Welcome to another podcast. This is Chris Micheli with the Sacramento governmental relations firm of Aprea and Micheli, and an adjunct professor at McGeorge School of Law.

In this podcast, it's part two of looking at bills, constitutional amendments, and resolutions. In the second presentation, we're going to talk about constitutional amendments and resolutions.

Constitutional amendments can be proposed by initiative -- that is, by the people -- as one of the forms of direct democracy that we have here in the state of California. In this context, we're talking about constitutional amendments being placed on the statewide ballot by the Legislature.

Of course, in order to adopt those amendments to our state constitution, it requires a vote of the people, a simple majority. That's 50 percent plus one.

The Legislature, just like the people, have the power to place measures on the ballot to amend our state constitution. These constitutional amendments are ACAs, Assembly Constitutional Amendments, or SCAs, Senate Constitutional Amendments.

ACAs, of course, originate in the State Assembly, and are authored by an Assembly member, or multiple Assembly members. An SCA originates in the State Senate, and it's authored by a Senator, or multiple state Senators.

Constitutional amendments proposed by the Legislature require a two-thirds vote of each house of the Legislature for passage, rather than a simple majority vote. However, constitutional amendments are not sent to the Governor, so the Governor cannot sign or veto a constitutional amendment.

In other words, if an ACA or an SCA passes both houses of the California State Legislature with a minimum two-thirds vote in favor, that constitutional amendment is automatically placed on the next statewide ballot, with or without the consent of the Governor.

Note that that two-thirds vote requirement applies to floor votes in the Legislature, not committee votes. Once the constitutional amendment is on the statewide ballot, if a simple majority of the voters cast an affirmative vote, then the changes or the additions become a part of the California Constitution.

Keep in mind, in the state capital, when these ACAs and SCAs are considered, all constitutional amendments have to be referred to the standing committee that has jurisdiction over the subject matter of that constitutional amendment.

If you're dealing with a constitutional amendment to affect, for example, the gas tax and transportation funding, you can well imagine that that ACA or SCA is going to go to the transportation committee in either the Assembly or the Senate.

Those constitutional amendments, once they pass the policy committee and are reported out of that committee, they must be re-referred to the committee of either house that has constitutional amendments within its jurisdiction. Usually, these are the elections committee.

They can also be heard in the fiscal committee in either or both houses of the Assembly or the Senate before reaching the floor.

At a minimum, any proposed constitutional amendment has, at minimum, two policy committee hearings. One in the substantive policy that's contained in the constitutional amendment, second in the policy committee that has constitutional amendments -- that is, election stuff -- in their jurisdiction.

Again, if it has a fiscal impact, it could also be heard in either the Senate Appropriations Committee and/or the Assembly Appropriations Committee. Constitutional amendments could be heard by three, or even more committees before they reach either the floor of the Assembly or the State Senate.

Resolutions. Keep in mind that resolutions are formal expressions of the views of the California Legislature. Resolutions do not carry the force and effect of law.

Bills, from our prior podcast, create statutes or amend statutes. Those are the laws. Resolutions are not laws. They're expressions of support or opposition.

Interestingly, in the California Legislature, there are three different types of resolutions. These three different types of resolutions can be considered individually by either house, or the other two have to be considered and approved by both houses.

One type of resolution is used by either house individually, meaning it only passes that single house in order to take effect. Those we call house resolutions.

The other two types of resolutions, which we call a concurrent resolution or a joint resolution, those require adoption of both houses of the California Legislature before they are given a chapter number by the Secretary of State.

Keep in mind that just like constitutional amendments that we just talked about, resolutions, because they don't have the force of law, are not signed or vetoed by the Governor. Again, resolutions take effect once they pass, either by one house for house resolutions, or both houses for joint or concurrent resolutions.

What's the difference between a joint resolution and a concurrent resolution? Again, both of those require adoption by both the Senate and the Assembly to take effect.

Concurrent resolutions are resolutions that deal with matters that are handled by both houses of the Legislature. For example, they're used to create joint committees of the Legislature, or they memorialize former legislators, or for other such purposes. Again, concurrent resolutions take effect when they are passed by both houses and filed with the Secretary of State.

On the other hand, joint resolutions are used for matters related to the federal government. They are used to express a position of the California Legislature regarding some sort of congressional legislation that's currently pending, where the California Legislature says, "We, the Legislature of the state of California, support or oppose that House bill or that Senate bill in the US Congress."

Those joint resolutions take effect, again, once adopted by both houses of the Legislature, and filed with the secretary of state. By the way, resolutions all get chapter numbers just like bills do.

That's the end of our podcast dealing with constitutional amendments and resolutions. Hope you enjoyed.