



**Van Nuys Neighborhood Council**  
**Legislative Information Committee**  
**PO Box 3118, Van Nuys, California 91407**  
[www.VNNC.org](http://www.VNNC.org)

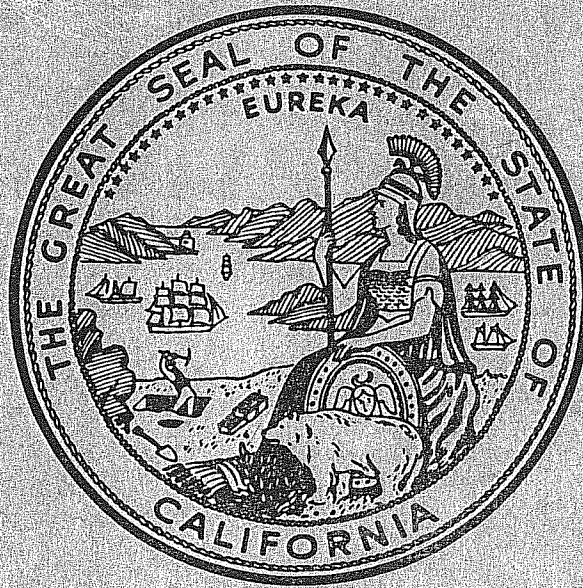
**Regular Meeting:** Sizzler, 7131 Van Nuys Boulevard Van Nuys, California 91405 – Main Dining  
**Date:** Thursday, March 3, 2016 - Time: 06:30PM

1. **CALL TO ORDER AND ROLL CALL**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA**
4. **FORMATION OF THE VAN NUYS NEIGHBORHOOD COUNCIL LEGISLATIVE INFORMATION COMMITTEE AS AN ADVISORY COMMITTEE**  
Discussion the formation and activities within the Van Nuys Neighborhood Council's business and jurisdiction.
5. **COMMISSION ANNOUNCEMENTS AND REPORTING BY COMMISSION**  
Brief announcements by Commissioners and brief reports regarding activities
6. **ORAL COMMUNICATION**  
During the portion of the agenda, any person may address the Van Nuys Neighborhood Council Legislative Information Committee on any matter concerning the Van Nuys Neighborhood Council's business, jurisdiction, or on any matter that is on the agenda. A speaker card must be completed and presented to any committee member.
7. **COMMISSION RESPONSE TO PUBLIC COMMENTS**  
The Commission cannot act on items raised during public comment, but may briefly respond to statement made or questions posed, request clarification, or refer the item to staff.
8. **ITEM OF BUSINESS**
9. **INTRODUCTION OF AGENDA TIMES FOR FUTURE MEETINGS**
10. **SET NEXT MEETING DATE**
11. **ANNOUNCEMENTS**
12. **ADJOURNMENT**

Under Government Code, § 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting, may be requested by emailing [info@vnnc.org](mailto:info@vnnc.org) or [Mail@MrHopp.com](mailto:Mail@MrHopp.com) or calling Richard Hopp (818) 902-0532. Members of the public who wish to address the committee are to complete a speaker card and submit to any committee member prior to final consideration of the matter. Cards are available from any committee members. Speakers on an agenda item has two (2) minutes and may be waived by the chairperson of the meeting (Government Code, §54954.3(b)). It is requested that individuals who require the services of a translator contact the Department of Neighborhood Empowerment 24 hours prior to the meeting. Whenever possible, a translator will be provided. SI REQUIERE SERVICOS DE TRADUCCION, FAVOR DE NOTIFICAR LA OFICINA CON 24 HORAS POR ANTICIPADO. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listen device, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make you request at least 3 business days (72 hours) prior to the meeting you wish to attend by contacting the Los Angeles Department of Neighborhood Empowerment at (213) 978-1551, [www.empowerla.org](http://www.empowerla.org).

# LEGISLATIVE DRAFTING MANUAL

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LEGISLATIVE COUNSEL OF CALIFORNIA

George H. Murphy

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# OFFICE OF LEGISLATIVE COUNSEL

## LEGISLATIVE DRAFTING MANUAL

### Chapter 1. *Generally*

#### Article 1. *Introduction*

1. *Purpose of Drafting Rules.* The principal objective of this manual is to provide guidance in the preparation of legislative measures and amendments to such measures that are proposed for introduction and consideration by the California Legislature. It is also intended to promote uniformity in the form, style, and language of such measures, since experience has demonstrated that sameness of that kind contributes immeasurably to the framing of sound and effective legislation.

To avoid any misunderstanding, the drafting principles incorporated in this manual are not, in the main, of recent vintage, but were formulated over a long period of time starting with the adoption of the California Constitution in 1849 and the convening of the first California Legislature in December of that year and continuing to the present day. Among other things, they reflect numerous constitutional, statutory and legislative rule requirements and limitations governing the enactment of legislation that have been with us, and been observed by this office in the drafting of legislation, for many years prior to the publication of this manual.

2. *References.* In the preparation of legislative measures there are many provisions of the California and United States Constitutions which limit the power of the Legislature. There are also statutes and legislative rules which affect the drafting of legislative measures. The principal provisions are noted in the Appendix.

3. *Definitions.* Unless otherwise indicated, for the purposes of this manual:

(a) "Legislative drafting" means, generally, the writing of proposed bills, constitutional amendments, and resolutions, and proposed amendments to such measures.

(b) A "bill" is a proposal for the enactment of a statute by the Legislature (Calif. Const., Sec. 8, Art. IV).

(c) A "statute" is a law resulting from the passage or enactment of a bill by the Legislature (Calif. Const., Sec. 8, Art. IV). It can also be a law adopted by the voters through the initiative process (see State Const., Secs. 22 and 24, Art. IV).

A statute may take the form of either (1) a new code or general law or (2) an amendment to an existing code or general law. Generally speaking, a "code" is a statute that embodies codified law on a

given subject, whereas a "general law" is a statute containing uncoded legislation.

