

## The Legislative Process

- The legislative process begins when a legislator requests that the Office of Legislative Counsel draft a bill based on materials submitted by the legislator.
- Once the bill is drafted, the legislator introduces it in the Assembly or the Senate.
- The Rules Committee assigns the bill to a policy committee (e.g., the Senate Judiciary Committee) where it is set for a public hearing. During the hearing, the policy committee examines the policy issues that the legislation raises. The committee votes either to pass the bill, with or without amendments, or to hold (defeat) the bill.
- If the policy committee passes the bill, and the bill has no fiscal impact, it moves directly to the floor.
- If the policy committee passes the bill and the bill has fiscal impact, it is scheduled for a public hearing in a fiscal committee. The fiscal committee determines or estimates the costs that would result from enactment of the bill and whether or not those costs require state funding. If the bill passes the fiscal committee, it is then sent to the floor of the first house.
- On the floor, the entire membership of the house votes to approve or defeat the bill.
- If approved by one house, the bill is sent to the other house, where the process repeats.
- If the bill passes the second house without amendments, it is sent to the Governor for his signature or veto.
- If the bill is amended in the second house, it returns to the first house for a concurrence vote.
- If the first house concurs in the amendments, the bill is sent to the Governor.
- If the first house does not concur in the amendments, the bill goes to a conference committee where legislators from both houses attempt to craft a compromise that, if ratified by both houses, is sent to the Governor.
- The Governor may sign or veto the bill, or may allow it to become law without his or her signature.

## Testifying Before the Legislature



Judicial Council of California  
Office of Governmental Affairs

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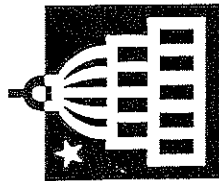
## The Witness's Role in the Legislative Process

A significant portion of the legislative process takes place in the policy and fiscal committees of the two houses. The role of our witnesses is to testify before committees as advocates for the Judicial Council. During a committee hearing, witnesses employ their special expertise or



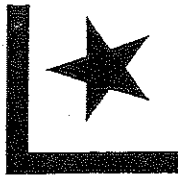
experience to persuade legislators to support, amend, or oppose a piece of legislation, consistent with the Judicial Council position.

In addition to testifying, a witness, accompanied by a staff person from the council's Office of Governmental Affairs, may visit committee members and legislative staff before the hearing. Since some of the committee members' review of a bill may occur prior to the hearing, direct communication with the member or staff is often helpful.



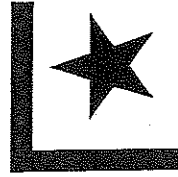
## Do's and Don'ts of Effective Advocacy

To successfully fulfill the role of the Judicial Council advocate, the witness should become familiar with the following list of Do's and Don'ts before testifying.



### Do's:

- Begin testimony by thanking the chair and members of the committee, stating your name and that you represent the Judicial Council.
- Clearly state the Judicial Council's position on the bill (i.e., "The Judicial Council opposes AB \_\_\_\_\_" or "The Judicial Council supports SB \_\_\_\_\_").
- Concisely state the Judicial Council's reasons for supporting or opposing the bill. Organized and logical arguments are generally more effective in persuading legislators than is opinion.
- Remember that your goal is to secure passage, defeat, or amendment of the bill.
- If you are asked a question, answer it as specifically as you can. If you do not understand the question, ask for clarification. If you do not know the answer, say so.
- If you are uncertain what effect a proposed amendment would have on the Judicial Council position, say so.
- Be truthful.
- Assume that all questions are sincere.
- Respect the legislative process.



### Don'ts:

- Do not read from a written statement. Use of notes may occasionally be necessary, but reading from a prepared text is generally not tolerated, and in any case is less effective.
  - Do not interrupt legislators or other witnesses.
  - Do not take criticism or disagreement personally.
  - Do not argue with legislators or other witnesses.
  - Do not talk beyond the point of effectiveness; not knowing when to stop can lose votes.
  - Do not display a condescending attitude.
  - Do not use "legalese."
- Do not speak for another group's/individual authorization without do so.*

