

Hi, this is Chris Micheli with the Sacramento governmental relations firm of Aperia & Micheli and an adjunct professor at McGeorge School of Law. Today's podcast is looking at letters to the Journal. Now, one way to help figure out the legislative intent behind a particular measure is reviewing a letter that's been written by the bill's author that must be published in either the Assembly Daily Journal or the Senate Daily Journal. Although sometimes the same letter could be found in both journals. Generally though, a letter related to an Assembly Bill is included in the Assembly Daily Journal, and a letter on a Senate Bill is logically found in the Senate Daily Journal. Now these letters, and there are many each year in both houses may be used by the author of the bill to explain an ambiguity in the measure for example, or explain the purpose of particular changes in the law that are being done by the bill. In both the Assembly and the Senate, such a letter to the Journal is actually a pretty formal matter.

For example, the letter has to be on the legislator's letterhead and signed by the legislator. And the general custom and practice of both houses of the California Legislature is to have the respective leadership staff, meaning both the majority and minority party staff, review the contents of these proposed letters to the Journal and determine whether either party has an objection. Now on the Assembly side, the Speaker's office also reviews and approves these letters before they are formally adopted and allowed to be placed in the Assembly Daily Journal. And similarly, the Senate President Pro Tem's office reviews and approves these letters. In addition, the two Republican leaders, i.e., the Assembly Republican leader and the Senate Republican leader, likewise, provide a similar review and approval of these letters to the Journal. So what happens of course, if approval is not received by both sides of the aisle, both the majority and minority parties? Well, then it's a purely procedural matter.

Basically the legislator, the author of the letter, can request that the letter be printed with a roll call vote of the house. If such a request is made, then it takes just a simple majority of those present and voting to approve the printing of the letter in the respective house's Daily Journal. So while these letters to the Journal usually are printed with unanimous consent in either house, ultimately that is not necessary because only a majority of the legislators who vote on the actual motion to print the letter in the Journal must vote to approve its publication.

California courts can use these letters to help determine the intent of the Legislature. Although different versions of the bill, committee analyses, floor analyses, and other items of extrinsic evidence are generally given greater weight than these letters to the Journal. Nonetheless, for advocates and practitioners, these journal letters may frankly be the best indicator that's available regarding the intent of the bill's author. So they certainly shouldn't be ignored. In fact, they should be consulted closely.

That is just a brief look at letters to the Journal and how you utilize them, and certainly go about finding them. Thanks for joining.