(d) A "constitutional amendment" is an amendment or revision of the California Constitution that was adopted by the people after having been proposed and submitted to a vote of the people either by the Legislature (see Calif. Const., Art. XVIII) or by initiative petition (see Calif. Const., Secs. 22 and 24, Art. IV).

(e) A "resolution" is a formal written expression of the will, desire, or opinion of one or both houses of the Legislature that is not, and need not be, adopted in compliance with the requirements for the enactment of a statute, and hence is something that does not usually have the force and effect of law (see *Mullan v. State* (1896), 114 Cal. 578, 584; and see Article 2 (commencing with Section 110 for a discussion of other types of resolution)).

A "concurrent resolution" is a resolution adopted by both houses of the Legislature, as is also a "joint resolution," but the latter differs from a concurrent resolution in that it relates to "matters connected with the federal government" (Joint Rule 5).

A "single house resolution" is a resolution proposed for adoption by all Members of one house of the Legislature. If proposed for adoption by the Members of the Senate, it is described as a "Senate Resolution"; if by Members of the Assembly, as a "House Resolution."

While the submission by the Legislature to the people of a proposal for the amendment or revision of the California Constitution is customarily done by means of a concurrent resolution, a constitutional amendment is generally not classified as a resolution.

(f) A "proposal" is a bill, constitutional amendment, or resolution prior to its final enactment or adoption as such by the Legislature, and whether merely contemplated or after introduction in the Legislature.

(g) A "legislative measure" or "measure" is a bill, constitutional amendment, or resolution. Depending on the context, it may include all three, and might mean either a proposal or a bill, constitutional amendment, or resolution as finally enacted or adopted.

#### Article 2. *Responsibilities of Draftsman\**

10. *General.* The addition, deletion, or change which a proposed law would make must, of course, be expressed in writing, in the form of an amendment to the State or the Federal Constitution, a statute new or amendatory, or a city or county charter or ordinance, according to the nature of the proposal and the level of government at which it is submitted.

In each case the process of writing the proposed law is essentially the same: The use of the mind to gain a clear concept of the proposed addition, deletion, or change, in all of its ramifications, and the use of the written word to express that concept.

\* This article consists of statements written almost entirely by the late Justice Fred B. Wood, former Legislative Counsel.

If one's thinking is clear and thorough, the words that naturally come to him, in the order in which they come, in expression of his thoughts, will almost certainly convey to every reader those very thoughts, to the extent that words serve as precise and certain symbols to all persons using the same language.

That is the essence of the writing of a law.

The process naturally divides into three principal stages: (a) the gaining of a clear concept of the proposal, (b) getting an accurate picture of the existing law, to determine the impact of the proposal, and (3) finding the pertinent constitutional and other limitations, that the draftsman may steer clear of them.

Usually, these three lines of inquiry are pursued separately, in that order; not because of any rule or policy, but simply because that seems quite natural. Knowledge of the proposal determines what phase of the existing law may be affected. Constitutional limitations, substantive or formal, can the more readily and quickly be found and applied after you have something fairly concrete to apply them to. But the sequence can be varied, and the length of treatment at each stage of the process, to fit the occasion. Sometimes, it is well to make but a mere sketch of the proposal and then acquire an exact, detailed, and complete knowledge of the existing law (constitutional, statutory, and common law), before beginning to formulate a proposal. At other times, it is suitable and convenient to formulate the proposal in all of its details before giving much, if any, thought to the state of the existing law.

Now and then the proposal runs so clearly in the teeth of constitutional limitations there is no need to formulate it or to conduct any research except to find some other mode of attaining the objective. Sometimes the proposal is so specific, the act or section to amend so obvious, and the absence of constitutional limitations so abundantly clear, the three steps of the process merge into one and the draft of the bill can be written on the spot.

11. *Analysis of Proposal.* Ascertaining and formulating the proposal commences with thoughtful reading and analysis of it. The draftsman should examine the proposal, every part of it, and project the ramifications and implications of every part, and the need or occasion for each. Ideas begin to emerge, and from them flow other ideas, among them, perhaps, questions that call for more facts, which we proceed to obtain.

Just how much of the proposal is really new? There is no point in repeating the statement of any portion of the existing law, unless the impact of the proposal is such that it is desirable to write and enact a restatement with the new proposal a component part of it, repealing the old.

If government is to be given a new function, shall a new agency be created or shall it be given to an appropriate existing agency?

What are the main governing principles of the proposal? In what order does it seem suitable to



arrange them?

It is usual to start with such definitions as may be necessary. However, in some cases it may be preferable to start with the main, central feature for the convenience of every interested reader, that each may gain a quick understanding of what the proposal is about.

What subordinate or implementing features should the proposal have and where should they be placed in the proposal? Normally, they naturally follow the main governing principles which they respectively implement or qualify.

As to words, use those which come naturally in expression of your thoughts. If one has a normal vocabulary, the words he naturally uses will have meaning for every reader, the same meaning for the reader as for the writer. You write for every man who reads, not just for judges, lawyers, doctors, engineers, teachers, physicists, social scientists or any other group possessed of a special or technical vocabulary. Every man is presumed to know the law. The draftsman writes for him to read and understand.

There are rules on style in the writing of statutes. Some very good ones were developed by the California Code Commission (see "Drafting Rules and Principles for the Use of California Code Commission Draftsmen," found in Appendix G (at pp. 25, et seq.) of the 1949 California Code Commission Report to Governor and Legislature). The *fundamental rule* is to think the thing through until you see it clearly in all its aspects, putting down on paper what you see.

If in the process of thinking it through, ideas seem to come slowly, it is no cause for discouragement. One keeps exposing himself to the facts and the law of the situation, asking himself every conceivable question at each step, making such notes as will serve his purpose. Sooner or later ideas come so fast one is hard pressed to jot down each in turn before its immediate successors fly on past.

