

**CALIFORNIA PRIVACY PROTECTION AGENCY**

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**M e m o r a n d u m**

**Date:** December 5, 2022

**To:** California Privacy Protection Agency Board  
(Meeting of December 16, 2022)

**From:** Maureen Mahoney, Deputy Director of Policy & Legislation

**Subject:** Board and Agency Policies and Practices: Legislative Process

Description: This memo outlines the recommended steps for the California Privacy Protection Agency (CPPA or Agency) to:

- (1) Take a position on introduced legislation, whether state or federal; and
- (2) Put forward legislative proposals to California lawmakers.

It follows the steps that the Agency took in opposing federal legislation, H.R. 8152, the American Data Privacy and Protection Act, which as currently drafted seeks to preempt nearly all provisions of the California Consumer Privacy Act of 2018, as amended. The process seeks to enable the Agency Board to make informed decisions about legislation affecting the Agency, to enable all Board members to have meaningful input into the legislative decision-making process, and to enable staff to respond to fast-moving legislation in a timely and effective manner.

Considering introduced legislation: The Agency may want to take a position on state or federal bills that are relevant to the Agency.<sup>1</sup> Legislative staff will track bills relating to the Agency, and Board members and staff may individually flag bills to the Deputy Director of Policy & Legislation at any time. Board members may also flag bills at public Board meetings. Staff will develop brief bill analyses of introduced legislation that affects the Agency, typically with a recommended position – support, support if amended, oppose unless amended, or oppose – and, if appropriate, a general description of substantive amendments that staff recommends. Bill analyses will be distributed to the Board and posted publicly with the meeting agenda. The Deputy Director will present the bill recommendations for consideration and possible vote by the Board.

Because of the legislative calendar, staff recommends that the Board consider relevant California bills on a regular schedule, though circumstances may require the Board to convene at other times as well.<sup>2</sup> In 2023, policy bills must advance out of the first house by June 2 and be approved by the full

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<sup>1</sup> See, for example, California Board of Behavioral Sciences, Memo from Roseanne Helms, Legislative Analyst, to Board Members, Re: Legislative Update (Aug. 23, 2018), [https://www.bbs.ca.gov/pdf/agen\\_notice/2018/20180824\\_pa\\_item\\_xx\\_xii.pdf](https://www.bbs.ca.gov/pdf/agen_notice/2018/20180824_pa_item_xx_xii.pdf).

<sup>2</sup> The Board's discussion in July 2022 is an example – there, the Board held a special meeting for the purpose of discussing a bill that had to be reviewed on an accelerated timeline.

legislature by September 14. The Governor will have until October 14 to decide on these bills.<sup>3</sup> Accordingly, staff recommends that the Agency plan for the Board to meet mid-summer each year to consider bills. Meeting approximately mid-summer will allow the Board to consider bills that are likely in a close-to-final form, reducing the chances that the Board will need to reconvene to change position.

Staff will communicate any positions taken by the Agency through Board action to stakeholders and the public, and provide technical feedback to legislative staff, though there are no guarantees that the Agency's input will affect the status of the bill. Staff will provide updates to the Board and staff on the status of legislation affecting the Agency.

CPPA legislative proposals: From time to time, the Agency may choose to propose legislation to the California Legislature.<sup>4</sup> Board members and staff may individually suggest legislative ideas to the Deputy Director of Policy & Legislation at any time, and Board members may also suggest legislative ideas at public meetings.

Staff will analyze these proposals in the fall of each year, or as circumstances require. Brief memos analyzing relevant proposals will be distributed to the Board and posted publicly with the meeting agenda. At the meeting, the Board will have the opportunity to discuss proposals and may choose to bring them to a vote.

In order to meet legislative deadlines, staff recommends that the Board consider and approve CPPA legislative proposals no later than December of each year. In 2023, the Legislature will reconvene for regular session on January 4, and bill requests must be submitted to the Office of Legislative Counsel no later than January 20. The bill introduction deadline is February 17.

Staff will communicate about Board-approved proposals with the California legislature and other interested agencies, though there are no guarantees that the proposals will be taken up by the Legislature. Staff will provide updates to the Board and staff on the status of the proposals.

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<sup>3</sup> Office of the Assembly Chief Clerk, 2023 Tentative Legislative Calendar (Nov. 4, 2022), <https://www.assembly.ca.gov/legislativedeadlines>. Budget bills follow a separate timeline. The Governor proposes a budget to the Legislature by January 10. Legislative hearings on the Budget Bill, which itemizes recommended expenditures, typically begin in the late winter. The Governor typically updates the budget proposal in May. The Budget Bill must be passed by both houses of the legislature by June 15, and the Governor typically has 12 working days to sign the Budget Bill. Finally, Budget trailer bills are separate bills that make any necessary statutory changes to implement the Budget Bill and are heard concurrently with the Budget Bill. See, State of California Department of Finance, California's Budget Process (last visited Dec. 4, 2022), <https://dof.ca.gov/budget/californias-budget-process/>; California State Senate, The Budget Process: A Citizen's Guide to Participation (last visited Dec. 4, 2022), [https://www.senate.ca.gov/sites/senate.ca.gov/files/the\\_budget\\_process.pdf](https://www.senate.ca.gov/sites/senate.ca.gov/files/the_budget_process.pdf).

<sup>4</sup> For an example of state agency legislative proposals, see Memo from Bill Prasifka, Executive Director, Medical Board of California to Members, California State Legislature, Re: Medical Board of California 2022 Legislative Requests (Jan. 5, 2022), <https://www.mbc.ca.gov/Download/Documents/MBCLegislativeRequests-20220105.pdf>.