

Hi, this is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at the McGeorge School of Law. Thanks for joining today's podcast on drafting considerations for a California legislative resolution.

As you may be aware, in the California Legislature there are three types of resolutions -- House, Joint, and Concurrent. According to our Legislative Counsel, two of these resolutions, the Concurrent and the Joint, require adoptions by both houses of the Legislature before they can take effect.

On the other hand, House resolutions, which are called the House in the Assembly but a Senate Resolution in the Senate, are simply adopted by the house of origin only.

You should also be aware that all three types of resolutions require just a majority vote for passage, and they are not considered by the Governor, i.e., they are not sent to the Governor's desk for final action.

Now, like other legislative measures, both a bill and a constitutional amendment, a title for resolutions is drafted as well as a Legislative Counsel's Digest is also prepared in an effort to explain what the proposed resolution would do.

Because there isn't an existing law as it relates to a resolution, which is expressing the opinion of one house or both houses of the Legislature, there isn't a statement of existing law in "Leg Counsel Digest." Instead, there's just a one sentence explanation of what this resolution does.

For example, in the 2019 session there was a concurrent resolution that would recognize a week in May as Infrastructure Week and would urge the citizens of California to join in this special observance. That's all the Legislative Counsel Digest provides.

A Legislative Counsel Digest for a Concurrent Resolution usually begins with the language, "This measure would," or a Leg Counsel Digest of a Joint Resolution, it usually begins with the intro, "This measure would urge the Congress and the President of the United States to," do something.

On the other hand, a House resolution, again, which is House Resolution in the Assembly, Senate Resolution in the Senate. Those do not have a Legislative Counsel Digest. Instead, it simply has a heading that begins with, "Relative to," like, "Relative to Commemorating," a certain date or a group, for example.

Now, in terms of keys, those always follow the Legislative Counsel's Digest. The Leg Counsel Digest keys, well again, similar to the digest itself, in a House Resolution there are no keys. A House Resolution doesn't contain any key.

On the other hand, for both a Concurrent and a Joint Resolution, the digest key only has a single key. That's fiscal committee. In other words, does the Concurrent or Joint Resolution need to be referred to the fiscal committee for consideration of any fiscal impacts due to the language of the resolution?

After that, the text of the resolution begins, which utilizes paragraphs that begin with, "Whereas," and close with, "Resolved." These are the whereas clauses and ultimately the resolved clauses.

There aren't any limitations on the number of these whereas clauses that a resolution may contain, there's usually a half a dozen or so, but some resolutions may have just two or three, while others may contain a dozen or more whereas clauses.

For a Concurrent Resolution that originates in the Assembly, the first resolved clause begins with, "Resolved by the Assembly of the State of California, the Senate thereof concurring that the Legislature," blah, blah, blah.

Then, of course, those are flipped if the concurrent resolution originates in the Senate.

For a Joint Resolution that originates in the Senate, the first resolved clause begins, "Resolved by the Senate and the Assembly of the State of California jointly, that the Legislature urges the Congress of the United States to..."

Of course, we flip it to Assembly first and the Senate second for a Joint Resolution that originates in the State Assembly.

For a Concurrent Resolution, again that originates in the Assembly, the final resolved clause usually provides, "Resolved that the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution."

Then, for a Joint Resolution, this example that originates in the Senate, the final resolved clause usually provides that, "Resolved that the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the United States Senate, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution."

These are some of the key considerations when drafting one of the three types of resolutions of the California Legislature. Of course, the bill drafter still has to utilize all the usual guidelines for bill drafting and follow the required drafting style that's used for California measures.

Thanks for joining today's podcast on some of the drafting considerations for a California resolution.