Upon occasion, after thorough analysis of a proposed bill and discovery of the pertinent provisions of the existing law, including the applicable constitutional and other limitations, significant ideas do not yet come, formulation seems difficult. In such a case, if time permits, it may be well to lay aside one's notes and give attention to other business, giving no conscious attention meanwhile to the proposal in hand. Then, after such an interval, whether it be a day or two or but an hour or two, the entire course of action will become clear. At the very least one will be able to make a fresh start and proceed unhesitatingly toward the goal.

In elaborating the provisions of a proposed bill, we make appropriate use of available materials. There is scarcely a subject upon which something has not been written in bill form, whether written but not introduced, introduced and printed but not passed, or enacted into law and administered for awhile, perhaps interpreted by a court, perhaps amended in the light of the administrator's experience or the court's interpretation.

If the proposal is to add a new function to government and to create a new agency to carry it out, you will probably find there are legislative norms and precedents for the composition of the agency and the conduct of its activities. If a board or commission is to head it, the constitutional and statutory provisions which deal with the State Personnel Board or the Public Utilities Commission may be of suggestive value; many of them may be just what you want.

If the agency is to be in charge of a director, with or without a board or two to advise him, the statutes relating to the Department of Food and Agriculture will prove helpful. If a department is to be headed by a director but with certain of its policies determined by a board or commission, the statutes regulating the Department of Housing and Community Development and the Department of Transportation should be examined.

If a new tax is to be levied and collected (by an existing agency, not a new one), you may find that the agency already has authority to provide the necessary personnel. You have but to define the tax, describe its base, prescribe the rate, and so on. The draftsman will likely find that the Legislature has already prescribed administrative procedures to govern the agency in the collection of one or more of the taxes now in force, and that little, if any, adaptation is necessary for the administration of the proposed new tax law. In addition, a tax act of some other state or a bill introduced at a former session of our Legislature may be found which contains much that is suggestive and helpful in formulating the provisions that will be entirely new to our law, peculiar to the proposed new type of tax.

So it is in relation to nearly every subject of legislation. These few examples given are but illustrative.

The precedents that one does find, should be used for their suggestive value and with keen discrimination. Take nothing for granted. The similar former bill or law may have been well adapted to its purpose but may not be suited in all respects to the proposal under consideration. Indeed, it may prove entirely incomplete and inadequate, not even suited to the purpose for which it was originally written.

Upon the other hand, it may prove admirably adapted to the present purpose. Experience under it may have demonstrated its workability. If so, and the draftsman is fully satisfied on these points, he may well use it, with such adaptations as seem indicated, and not engage in long hours of new and unnecessary original effort.

12. *Constitutional and Other Limitations.* The draftsman must bear in mind that he does his writing within the framework of a legal structure containing constitutional and other limitations.

Some of these limitations are found in the Federal Constitution, statutes, and treaties (see, *inter alia*, Appendix, this manual).

The State Constitution vests "the legislative power of this state . . . in the California Legislature" (Art. IV, Sec. 1), but limits the exercise of that power in many respects, as, for example, by guaranteeing "all men" certain "inalienable rights" (Sec. 1, Art. I), by making invalid a local or special statute "in any case if a general statute can be made applicable" (Sec. 16, Art. IV), by imposing a few rigid requirements as to form (see Sec. 8, subd. (d), and Sec. 9, Art. IV), and by detailing the treatment which it accords some subjects (see Appendix).

The draftsman may also have to consider the provisions of the charter of a particular county or city in determining whether or not a proposal before him, if enacted into law as a state statute, will be operative in the county or city, if the proposal deals with a county or municipal affair (see Cal. Const., Secs. 3, 4, 5, and 7, Art. XI).

13. *Checking Draft.* The importance of checking and testing the typewritten form of the draft of a proposal, thoroughly in all its aspects and with extreme care, cannot be overemphasized.

When the draft comes back from typing, the period of testing commences.

The first concern is to find out if the draft is exactly as written or dictated.

Next, one puts himself in the shoes of the reader, any reader, and finds what the draft says, forgetting for the moment what he intended it to say. If the interval between the writing or dictation and receipt of the typed draft is not sufficient for one to assume the role of a person reading it for the first time, he may lay the draft aside for a bit, if the demand for the finished product is not too pressing. In this objective frame of mind he is better enabled to find that the draft says too much here, not enough there, and is unclear in this or that of its provisions, or that it fails in some respect to express with exactness and precision the intended impact upon the existing law. It will be a simple matter then to make the necessary corrections.

He will consider again the applicable constitutional and other limitations, to make sure that the draft conforms to each, and, if it does not, to make it conform.

He will, of course, give the draft close scrutiny in matters of form. If it is a draft of a bill, does it have the prescribed enacting clause? (See Gov. C., Sec. 9501.5.) If amendatory, are the new and old provisions shown exactly and precisely and in accordance with the rules? (See Joint Rule 10.)

The title of the measure is scanned for form generally. As the measure is read, the draftsman keeps the relating clause in mind and makes sure the subject matter of the bill is encompassed by the title (see Cal. Const., Sec. 9, Art. IV, and Joint Rule 7). Each section in the title should be checked out against the section in the measure to be sure they correspond. If not done so previously, the citation of the last amended form should be verified (see Cal. Const., Sec. 9, Art. IV, and Joint Rule 10). The measure should be read for sense and analyzed so that the reader is satisfied it does what it is supposed to do,

including a check of new cross-references to make sure the proper section is cited. Each new section added to a code shall be checked to be sure it is added in the right place and that there is not an existing code section with the same number.

The draftsman should recheck the draft of the measure for other defects. The term "defects" refers not only to such matters of form as improper section numbering, misspelling, obviously unintentional provisions, and ambiguities, but also to such matters as inadequate safeguards, needed provisions, and any unworkable provisions.

