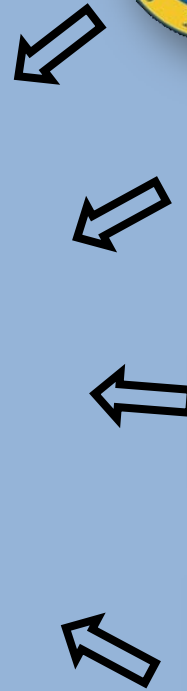
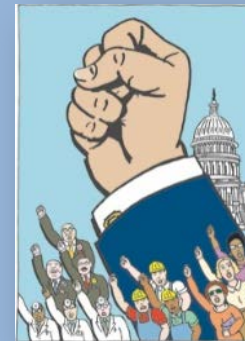
Language is
Publicly
Noticed



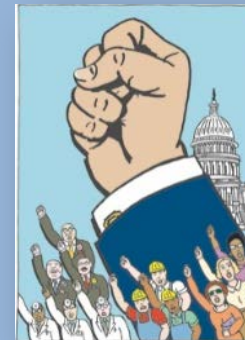
45-Day Comment Period and Hearing



Hold a
Hearing and
Consider
Stakeholder
Input, both
Technical
and Policy



Amending the Language



DCA, BCSHA, & DOF Approval



Office of Administrative Law



OAL Approves
or Disapproves
a Regulatory
Package

Office of Administrative Law: Review Standards

- 1. Necessity :** Record demonstrates substantial evidence of need
 - 2. Authority:** Statutes permit or obligate the agency to take a regulatory action
 - 3. Clarity:** Written so the meaning can be easily understood
- **Government Code section 11349**

Office of Administrative Law: Review Standards

4. **Consistency:** In harmony with existing statutes, court decisions, or other provisions of law
5. **Reference:** The underlying provision of law an agency implements amending or repealing a regulation
6. **Nonduplication:** Regulation does not serve same purpose as a state or federal statute or regulation

Quarterly Effective Dates

Date of Decision	Effective Date
September 1 to November 30	January 1 st
December 1 to February 29	April 1 st
March 1 to May 30	July 1 st
June 1 to August 31	October 1 st

Exceptions:

