



# Legislative Committee Standard Operating Procedures

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## **Introduction**

In every conversation we have, every initiative we explore, and every action we take, we must hold them up against the EIA's Mission, Vision and Core Values. Together, the Mission, Vision and Core Values are our strategic framework and clarify why the EIA exists and what we aim to be. As you review this document, please keep these in mind:

### **Mission:**

The CSAC Excess Insurance Authority is a member-directed risk sharing pool of public agencies committed to providing risk coverage programs and risk management services, which drive member stability, efficiency, and best practices.

### **Vision:**

The CSAC Excess Insurance Authority (EIA) will continue to be internationally recognized as a leading risk sharing pool for its member-directed operating philosophy and commitment to member fiscal sustainability. The EIA will continue to influence and shape the future of the risk management profession.

### **Core Values:**

CSAC EIA is dedicated to preserving a member-directed culture, defining standards for quality and performance throughout the industry, and ensuring programs and services are:

- **C**ompetitive in scope and price over the long term
- **A**daptable and customized to meet member needs, based on high-quality standards
- **R**esolute in delivering timely solutions that address present and emerging risks
- **E**quitable in allocating costs and services between various members in a fair and consistent manner
- **S**table in supporting cost-effective, fiscally prudent operations *and* long-term solvency, and in building long-term relationships with members and program/service partners.

## **Composition**

The Committee is comprised of 13 members, of which 2 are alternates who are eligible to vote at any meeting where a voting member is absent. The Committee's 13 positions are designated as follows:

- 4 are workers' compensation oriented
- 4 are liability oriented
- 3 are at-large
- 2 alternates, a legal counsel and an alternate legal counsel

Reference: [Committee Composition](#)

## **Roles**

### **Committee:**

The Legislative Committee shall actively propose amending, supporting or proposing legislation and regulations for the benefit of the members regarding issues of concern to public entities. Such legislation, legislative reform, and/or regulation shall be in the areas of workers' compensation, tort liability, workplace safety and loss prevention, and other areas of interest to public entities. The Committee shall advise and make recommendations to the Executive Committee regarding legislative activities to be sponsored by the Authority and perform such other functions as the Board and/or Executive Committee may direct.

Reference: [Policy Statement for Sponsoring or Co-Sponsoring Bills, or Providing Statements or Interviews to Media](#)

### **EIA Legislative Committee Charter:**

The Executive Committee has adopted a charter and created the Legislative Committee for the purpose of supporting or opposing legislative matters of importance to public entities.

Reference: [Legislative Committee Charter](#)

### **Chair:**

- Call/authorize meeting to be scheduled
- Call the meeting to order
- Orchestrate agenda items
- Recognize members to facilitate orderly debate
- Preside over voting
- Enforce rules of the group
- Expedite the business of the group

- Declare meeting adjournment

**Vice Chair:**

- Call committee meetings (in the absence of the Chair)
- Lead meetings (in the absence of the Chair)

**Legal Counsel/Alternate Legal Counsel:**

- Advise the Committee as to the legality of positions adopted or legislation proposed
- Assist the Committee in assessing the likely impact of proposed legislation
- Confirm the Committee's adherence to the Brown Act

Reference: [Brown Act](#)

**Lobbyist:**

- Actively monitor legislation in the areas of workers' compensation, tort liability, safety, health and legislation that affects the operations of joint powers authorities
- Provide weekly written updates during each legislative session
- Testify before legislative committees when directed by the EIA Legislative Committee
- Assist in drafting legislation and amendments to pending legislation
- Assist in identifying data to be collected and analyzed in support of or opposition to pending legislation.
- Work with public entity coalition partners to promote jointly accepted legislative positions
- Assist in the development of position papers on pending legislation, including research and analysis of potential impact to EIA members