Particular care shall be taken, especially after a bill has been amended, to see that the relating clause of the title is sufficiently broad to cover the subject matter of the measure as amended (see Cal. Const., Sec. 9, Art. IV, and Joint Rule 7), and also to make certain that the bill, if not the Budget Bill, does not contain " . . . more than one item of appropriation, and that for one certain, expressed purpose" (Cal. Const., Sec. 12, subd. (d), Art. IV).

In some instances, warning should be given of unintended effects resulting from the policy of a proposed statute; and, when the intention of the author is known, it is sometimes in order to indicate that the measure or some feature of it may be inconsistent with such intention.

All these items are the draftsman's responsibility. It is for him to turn out a draft of a proposed legislative measure as nearly perfect in substance and form as is humanly possible.

Chapter 2. *Bills*  
Article 1. *In General*

20. *Principal Components of Bill.* There are three major components of a bill: (a) the title, (b) the enacting clause, and (c) the body or text. This chapter deals with each of these components.

There must also be printed on each bill, commencing on the first page, a digest prepared by this office showing the changes in the existing law which are proposed by the bill (Joint Rules 8.5 and 8.6; Senate Rules 22.2 and 22.4). Included in this digest (termed "Legislative Counsel's Digest"), at its very end, are so-called "Digest Keys" indicating (a) the vote required for the passage of the bill, (b) whether or not the bill makes an appropriation, (c) whether it is of a kind that must also be referred to the "fiscal committee" (i.e., the Senate Finance Committee or the Assembly Committee on Ways and Means), and (d) whether or not it provides for what is known as a "state-mandated local program."

An example of a bill with the above enumerated components is Assembly Bill No. 662 of the 1975-76 Regular Session of the California Legislature. As introduced, it reads:

(SEE PAGES 9, 10, AND 11)



ASSEMBLY BILL

No. 662

Introduced by Assemblyman Kapiloff

February 3, 1975

REFERRED TO COMMITTEE ON ENERGY AND DIMINISHING MATERIALS

An act to amend Section 20982 of, and to add Sections 20780.5 and 20981.5 to, the Business and Professions Code, relating to gasoline, and making an appropriation therefor.

Title

LEGISLATIVE COUNSEL'S DIGEST

AB 662, as introduced, Kapiloff (Ener. & D.M.). Gasoline. Existing law requires gasoline to meet the specifications contained in the American Society for Testing and Materials Specification Designation D439.

This bill requires, in addition to meeting those specifications, that methanol be added to all gasoline sold in the State of California in the percentages and by the dates specified. This bill also provides that upon conviction of selling nonconforming products, the refiner and distributor shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

Existing law provides that the Department of Food and Agriculture or any dealer may bring an action to enjoin violations of the chapter on petroleum. This bill amends that provision to allow the Attorney General, or any district attorney, city attorney, or citizen to bring actions to enjoin violations of the chapter on petroleum.

This bill also appropriates an unspecified amount to the State Controller for disbursement to local agencies for costs incurred by them pursuant to this act.

Digest

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 20780.5 is added to the Business  
2 and Professions Code, to read:

3 20780.5. All manufacturers of gasoline must add the  
4 FF percentage additive of methanol (methyl fuel) to all  
5 gasoline sold in the State of California for internal  
6 combustion engine use by the date specified: January 1,  
7 1980—5 percent; thereafter the percentage additive of  
8 methanol shall be increased on January 1 of each year by  
9 1 percent until the mixture shall be at least 15 percent  
10 methanol by January 1, 1990.

11 SEC. 2. Section 20981.5 is added to the Business and  
12 Professions Code, to read:

13 20981.5. Upon conviction of a violation of Section  
14 20780.5, the manufacturer of the nonconforming product,  
15 and the distributor of the nonconforming product, shall  
16 be punished by a fine of not less than one hundred dollars  
17 (\$100) nor more than five hundred dollars (\$500).

18 SEC. 3. Section 20982 of the Business and Professions  
19 Code is amended to read:

20 20982. The department ~~or~~, any sealer, *the Attorney*  
21 *General, any district attorney, city attorney or private*  
22 *citizen* may bring an action to enjoin the violation or the  
23 threatened violation of any provision of this chapter or of  
24 any regulation made pertaining to the provisions of said  
25 chapter. Said action may be brought in the county in  
26 which such violation occurs or is about to occur. There  
27 may be enjoined in one proceeding any number of  
28 defendants alleged to be violating the same provisions or  
29 regulations, although their properties, interests,  
30 residences or places of business may be in several  
31 counties and the violations separate and distinct. Any  
32 proceeding brought hereunder shall be governed in all  
33 other respects by the provisions of Chapter 3, Title 7 of  
34 Part 2 of the Code of Civil Procedure.

35 SEC. 4. The sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_) is

☐ Keys

☐ Enacting  
Clause

Body  
or  
Text

- 1 hereby appropriated from the General Fund to the State
- 2 Controller for allocation and disbursement to local
- 3 agencies or school districts pursuant to Section 2231 of the
- 4 Revenue and Taxation Code to reimburse such agencies
- 5 for costs incurred by them pursuant to this act.

O

## Article 2. Title

30. *Generally.* Requirements respecting the title of a bill are found in Section 9 of Article IV of the California Constitution and in Joint Rule 7.

Section 9 of Article IV reads:

"Sec. 9. A statute shall embrace but one subject, which shall be expressed in its title. If a statute embraces a subject not expressed in its title, only the part not expressed is void."

Joint Rule 7 reads:

"7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient."

For a summary of the court holdings that have considered the purpose of the above constitutional provision and discussed its application, see the article on "Statutes" in 45 California Jurisprudence 2d, starting with Section 38, at pages 562 and following.

