

Hi, this is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli, and an adjunct professor at McGeorge School of Law. Today's podcast is looking at the statutory schemes on the operation of statutes and resolutions.

In California's Government Code there are quite a number of Sections that set forth the operation of statutes and resolutions. These statutes in the Government Code were enacted back in 1943. They're found in Title II, Division 2, Part 1, Chapter 6 of the Government Code. I want to provide a little summary of them along with the citation.

The first deals with the effective date of statutes, which is Government Code Section 9600. Basically, with four exceptions, a statute enacted at a regular session goes into effect on January 1, following a 90-day period from the date of an enactment of the statute. A statute that's enacted at a special session goes into effect on the 91st day after adjournment of the special session.

What are the exceptions? The exceptions are statutes calling elections, statutes providing for tax levies or appropriations for the usual, current, expenses of the state, and urgency statutes that go into effect immediately upon enactment.

The effective date of resolutions is found in Government Code Section 9602, and that says every concurrent and joint resolution takes effect upon filing it with the Secretary of State. The general rules of statutory construction are in Government Code Section 9603 and it provides that the general rules for the construction of statutes are contained in the preliminary provision of the different Codes - meaning at the front of, for example, the Business and Professions Code, the Health and Safety Code, the Revenue and Taxation Code, Welfare and Institutions Code, etc.

Restatements of statutes is found in Government Code Section 9604, and it says when the provisions of one statute are carried into another statute under circumstances in which they're required to be construed as restatements and continuations and not as new enactments, then any reference made by any statute, charter, or ordinance to such provision must, unless a contrary intent appears, be deemed a reference to the restatements and continuations.

Repealed statutes are addressed in Government Code Section 9605. It says if a Section or part of a statute is amended it is not considered as having been repealed and reenacted in the amended form. The portions that are not altered are to be considered as having been the law from the time when those provisions were enacted. The new provisions are to be considered as having been enacted at the time of the amendment. The omitted portions are to be considered as having been repealed at the time of the amendment. And in the absence of any express provision to the contrary in the statute that is enacted last, it is conclusively presumed that the statute which is enacted last is intended to prevail over statutes that are enacted earlier in the same session. And that in the absence of any express provision to the contrary in the statute that has a higher chapter number, it's presumed that a statute that has a higher chapter number was intended by the Legislature to prevail over a statute that is enacted at the same session that has a lower chapter number.

Vested rights are addressed in Government Code Section 9606. Here it provides that any statute may be repealed at any time except when vested rights would be impaired. Persons acting under

any statute acting in contemplation of this power of repeal. Government Code Section 9607 deals with no revival of repealed statutes. So, with certain specified exceptions, no statute or part of a statute that's been repealed by another statute is revived by the repeal of the repealing statute *chuckles* without express words reviving the repealed statute or part of the statute.

Now if a later enacted statute that deletes or extends the date of termination, or repeals a previously enacted law, is enacted before the date of termination or repeal, then the terminated or repealed law is revived when the later enacted statute becomes operative.

Termination or suspension of law is found in Government Code Section 9608, which says the termination or suspension of any law creating a criminal offense does not constitute a bar to the indictment of information, or information and punishment of an act already in violation of the law that's been terminated or suspended unless that intent is expressly declared by an applicable provision of law. Amending a repealed statute is addressed in Government Code Section 9609. It says that a statute amending a section of a repealed statute is void.

Public salaries is found in Government Code Section 9610. Here the fixing or authorizing of the fixed salary of a state officer or employee by statute is not intended to, and does not constitute, an appropriation of money for the payment of that salary.

Suspended provisions of laws is found in Government Code Section 9611. Whenever a provision of law is temporarily suspended or is expressly or impliedly modified or repealed by a provision which is declared to be effective for only a limited period of time, the original provisions are not to be deemed repealed. However, upon the expiration of the time of the temporary suspension or the effectiveness of the inconsistent provision, then the original provision has the same force and effect as if the temporary provision had not been enacted.

That looks to cover some of the Government Code statutes concerning the operation of statutes and resolutions. Thanks for joining today's podcast.