**Staff:**

- Michael Pott is the staff liaison for this Committee.
- Assist Chair in facilitating meeting, prepare meeting agenda, take minutes and summarize meeting for those not in attendance
- Assist the Committee with carrying out adopted legislative positions
- Submit letters to the appropriate legislators to express positions adopted by the Committee
- Participate in meetings with legislators, lobbyists and other representatives to express positions adopted by the Committee
- Work with public entity coalition partners to promote jointly accepted legislative positions
- Provide data in an attempt to support positions adopted by the Committee

### **Public Entity Coalition Partners:**

The EIA, through staff and/or its contract lobbyist, works jointly with numerous other organizations representing public entities, including but not limited to the following:

- California Association of Joint Powers Authorities (CAJPA)
- California Chamber of Commerce
- California Coalition on Workers' Compensation (CCWC)
- California State Association of Counties (CSAC)
- California Special Districts Association (CSDA)
- League of California Cities
- Regional Council of Rural Counties (RCRC)

The joint efforts undertaken with these organizations include discussion regarding pending legislation, sending joint letters in support of or in opposition to pending legislation, offering testimony, or attending meetings with legislators and their staff.

Reference: [Sample coalition letter](#)

## **Responsibilities**

### **Positions Taken by the Committee:**

The Legislative Committee considers supporting, opposing or watching bills that may affect the EIA's members in a beneficial or detrimental manner while considering the Legislative Committee's Platform. The following are positions that may be taken by the Committee:

#### Support

- Level 1-A statement of support will be communicated to members.
- Level 2-A letter of support will be sent to the appropriate legislators
- Level 3-Testimony in support of a bill will be provided

#### Oppose

- Level 1-A statement of opposition will be communicated to members.
- Level 2-A letter of opposition will be sent to the appropriate legislators
- Level 3-Testimony in opposition to a bill will be provided

#### Watch

The Committee does not take a position but elects to monitor the bill for further substantive changes that may warrant taking a position.

### Concerns

The Committee does not take either a watch or support position, but instead authorizes staff to submit a letter to the appropriate legislators detailing concerns that the Committee has with the proposed legislation.

The Committee may also adopt positions based on a bill being amended. These positions may be “oppose unless amended” or “support if amended”. In these cases, a letter may be sent to the author advising of specific amendments that will allow the Committee to change its position to one of support.

While most decisions regarding the Committee's position on a particular bill are established at Committee meetings, the Chair or Vice Chair (in the event the Chair is unavailable) may delegate authority to staff to take action on urgent matters (this authority was confirmed at the September 2006 Legislative Committee Meeting).

Reference: [9/14/06 Legislative Committee Minute Order](#)

Reference: [EIA Legislative Platform](#)

Reference: [Sample Legislative Support Letter](#)

Reference: [Sample Legislative Opposition Letter](#)

### **The California Legislature:**

It is important for the Committee to be familiar with the Legislative Process and the many resources in this area.

Reference: [The Legislative Process](#)

Reference: [California Assembly Roster](#)

Reference: [California Assembly District Maps](#)

Reference: [California Senate Roster](#)

Reference: [California Senate District Maps](#)

Reference: [Legislative Committees](#)

## **Meetings**

### **Code of Conduct/Ethics Policy:**

The Board has adopted a Code of Conduct which is applicable to all members, staff, committees, and the Board.

Reference: [Code of Conduct](#)

### **Scheduling:**

Generally, the Legislative Committee meets at 10:30 a.m. on the second Thursday of each month or as otherwise requested by the Committee Chair. Meetings are typically held at the EIA office with the availability for members to participate telephonically and via Web-Ex, when necessary. Below are generally when the Committee will meet to address certain matters:

- **January or February**
  - The Committee will discuss initial legislation and identify new State Legislative Committee Chairs (Assembly Insurance and Senate Labor and Industrial Relations)
- **August**
  - Last opportunity for the Committee to establish a position before the conclusion of the Legislative session
- **September**
  - Last opportunity for the Committee to establish a position before the Governor's period to sign or veto bills approved by the Legislature
- **October**
  - Usually the first meeting at which the Committee is aware of all new bills signed into law as well as those passed by the Legislature but vetoed by the Governor

Reference: [2018 Schedule of Meetings](#)

### **Quorum:**

Pursuant to the Bylaws, a quorum consisting of a majority of the Committee (at least 6 members) must be present in order to conduct a meeting.