In view of the above requirements, as a general rule, the title of every bill:

(a) Affecting (i.e., by amendment, addition, or repeal) an existing code or general law must enumerate every section or part of the code involved, and include a "relating clause," separated from the enumeration by a comma, indicating the subject of the bill (see title of A. B. 662 of 1975-76 Regular Session quoted in Sec. 20, this manual).

(b) Proposing the enactment of a new code or general law must state the subject of the bill, but does not enumerate the sections of the bill. A "relating clause" is also included, although it is not usually separated from other language in the title by a comma (see Chs. 1020, 1025, and 1766, Stats. 1971).

31. *Section Enumeration.* (a) Where a bill would merely amend, add, or repeal a specified section of a particular existing code or general law, the initial portion of the bill title will read: "An act to amend Section . . . ," "An act to add Section . . . ," or "An act to repeal Section . . . ."

(b) Where a bill would amend and add, amend and repeal, add and repeal, or amend, add, and repeal specified sections of a particular code or general law, the initial portion of the bill title will in these instances read, respectively:

(1) "An act to amend Section . . . . of, and to add Section . . . . to . . . ."

(2) "An act to amend Section . . . . and to repeal Section . . . . of . . . ."

(3) "An act to add Section . . . . to, and to repeal Section . . . . of, . . . ."

(4) "An act to amend Section . . . . of, to add Section . . . . to, and to repeal Section . . . ."

of, . . . . "

(c) (1) As indicated in paragraph (4) of subdivision (b), above, the general order of enumerating in the title of a bill amending, adding, and repealing specific sections of a code or general law is to list first the section or sections amended, then the section or sections added, and finally the section or sections repealed.\* This order of enumeration, i.e., "amend, add, and repeal," is followed regardless of the numerical order of the sections as between categories, notwithstanding, for example, that a section amended is of higher or lower number than one to be added or repealed. Thus, where Section 100 of a code is to be amended, a Section 60 is to be added to that code, and an existing Section 150 of such code is to be repealed, the title enumeration will be: "An act to amend Section 100 of, to add Section 60 to, and to repeal Section 150 of, . . . . ."

(2) If a bill would amend more than one section of a code or general law, add more than one section to that code or general law, and repeal more than one section of such code or general law, the sections in each category are grouped together in ascending numerical order. Example: "An act to amend Sections 100, 300, and 400 of, to add Sections 10, 20, and 30 to, and to repeal Sections 75 and 350 of, . . . . ."

(d) (1) If sections in more than one code would be amended, added, or repealed by a proposed bill, the codes are set forth in the title of the bill in alphabetical order, and the sections affected by each code are grouped together and enumerated as in the case of a bill amending, adding, or repealing the sections of one code only. Example: "An act to amend Section 980 and to repeal Section 982 of, X Code, to amend Sections 80 and 81 of, to add Sections 41 and 86 to, and to repeal Sections 25 and 84, of, Y Code, and to add Sections 15 and 16 to, and to repeal Sections 5 and 10 of, Z Code, . . . . ."

(2) Paragraph (1) is also applicable generally to the title grouping and enumeration of sections in a proposed bill that would affect sections both in an existing code and in an existing general law. Since, however, a general law is usually identified by the chapter and year of its enactment (e.g., Chapter 121 of the Statutes of 1909), all the code section groupings will ordinarily precede all the general law section groupings.

(e) If a bill would amend and renumber a section of an existing code or general law, as well as amend, add, and repeal other sections of that code or general law, a reference to the section that would be amended or renumbered will be inserted in the title of the bill between the references to the section or sections to be amended and the section or sections to be added. Example: "An act to amend Section 5 of, to amend and renumber Section 10 of, to add Section 80 to, and to repeal Section 15 of, . . . . ."

The "amend, add, and repeal" order of section segregation would thus be modified in this situation to the extent only of changing such order to "amend, amend and renumber, add, and repeal." In all other

\* In special circumstances this format may be varied; for example, where a section is being repealed and one of the same number is being added, in which case the repeal should precede the addition.



respects the grouping and setting forth of the sections in the title are the same as where a bill would merely "amend, add, and repeal."

(f) The "amend, add, and repeal" and "amend, amend and renumber, add, and repeal" sequence is also generally applicable where a proposed bill would affect an article, chapter, part, division, or title of a code, as, for example, by amending or adding a chapter heading (see Stats. 1972, Chs. 749 and 1162) or by adding or repealing a chapter (see Stats. 1972, Chs. 1162, 1315, and 1327).

(g) Where a bill would both repeal and add a section of the same number, the enumeration of the sections in the title is as follows: "An act to repeal and add Section . . . ." This, of course, is a variance from the usual "amend, add, and repeal" sequence.

(h) All sections of a code or general law that would be amended, amended and renumbered, added, or repealed by a proposed bill must, as a rule, be enumerated in the title of the proposal. An exception is made for sections in an article, chapter, part, division, or title of a code that would be added or repealed. In that instance, only the number of the section with which the added or repealed article, chapter, part, division, or title commences is specified (see Joint Rule 10). Example: "An act to add Article . . . (commencing with Section . . . ) to Chapter . . . of Part . . . of Division . . . of Title . . . of the . . . Code." Note that the reference to the portion of the code (article, for example) that is added or repealed precedes each larger portion of the code in which the added or repealed portion will be or is contained. Generally speaking, a code is made up, in ascending order of scope, of sections, articles, chapters, parts, divisions, and titles. A section is a unit of an article, an article of a chapter, and so on.

32. *General Law.* In adding, amending, or repealing sections of a general law, the bill title will identify that law by reference to the chapter of the statutes containing its provisions as originally enacted. Thus, the title of a bill amending Section 2 of the 1963 law relating to the California Heritage Preservation Commission would read in part: "An act to amend Section 2 of Chapter 1938 of the statutes of 1963. . . ." The words "as amended" will not be included despite the fact that Section 2 was amended in 1971 (see Ch. 420, Stats. 1971).

