

Hi, this is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law. Thanks for joining today's podcast on general vs. special statutes.

Now, most capitol observers don't often come across bills that delineate between general or special statutes. What is a general statute versus a special statute? A general statute is essentially a law that pertains uniformly to an entire community or to all persons generally. On the other hand, a special statute is essentially a law that applies to a particular person, place, or interest. California law provides for both types of statutes.

California's Constitution, found in Article IV, Section 16, provides that all laws of a general nature have uniform operation and that a local or special statute is invalid in any case if a general statute can be made applicable. As a result, general statutes are the main type of bills considered by the Legislature and they apply uniformly by their language.

However, special statutes can be pursued so long as a general statute would not apply in the particular circumstance being addressed by the special statute. Working with the bill author, the Office of Legislative Counsel will make a determination whether a special statute will pass constitutional muster, and if so, how the bill must be drafted.

The initial determination is whether the proposed legislation can be addressed by a bill of general application. If not, then a special law would be required. With a special statute bill a reader may see the following type of language in that bill, "The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because ..." blank. Then Legislative Counsel will help draft the language that will be filling in that blank.

Thereafter the bill must contain an explanation of the special nature of the bill and why a bill of general application will not work in these particular set of circumstances. An example of this explanatory language is the following, taken from a prior enacted bill, "The unique island location of the City of Coronado and its proximity to large military installations requires a special law. In addition, the complexities of amending a general plan and a local coastal plan for the City of Coronado will take significantly longer than six months. As a result, a general law cannot be made applicable."

Although special statutes are not common, being aware of the general rules are helpful when you need such a bill in the California legislative process.

Thanks for joining this look at general versus special statutes. I hope you enjoyed it.