### **Voting:**

#### Voting Requirements

Pursuant to the Bylaws, the voting requirement is a majority of the Committee (at least 6 members) for all actions of the Legislative Committee

#### Conflicts

Pertinent EIA Code of Conduct Provisions:

2. We are committed to the concepts of democratic, effective and efficient governance by responsible, knowledgeable members of the Board of Directors and Committees with an understanding that official decisions made and actions taken by the Authority are always made in the best interests of the Authority's membership, as opposed to the interests of the Authority's staff, service providers, or other outside interests.

9. We are committed to the principle that conflicts of interest, (defined as situations in which a person has a financial or other interest or the appearance of a conflicting interest that would call into question the person's ability to act in an impartial manner with respect to a matter affecting the Authority) should be avoided and where present shall be fully disclosed. This includes situations when a member of the Board, a Committee, Staff, or vendor has personal interests (including those of his/her family) that are contrary to his/her loyalty to the Authority.

### Vote on behalf of the EIA or the Entity I Represent?

Attorney General Opinion No. 00-708 dated 12/8/00 concluded that a member of the governing board (in this case the Legislative Committee) of a joint powers agency may cast a valid vote on a matter before the agency that is inconsistent with the position by the legislative body which appointed the member.

Reference: [Attorney General Opinion No. 00-708](#)

### Voting When Conflict Arises:

According to FPPC:

- Disqualification
  - For financial interest (exception when action required)
- Abstention
  - Conflicting loyalties
  - Perception you can't be fair
  - Ethical dilemmas (exception for necessity to take action)

According to Roberts Rules of Order:

- Duty to vote if you have an opinion
- Right to abstain
- Personal interest - must abstain except
  - Vote for self in an election
  - Vote if other's interests are included in the motion

### **Closed Session:**

Closed sessions may be held in accordance with the provisions of state law and the Brown Act. Information discussed in closed session is confidential. In addition to the Legislative Committee and Legal Counsel, only individuals necessary for the discussion will be present. The Executive Committee has appointed the EIA's General Counsel, the Claims Review Committee's Legal Counsel, and the Claims Review Committee's Alternate Legal Counsel to serve as legal counsel to the EIA's Board of Directors and all EIA Committees for purposes of obtaining legal advice during closed sessions in accordance with the Brown Act (2/2/12 Executive Committee Meeting, Item 5.B.). All votes in closed session will be made by roll call.

Reference: [2/2/12 Executive Committee Minute Order](#)  
[Closed Session Handbook](#)

## **Glossary of Terms**

**Amendment:** Formal proposal to change the language of a bill after it has been introduced. Amendments must be submitted to Legislative Counsel for drafting.

**Amicus Curiae:** A term used to describe a legal brief filed in a case involving another entity but with potential ramifications for the entity filing the brief. Such briefs are filed in cases being heard at the Court of Appeals or the State Supreme Court. The term is Latin for "friend of the court".

**Appropriation:** The amount of money made available for expenditure by a specific entity from a specific source such as the General Fund, Environmental License Plate Fund, etc., and for a specific purpose.

**Assembly:** The house of the California legislature consisting of 80 members, elected from districts apportioned on the basis of population.

**Bill:** A proposed law, introduced during a session for consideration by the Legislature, and identified numerically in order of presentation; also, commonly refers to Joint and Concurrent Resolutions and Constitutional Amendments.

**Caucus:** A closed meeting of legislators of one's own party or any group of legislators who coalesce formally because of their interest in specific issues.

**District:** The area of the State represented by a legislator. Each district is determined by population and is known by a number. There are 40 Senate districts and 80 Assembly districts.

**Dropped:** Author has decided not to pursue the passage of the bill.

**First Reading:** Each bill introduced must be read three times before final passage. The first reading of a bill occurs when the measure is introduced.