If a general law has an official short title, such title should be included in the title reference to the general law. Example: "An act to amend Section 13 of the Humboldt County Flood Control District Act (Chapter 939 of the Statutes of 1945) . . . ."

33. *Relating Clause.* The title of a proposed bill must, in every case, include a relating clause stating the subject of the proposal (see, also, Sec. 30, this manual). This requirement, in the case of a code section, is clearly implied by Joint Rule 7, which states that "In amending a code section, the mere reference to the section by number shall not be deemed sufficient." The omission of a relating clause

does not, however, violate any constitutional provision (see *Milgate v. Wraith* (1942), 19 Cal. 2d 297, 304).

34. *Appropriation Statutes.* While there is no constitutional, statutory, or legislative rule requirement that the title of a bill making an appropriation for the usual current expenses of the state and to become effective immediately as a consequence (see Cal. Const., Sec. 8, subd. (c), Art. IV) contain a statement to that effect, it is customary to include in the title of such a bill the words "and making an appropriation therefor" (see Ch. 1197, Stats. 1973) or "and making an appropriation, to take effect immediately" (see Ch. 241, Stats. 1971).

35. *Tax Levies.* While there is no constitutional, statutory, or legislative rule requiring that the title of a bill making a tax levy and to become effective immediately as a consequence (see State Const., Sec. 8, subd. (c), Art. IV) contain a statement to that effect, the title of a bill making a tax levy should include the words "to take effect immediately, tax levy" unless a different operative date is desired (see Ch. 284, Stats. 1971).

36. *Urgency Statutes.* While there is no constitutional, statutory, or legislative rule requirement that the title of a bill that is to become effective immediately as an urgency statute (see State Const., Sec. 8, subd. (c), Art. IV) contain a statement to that effect, the title of such a bill should include the words "and declaring the urgency thereof, to take effect immediately" (see Ch. 43, Stats. 1973).

37. *Combination Appropriation Bills and Urgency Statutes.* See Chapter 362 of the Statutes of 1971; also various state budget acts (e.g., Ch. 157, Stats. 1972).

38. *Revised Law.* The title of a bill that would revise the existing law either by codifying or recodifying it will generally contain a statement to that general effect rather than enumerate the various sections that would be affected by it. An example of this is the title of Senate Bill 657 of the 1939 Regular Session (enacted as Chapter 60 of the Statutes of 1939), which reads:

"An act to establish a Health and Safety Code, thereby consolidating and revising the law relating to the preservation of the public health and safety, including the health and safety of persons, the custody and disposition of dead bodies, the safety and protection of property; and matters incidental thereto, and to repeal certain acts or parts of acts specified herein."

This is not actually a deviation from the "amend, add, and repeal" sequence, since a "revision" is considered the equivalent of an "amendment."

#### Article 3. *Enacting Clause*

50. *Requirement.* Although there is no express constitutional, statutory, or rule requirement that a bill contain an enacting clause, such a requirement is considered implicit in the wording of Section 0501.5 of the Government Code, which reads:

"The enacting clause of every law shall be 'The people of the State of California do enact as follows:' "

The enacting clause was required by Section 1 of Article IV of the California Constitution until that provision was deleted in 1966.

#### Article 4. *Body or Text*

60. *Inclusion in Code.* Nearly all bills necessitate amending, adding, repealing, or otherwise affecting sections or other portions of existing codes.

In view of a policy of the California Legislature established at least as far back as 1953, if the proposal is for legislation of a permanent nature and of general statewide application, the draft should provide for the placement of the provisions of the proposal in one or more of our twenty-seven codes (see Gov. C., Sec. 10242), in the absence of any specific instructions to the contrary.

A proposal for legislation of limited duration or that would not be of general statewide application is usually not codified. Proposals of this kind are those enumerated in the following statements of the former California Code Commission (created in 1929 "for the purpose of revising 'all the laws of this State' ") in its final report to the Governor and the Legislature dated September 1, 1953 (at pp. 7 and 8):

"The completed program of the Code Commission consists of twenty-five codes, twenty-two codes prepared by the commission, and three of the four 1872 codes. Of the 1872 codes, the Political Code has been repealed, and both additions and deletions have been made in the Civil Code, Code of Civil Procedure and Penal Code. The commission believes that this system of codes contains all of the 'live' laws of general interest.

"It does not include all of the laws of California. The following types of acts have not been codified, because they are of little general interest and because their inclusion would unduly extend the codes:

- "a. Acts authorizing a change of name.
- "b. Acts authorizing the sale of specific land by administrators.
- "c. Acts authorizing the grant, sale or purchase of specific land by the State, and authorizing quiet title actions against the State as to specifically described property.
- "d. Acts authorizing the issuance of duplicate land warrants.
- "e. Acts providing for the refunding of bonds of special districts.
- "f. Validating acts.
- "g. Appropriation acts which are effective only during a limited

period of time. (Acts making a continuous appropriation, or, in addition to making an appropriation, conferring a power have been codified.)

"h. Acts authorizing the issuance of bonds, which will become inoperative upon payment of the bonds.

"i. Acts terminating of their own force by the lapse of a specified period of time.

"j. Initiative acts. These acts cannot be codified by the Legislature because of the constitutional limitations on the powers of the Legislature with reference to them. The commission recommends to the publishers of the codes that the initiative act be published as an appendix to the appropriate code, rather than as a separate volume.

"k. Acts creating special districts, and other special acts passed between 1849 and 1879.

"l. Acts authorizing the creation of districts, which have been so rarely applied as to be of little general interest although technically of general application.

"In addition to the acts referred to above, many statutes which are addressed to existing codes contain sections which stand independently. Some of these sections, which were not originally enacted as part of any code, contain substantive provisions of law, and for this reason they have been added to the appropriate code. Others are of such limited effect that they have not been codified. Sections of acts which fall into this latter category are:

"a. Those relating to the effective or operative date of a statute.

