

This is Chris Micheli, a principal at the Sacramento governmental relations firm of Aprea and Micheli and an Adjunct Professor at McGeorge School of Law in its Capital Lawyering Program. Thanks for joining our podcast today which is on concurrence in bill amendments.

The California Legislature is a bicameral body with two houses in the legislature. After a bill has been passed by the house of origin, it is then transmitted to the other house for further consideration. If the second house makes amendments to the bill, then the bill must return to the house of origin for a final vote called a “concurrence vote” prior to being submitted to the Governor for his or her signature or veto.

When the Senate amends and passes an Assembly Bill or the Assembly amends and passes a Senate Bill, then the Senate, if it’s an SB, or the Assembly, if it’s an AB, has one of two choices- it must either concur or non-concur in the amendments made to that bill by the other house. If the Senate concurs, if it’s an SB, or if the Assembly concurs, if it’s an AB, then the Secretary of the Senate or the Chief Clerk of the Assembly notifies the house making those amendments that the house of origin concurred in the amendments and the bill is ordered to enrollment before being sent to the Governor's desk.

Both the Assembly and the Senate use their unfinished business sections of their respective daily files for consideration of bills on concurrence. If the amendments are more technical in nature, then they can be considered on the floor without a re-referral to a policy committee in the house of origin. In such a case, the bill must be on file at least one day, although this rule is waived during the final days of the legislative session. However, if substantive changes were made to the bill in the other house, then a policy committee in the house of origin will need to consider the bill as amended by the other house. The house of origin must concur in the other house's amendments in order for the bill to be sent to the Governor for his final action.

Under the Joint Rules of the Assembly and Senate, when a bill has been passed in one house and amended in the other house by the addition of a section providing that the bill shall take effect immediately as an urgency statute and it's returned to the house in which it originated for concurrence, the procedure and the vote is as follows:

The presiding officer, first directs that the urgency section is read and put to a vote. If two-thirds of the membership of the house vote in the affirmative, then the presiding officer directs that the question of whether the house shall concur in the amendment or amendments is then put to a vote and if two-thirds of the membership of the house vote in the affirmative, the concurrence in the amendments are effective immediately. If the affirmative vote on either of the questions is less than two-thirds of the membership of the house of origin, then the effect is refusal to concur in the amendment or amendments.

In most instances, the concurrence vote is relatively straight forward because the bill has already passed its house of origin once, and so it is anticipated that the measure will pass again after the other house has also passed the bill. On occasion, however, a bill that has been amended in a manner that's objectionable to the house of origin, which creates a lack of support for the bill can occur.

Thanks for joining us on this brief introduction to concurrence in amendments.