1. Effective date in statute.
2. Later date requested.
3. Earlier Date Requested
4. Fish and Wildlife Exempt

The Regulatory Process: A Complete Picture

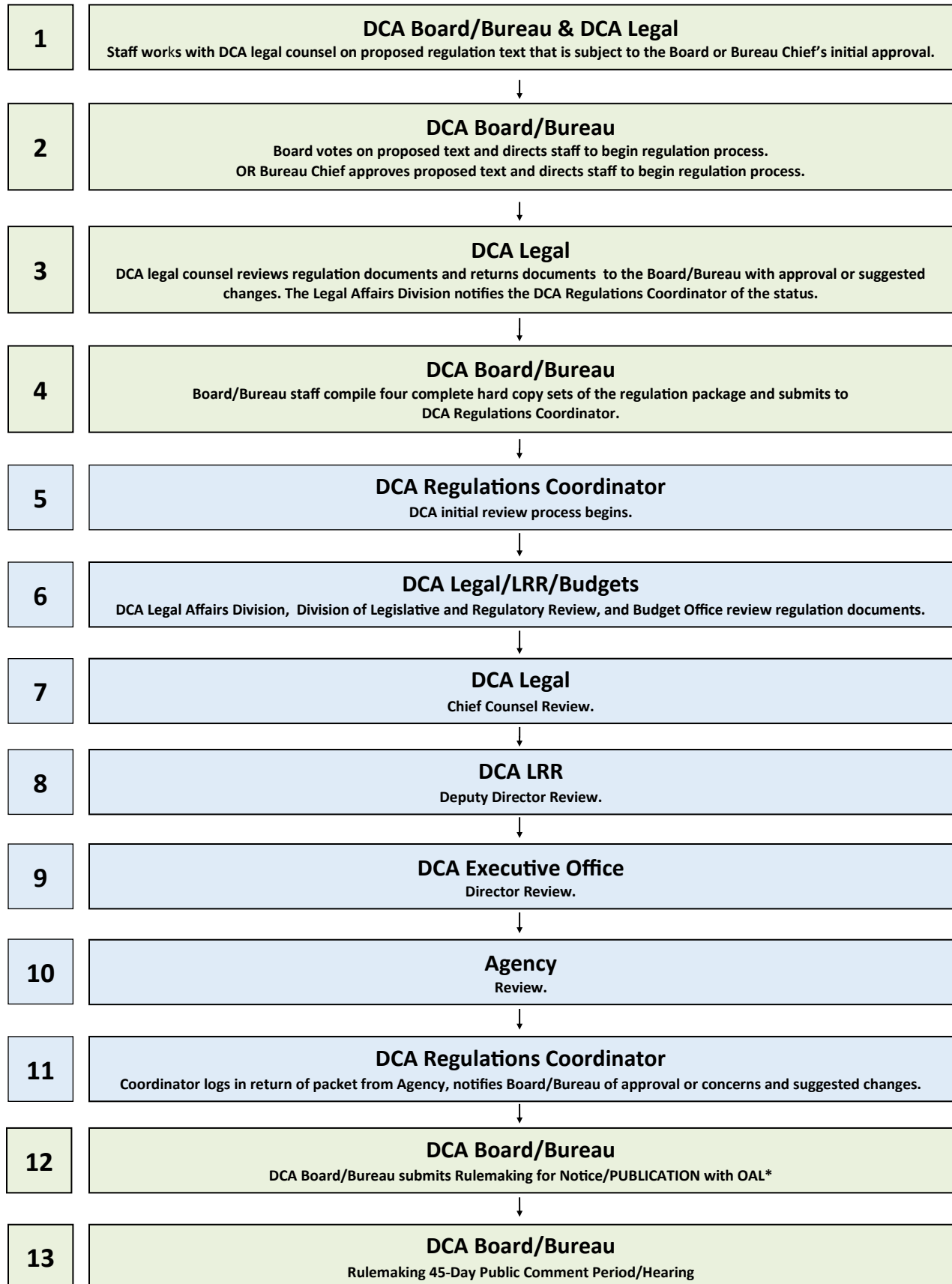


Develop a Process with Board Staff

- Have a designated staff member at your program:
 - Track and assess bills
 - Draft analyses and present at board meetings
 - Draft and oversee regulations
- Establish expectations; develop standard procedures and templates
- Discuss major policy issues as a board, but delegate details to staff

REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

INITIAL PHASE



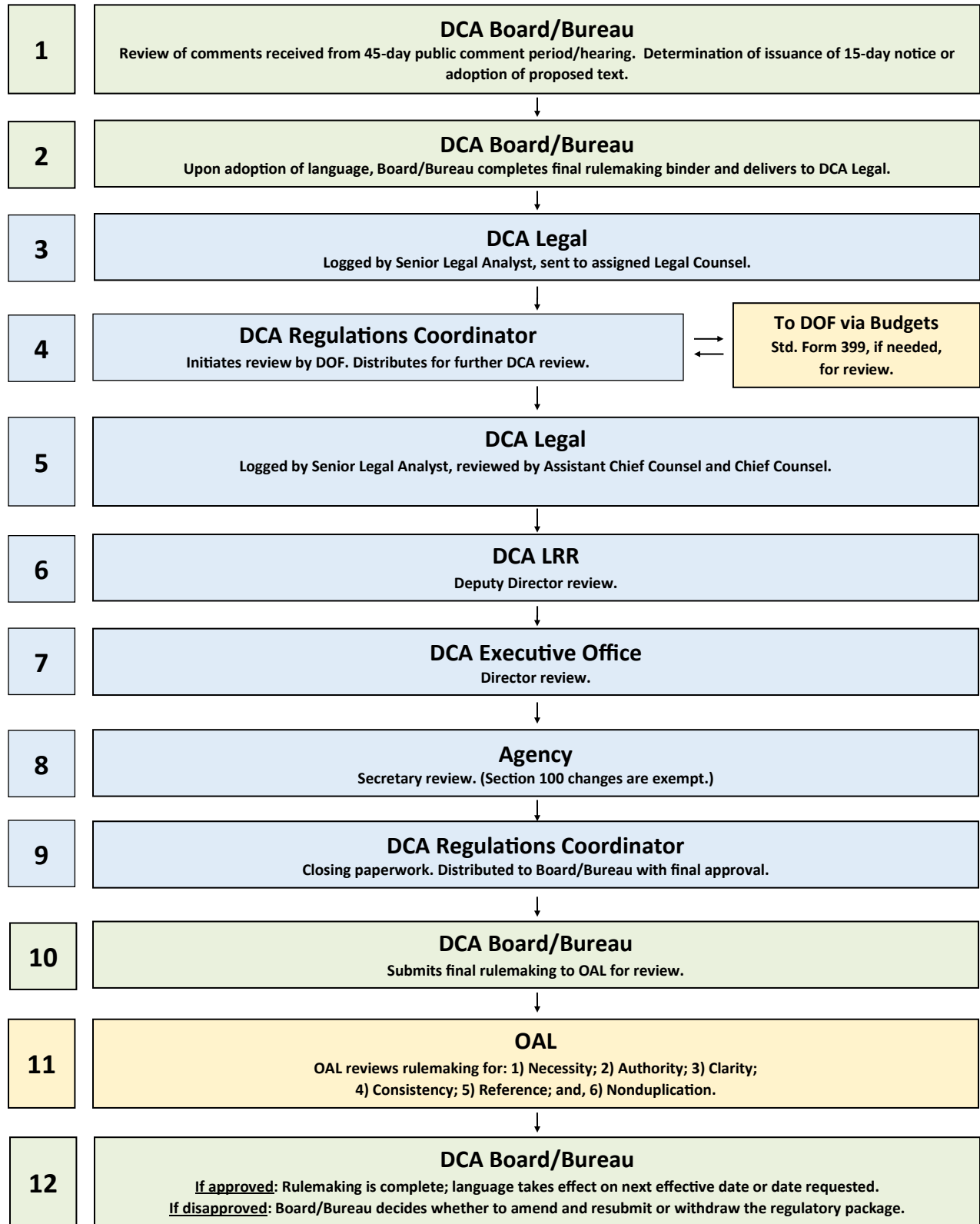
Legend

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REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

FINAL PHASE



Legend

DCA – Department of Consumer Affairs
 LRR – Division of Legislative Regulatory Review
 OAL – Office of Administrative Law
 DOF – Department of Finance
 Std. Form 399 – Economic and Fiscal Impact Statement