"b. Those making an appropriation limited in time.

"c. Those sections referred to as double-jointing clauses, which operate to repeal a part of an act if a new code is adopted.

"d. Those limiting the length of time during which a statute remains operative.

"e. Those designating the author's name.

"f. Separability and constitutionality clauses."

61. *General Code Format.* (a) In the preparation of a draft of a bill for an amendment, addition, repeal, or other change in an existing code, the draftsman should bear in mind the general arrangement or style of the code, and so draft the proposal that it will fit that code. It is to be noted that the arrangement and style of the various codes that were drafted by the 1929 California Code Commission follow a broad pattern described in "Appendix G" of its 1949 report to the Governor and the Legislature

(at pp. 25-37), titled "Drafting Rules and Principles for the Use of California Code Commission Draftsmen."

(b) The material in a code that was drafted by the 1929 California Code Commission is ordinarily segregated into general provisions and, in descending order of scope, titles, divisions, parts, chapters, articles, and sections. The general provisions contain the short title of the code and the definitions and other provisions that are applicable to the code as a whole. In some instances nearly all the code definitions are found in the General Provisions; in others, some definitions are included only at the commencement of particular titles, divisions, parts, chapters, articles, where they are pertinent solely in those areas. If applicable exclusively to a given section, a definition should be placed only in that section.

(c) Although in some of the earlier codes Roman numerals were used for the purpose, arabic numbers are now used in designating titles, divisions, parts, chapters, and articles of a code, and each of these subdivisions is given an appropriate title. One of the sections in the General Provisions of the codes drafted by the 1929 California Code Commission states that such a title does not limit the scope of the subdivision (see, for example, Ins. C., Sec. 6).

(d) An arabic number is also used to designate a section of the code. The section is not preceded by the word "Section" or by the abbreviation "Sec.," as in the case of a general law (see Ch. 1764, Stats. 1971).

A section heading is not included in the draft of a code section. With the exception of original sections in the 1872 codes and except for a few other isolated instances, the section headings appearing in privately published editions of the codes are not parts of the official text, but have been added by the editors. In preparing an amendment of a code section which has an official heading, the bill draft should provide for the deletion of such heading.

(e) The codes that were drafted by the California Code Commission wisely provided for the skipping of section numbers between titles, divisions, parts, chapters, and articles in contemplation of the possibility that new material might be added to the codes in years subsequent to their enactment, and to facilitate such addition by the incorporation of the material in new titles, divisions, parts, chapters, and articles. For guidance in this regard, a schedule setting forth the minimum number of sections to be skipped was included in the drafting rules referred to above in subdivision (a) of this section.

(f) Whenever possible, an integer or whole number should be used in the numbering of a code section. Where, however, it is necessary to insert a new section between two existing whole-numbered sections of a code, the new section should be given a decimal number that would place it halfway between the two whole-numbered sections. Thus, if a new section must be inserted between Sections 7507 and 7508 of the Revenue and Taxation Code, it should be numbered "7507.5."



If it is necessary to insert more than one section between two existing whole-numbered sections of a code, each of the new sections should be given a decimal number that will place it at such point between the two whole-numbered sections as appears appropriate under the circumstances, and that will allow for the possible incorporation of other sections in the future between existing sections, should that become necessary. Thus, if two sections are to be inserted between Sections 7507 and 7508 of the Revenue and Taxation Code, the sections could be numbered "7507.2" and "7507.4."

The use in a code of a fractional section number (159½, for example) or a section number with an alphabetical addition (159b, for example) is to be avoided.

62. *Bill Sections.* (a) For the purposes of this section and, where relevant, any other section of this manual, "bill section" means, generally, that section of a bill which expressly declares or provides that a section or portion of a code or general law is amended, added, repealed, or otherwise changed as indicated by it. Illustrations of such a section are "Section 1," "Sec. 2," and "Sec. 3" in the Assembly Bill 662 set forth in Section 20 of this manual. So also are "Section 1," "Sec. 3," "Sec. 4," "Sec. 5," "Sec. 6," "Sec. 7," "Sec. 8," "Sec. 9," "Sec. 10," "Sec. 11," "Sec. 12," "Sec. 13," "Sec. 14," and "Sec. 15" of Chapter 1069 of the Statutes of 1971. The language of this type of section is not, and does not, become part of the code or general law affected.

(b) The first numbered bill section is always preceded by the word "Section." Example: "Section 1."

The second and each subsequent numbered bill section is preceded by the abbreviation "Sec." Example: "Sec. 2," "Sec. 3," etc.

(c) If a bill amends, adds, or repeals more than one section of any existing code or general law, each such amendment, addition, or repeal must be set forth in a separate section of the bill (see Joint Rule 8).

(d) Each bill section must identify the code or general law to which it relates. In the case of a code, the name of the code must be spelled out in full; in the case of a general law, the number of the chapter by which such law was originally enacted, together with the year of the statutes in which it is found, must be cited. Examples:

"Section 10 of the Civil Code is amended to read:"

"Section 73 of Chapter 1748 of the Statutes of 1971 is repealed."

Do not use "said code" or "said act" in lieu of the full title of a code or general law.

63. *Code or General Law Section: In General.*

(a) Each section of a code or general law that would be amended, amended and renumbered, or repealed should be set out in full, using the correct last amended form of the section, with language to be deleted indicated by strikeout type and language to be added indicated by underlining; except that if a

bill would repeal an article, chapter, part, division, or title of a code or general law, identify such portion of the code or general law, then specify the number of such portion, the number of the section with which it commences, and, in ascending numerical order, each larger portion of the code or general law in which such portion is contained (see Joint Rule 10). Example of exception: "Section 1. Chapter 1 (commencing with Section 3600) of Title 1 of Division 4.5 of the Government Code is repealed." In this case, the language of the sections in the repealed portion of the code or general law is not set forth.

