

Hi. This is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli and an Adjunct Professor here at McGeorge School of Law. Today's podcast is on the Legislative Counsel's Digest.

You may be aware that all measures in the California Legislature are required to prominently display the Legislative Counsel's Digest right there on the front page of the bill. What is the Legislative Counsel's Digest?

The Office of the Legislative Counsel has a glossary of terms. They define the digest as being prepared by the Legislative Counsel. It summarizes the effect of a proposed bill on current law. It appears on the first page of a printed bill. Again, the Digest, you can see, the first page of every bill, resolution, constitutional amendment that's introduced or amended in the Legislature has that after the measure's number, the listed author and co-authors, and the relating clause. The Digest actually appears before the actual text of the measure.

Those who engage in legislative history and intent research often view the Legislative Counsel's Digest as an important indication of the general legislative intent because the Digest provides a summary of existing law and how the bill actually proposes to change existing law.

In essence, the nonpartisan Legislative Counsel's Office is explaining to legislators what they're voting on with regards to that particular measure.

In addition to being found at the beginning of each legislative measure, the Legislative Counsel's Digest appears even in the chaptered version of the measure that's contained in the Summary Digest of the Statutes and Amendments to the Code which is in the last volume for each year. It's arranged in the order of chapter number itself.

The digest is usually prepared by a Deputy Legislative Counsel who's the one who drafted the version of the bill, the introduced version or the first iteration digest. For minor technical amendments, the digest is not usually changed.

When the bill is substantially amended, then the Deputy who drafted the amendments will likely modify the text of the Digest in order to reflect those very substantive amendments that have been made to the measure.

Just as a side note, sometimes interest groups, lobbyists, even lawyers attempt to modify the Digest language when they're drafting amendments to a measure or even if they draft a bill to be introduced. Sometimes, they try and draft the Legislative Counsel's Digest. Those are usually entirely ignored because it's something that's just written and modified by the Legislative Counsel Bureau.

Each Digest contains at least two paragraphs. The first one always begins with existing law and then whatever it provides, so "Existing law provides for X." Then that second paragraph of the Digest always begins with "This bill would," or for a constitutional amendment, it'll say, "This measure would," etc.

The Digest contains explanations of other provisions of the particular measure, such as whether the bill would impose a state-mandated local program, whether the bill contains an appropriation,

whether it requires reimbursement for some state-mandated program, whether the bill contains an urgency clause or it's a tax increase and therefore requires a higher vote threshold, etc.

Note that the Digest is separate from the Digest Keys. Those are also prepared by the Deputy Legislative Counsel who's drafting the bill.

Again, these keys are what's the vote threshold, does the bill contain an appropriation, does it require referral to a fiscal committee, and does it create a mandated local program. Those are the keys. Those follow the Digest prepared by the Legislative Counsel.

That's our quick look at the Legislative Counsel's Digest. Hope you enjoyed it. Thanks for joining.