**Fiscal Committee:** The Appropriations Committee in the Assembly and the Appropriations Committee in the Senate to which all fiscal bills are referred if they are approved by policy committees. If the fiscal committee approves a bill, it then moves to the floor.

**Floor:** The Assembly or Senate Chambers or the term used to describe the location of a bill or the type of session. Matters may be referred as "on the floor."

**Gut and amend:** The process of substantially changing the language of a bill.

**Hearing:** A committee meeting convened for the purpose of gathering information on a specific subject or considering specific legislative measures.

**Held In Committee:** A bill fails to get sufficient votes to pass out of committee.

**House:** Refers to either the Senate or the Assembly in California.

**Inactive File:** The portion of the Daily File containing legislation that is ready for floor consideration, but, for a variety of reasons, is dead or dormant. An author may move a bill to the inactive file and subsequently move it off the inactive file at a later date. During the final weeks of the legislative session, measures may be moved there by the leadership as a method of encouraging authors to take up their bills promptly.

**Lobbyist:** An individual who seeks to influence the outcome of legislation or administrative decisions. The law requires formal registration as a lobbyist if an individual's lobbying activity exceeds 25 contacts with decision makers in a two-month period.

**Lower House:** The Assembly.

**Override:** An effort to reverse a Governor's veto by a vote of two-thirds of the members of each house. This requires 27 votes in the Senate and 54 votes in the Assembly.

**Passage:** Favorable action on a measure before either house.

**President Pro Tempore Of The Senate:** Highest ranking leader and most powerful member of the Senate; also chairs the Senate Rules Committee. Elected by all Senators at the beginning of each two-year session.

**Presumption:** A workers' compensation term used to describe a particular ailment that is presumed compensable for a particular occupational class. A primary example is a claim for cancer or heart disease both of which are presumed compensable for safety officers and fire fighters. The creation of a presumption shifts the burden of proof for an injury from the employee to the employer. Although the laws regarding presumptions state the presumptions are rebuttable, it is nearly impossible to successfully defend a claim involving a presumed condition.

**Reading:** Presentation of a bill before the house by reading the title thereof. A bill is either in first, second, or third reading until it is passed by both houses.

**Reconsideration:** A motion giving the opportunity to take another vote on the item in question. The motion for reconsideration must be accepted by a majority of the members present and voting.

**Rule Waiver:** Specific exemption to the Assembly, Senate, or Joint Rules; formal permission must be sought and received.

**Second Reading:** Each bill introduced must be read three times before final passage. Second reading occurs after a bill has been reported from committee.

**Senate:** The upper house of the California legislature consisting of 40 members elected from districts apportioned on the basis of population, one-half of whom are elected or re-elected every two years for four- year terms.

**Session:** The period during which the Legislature meets.

**Speaker:** The presiding officer of the Assembly elected by the membership of the Assembly at the beginning of the two-year session. This is the highest ranking member of the Assembly.

**Sponsor:** The legislator, private individual, or group who developed a piece of legislation and advocates its passage.

**Spot Bill:** A bill that amends a code section in such an innocuous way as to be totally nonsubstantive. The bill has been introduced to assure that a germane vehicle will be available at a later date after the deadline has passed to introduce bills. At that future date, the bill can be amended with more substance included.

**Suspense file:** Bills that are subject to review by the Appropriations Committee or the Revenue and Taxation may be placed in the Committee's suspense file when the Committee elects not to take any immediate action.

**Third Reading:** Each bill introduced must be read three times before final passage. Third reading occurs when the measure is about to be taken up on the floor of either house for final passage.

**Upper House:** The Senate.

**Urgency Measure:** A bill affecting the public peace, health, or safety and requiring a 2/3's vote for passage. An urgency bill becomes effective immediately upon enactment.

**Veto:** The act of the Governor disapproving a measure. The Governor's veto may be overridden by 2/3's vote. The Governor can also exercise an Item veto, whereby the amount of appropriation is reduced or eliminated, while the rest of the bill approved. An Item veto may be overridden by 2/3's vote in each house.