

Hi, and thanks for joining me. This is Chris Micheli of Aprea & Micheli and an adjunct professor at McGeorge School of Law in its Capital Lawyering program. Today, we're taking a look at bills, amendments to bills, constitutional amendments, and resolutions.

In California's State Capitol, there are three types of measures that can be considered by lawmakers -- bills, constitutional amendments, and resolutions. All of them are printed by the Office of State Publishing, and they're all made available, usually that night online, and the next day in the Bill Room, found in the basement of the California state capitol.

Let's look first at bills. Bills make statutes, and statutes are law. Generally, no bill, except the state budget bill, may be heard by any committee or acted upon by either house until it's been in print for a minimum of 30 days. This rule, like many legislative rules, can be waived with a three-fourths vote of the house of origin.

Only legislators of the Assembly or the Senate can author bills. We have a bicameral legislature, so bills must be passed by both houses of the Legislature, and then acted upon by the Governor. Our Governor can sign bills, he or she can veto bills, or they have a pocket signature that can allow bills to become law without his or her signature.

Remember statutes, or laws, can only be enacted through bills. The following are the types of bills that people who work in and around the state capital often describe. Let's go through them. There are quite a few.

**Appropriation bill.** An appropriation bill contains language that appropriates funds for state expenditures.

**Author-sponsored bill.** An author-sponsored bill is a bill that's sponsored by the author. It means it's the author's idea, not somebody else's.

**A backed bill.** A bill that is ready for introduction is a backed bill that identifies the author. It has a jacket, its formal name. We informally call it a backing. That's why it's a backed bill versus an unbacked bill.

**The budget bill.** It's the main bill that makes the appropriations for implementing the state's fiscal year spending. There are some other bills that modify the budget bill, and we call those a budget bill junior.

**A clean-up bill.** A clean-up bill cleans up or makes changes to a law following the enactment of a prior bill that needed to be fixed, modified, or cleaned up.

**Committee bill.** A committee bill is a measure that's authored by a legislative committee, the Judiciary Committee, the Health and Human Services Committee, the Transportation Committee, etc. It's usually used for enacting what we call non-controversial changes to the law.

**A district bill.** A district bill is one that applies to the individual author, his or her own legislative district, such as a piece of legislation that benefits only one transportation district that's located in one legislative district.

Fiscal bill. A fiscal bill has to go through a fiscal committee called the Appropriations Committee. This occurs after the bill has passed the policy committee.

An intent bill. An intent bill is one that reflects the intent of the Legislature on a particular topic. It basically serves as what we call a placeholder, meaning it's available for later detailed legislation when the author is ready to proceed with the substantive bill language.

Omnibus bill. An omnibus bill is one that contains a number of changes to the law that are generally suggested by some group, often non-controversial, such as codes to the Code of Civil Procedure or to the civil code, such as those suggested by the Judicial Counsel of California.

A special interest bill. That's one that's sponsored by a particular interest group, often called a special interest.

Sponsored bill, a bill that is sponsored or brought to a legislator by a particular interest group or an individual.

A spot bill. A spot bill makes technical, non-substantive changes in the law. It, too, is used as a placeholder for later substantive amendments, similar to an intent bill. An intent bill includes intent language, whereas a spot bill includes non-substantive or technical changes to a law.

Note that, with a spot bill, neither the Assembly Rules Committee nor the Senate Rules Committee will generally refer a spot bill to a policy committee until substantive amendments have been made.

Trailer bill. A trailer bill puts into effect changes in the law that are required to implement the spending in the state budget bill. It's called this because these bills trail the main budget bill -- i.e., they come after.

A two-year bill. Bills that carry over from the first year of the two-year session can be carried into the second year of the session. Interestingly, bills that are introduced in the second year of the session must be approved that year or we start all over again. Those two-year bills must clear their house of origin by January 31st of the second year.

An unbacked bill. Remember, a backed bill has the jacket. The unbacked bill doesn't have an author, and therefore it doesn't have backing or a jacket.

Now that we know all these different types of bills, what are the actual provisions of a bill? At the top of the bill, you'll find the introduction date and the amendment, or amendment dates where there are multiple amendments. Each date is listed at the top, so you know, easily, what version of the bill you're dealing with.

Then, of course, comes the bill number. The bill number itself is on the right-hand side of the bill. Whether it's an assembly bill or a senate bill is on the left-hand side. Then, the principal author of the bill is listed. Of course, if there are any co-authors, their names are listed under the bill's author, and that's done in alphabetical order.

Next comes the date. After the date, comes the title. The title identifies the code section or code sections of the bill that are being affected. It contains what they call a relating clause. "This is a bill relating to transportation," for example.

After the title and the relating clause comes the Legislative Counsel's Digest. The Legislative Counsel are the legislature's lawyers, and they must draft every bill and every amendment. In the Legislative Counsel's Digest, they succinctly set forth a brief summary of existing law, and it says, "Existing law provides..."

The next paragraph, or multiple paragraphs, explain what the changes to the law this particular bill makes. Again, that Digest is found right there on the front page of the bill.

At the end of the Legislative Counsel Digest are what is called the vote keys. These identify the vote required to pass the bill, whether the bill makes an appropriation or not, whether the bill is fiscal, and therefore will be heard in a fiscal committee, and the fourth key is whether the bill contains a state-mandated local program.

Then by law, by the Constitution, every bill must have an enacting clause. Therefore, at the start of every bill, it says, "The people of the State of California do enact, as follows..." and then the bill itself is set forth.

Finally, comes that actual bill language. The bill language is easy to follow, because language that is being repealed is in strike-out text showing the words to be deleted or repealed, and italicized words are new provisions to the law, so it's relatively easy to track.

A bill can do one of three things. It can add a new law or a new statute, it can amend an existing statute, or it can repeal an existing statute. Our state constitution in California has what we call the single-subject rule.

What that says is essentially that every act of the legislature can only embrace one subject, and that subject must be expressed in the title of the measure. This is the single-subject rule. To be fair, the courts in our state have been pretty liberal in how they construct that sign-subject rule, and in what must be contained in the title of the bill.

Under the joint rules of the Assembly and the Senate -- remember that the Assembly has its own rules, the Senate has its own rules, and then there are joint rules between the two houses. Under the joint rules, the title of every bill introduced must convey an accurate description of the content of the bill.

In amending a code section, the mere reference to the section is not deemed sufficient. They actually have to give some explanation as to what's in there.

As you'll recall from the different types of bills, a bill may not be introduced unless it is contained in a cover, a backing -- what we call the jacket -- that is prepared by the Legislative Counsel. It is accompanied by the Legislative Counsel's Digest, and it shows what changes to existing law are being proposed by the bill.

Whenever a bill is amended in either house, the Secretary of the Senate, for the state Senate, and the Chief Clerk of the Assembly, for the Assembly, has to request the legislative council to prepare a revised Digest and print that Digest.

In an amendment, the new matter to be added and any matter that is omitted is indicated and printed in the same manner as though the section was amended or repealed as part of the original bill when it's printed.

Keep in mind that those urgency bills require something special. They require an urgency clause that just not declares that it's going to take effect immediately upon adoption. It also requires an explanation or a justification. That language has to describe an immediate preservation of the public peace, health, or safety. Of course, it requires a two-thirds vote.

The text of those bills, of course, provides some very valuable information about the measure. Hopefully, by looking at the different component parts of a bill, you can understand what is being proposed and what needs to be done.

This is to be continued. In our next section, we're going to talk about constitutional amendments and resolutions.

I look forward to talking with you then.