Where language would be deleted and added at the same place in a section of a code or general law, the language to be deleted shall be set forth in strikeout type before the language which would be added as set forth in underlining. Example: " 'Health care facility' means . . . hospital ~~licensed by~~ under the jurisdiction of the California State Department of Public Health or the Department of Mental Hygiene."

The correct last amended form of a section of a code or general law can be ascertained from the Statutory Record. This includes both the bound volumes of that publication and, during a legislative session, the card files in our library indicating the legislation enacted at that session.

(b) The sections of a code or general law that would be affected by a proposed bill shall appear in the body of the bill in strict numerical order, whether they are to be amended, amended and renumbered, or repealed. Note difference in the enumeration of sections for bill title purposes as indicated in subdivision (c) of Section 31 of this manual.

(c) If sections of various codes would be affected by a proposed bill, the sections in each code shall be grouped together in the order specified in subdivision (b), and code groupings shall be arranged in accordance with the alphabetical order of the codes. Example: See Assembly Bill 589 of 1973-74 Regular Session, as introduced.

If a proposed bill would affect sections in both codes and general laws, all of the code grouping should, ordinarily, precede all of the general law groupings.

64. *Plus Sections Generally.* (a) A "plus section" of a proposed bill shall be placed at the end of the bill.

(b) A "plus section" means, generally, any section of a proposed bill that is not an integral part of the substance of a section or other part of a code or general law that would be amended, added, repealed, or otherwise affected by the proposal, or a section of a proposed bill that has only temporary or limited effect. A "plus section" includes a section of a bill that does any of the following:

(1) Provides that the bill, or any section of the bill, has a delayed operative date (see Sec. 65, this manual).

(2) Provides that the bill or any section of the bill is to remain operative only until a specified date or for a prescribed period (see Sec. 66, this manual).

(3) Provides that if any provision of the bill should be held invalid, the holding shall not affect other provisions of the bill that can be given effect without the invalid provision. A provision of this kind is called a "severability clause" or "constitutionality clause" (see Sec. 67, this manual).

(4) Where the bill repeals any section of a code or general law, provides that the repeal shall not be construed as depriving any person or public agency of any substantial right. This is the so-called "saving clause" (see Sec. 68, this manual).

(5) Provides that an amendment made by the bill is not "a change in, but is declaratory of the existing law" (see Sec. 69, this manual).

(6) Provides that the bill shall go into immediate effect as an urgency statute, as a tax levy, as an appropriation for the usual current expenses of the state, or as an act calling an election (see Sec. 70, this manual).

(7) Where the bill is "double-jointed" to one or more other bills amending the same section of a code or general law, and each bill is chaptered, expresses the intent of the Legislature as to which of the amendments shall become operative.

(See Sec. 71, this manual.)

65. *Delayed Operative Date Provision.* If a proposed bill, or a section of a proposed bill, is to become operative at a date later than the effective date of the bill (see subd. (c), Sec. 8, Art. IV, Cal. Const.), the body of the bill shall contain a plus section reading as follows, whichever is appropriate:

(a) "This act shall become operative on [a specified date or a prescribed period after the effective date]."

(b) "Section . . . . . of this act shall become operative on [a specified date or a prescribed period after the effective date]."

66. *Limited Duration Provision.* (a) If a proposed bill, or section of a proposed bill, is to remain in effect only until a specified date or for a prescribed period, *but is not then to be repealed*, the body of the bill shall contain a plus section reading as follows:

"Sec. . . . . Section . . . . . of this act shall remain in effect only until [the specified date or end of the prescribed period], and shall have no force or effect on or after such date, unless a later enacted statute, which is chaptered before January 1, . . . . ., deletes or extends such date."

(b) If a bill proposes the addition of a section of a code or general law that is to remain in effect only until a specified date or for a prescribed period, *and the section is to be repealed as of that date or at the end of such period*, the body of the bill may contain a plus section reading as follows:

"Sec. . . . . Section . . . . . shall remain in effect only until [the specified date or end of the prescribed period] and as of such date is repealed, unless a later enacted statute, which is chaptered

before . . . . ., deletes or extends such date."

This language could also be included in the proposed new section itself.

Whether the language is included in a plus section of the bill or in the proposed new section, the title of the bill must reflect the repeal. It will be sufficient for this purpose to set forth in the title of the bill language similar to the following: "An act to add and repeal Section . . . ."

(c) If a bill proposes an amendment of a section of a code or general law that is to remain in effect only until a specified date or for a prescribed period, the bill shall:

(1) In one bill section, provide for amendments in code or general law section incorporating the changes in that section which are to be of limited effectiveness or duration, together with a provision specifying a termination date of the section as so amended and repealing it as of such date.

(2) In a second bill section, provide for the addition of a section to the code or general law of the same number as, and containing the existing language of, the present section, and providing that it shall become operative on the termination date of the present section as amended by the first bill section.

In a third bill section, state the legislative intent as to the duration of the first bill section and the operation of the second bill section.

Example:

"Section 1. Section 29 of the Food and Agricultural Code is amended to read:

"29. 'County' ~~includes~~ means county and city and county.

"This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

"Sec. 2. Section 29 is added to the Food and Agricultural Code, to read:

"29. 'County' includes city and county.

"This section shall become operative on January 1, 1975.

"Sec. 3. It is the intent of the Legislature that the amendments to Section 29 of the Food and Agricultural Code which are made by Section 1 of this act shall remain in effect only until January 1, 1975, and on that date Section 2 of this act shall become operative to restore Section 29 to the form in which it read immediately prior to the effective date of this act."

The title of the bill shall state that the section involved is amended, added, and repealed. In the case of the above example, such title would read, in part: "An act to amend, add, and repeal Section 29 of the Food and Agricultural Code . . . ."

See, also, Section 9607 of the Government Code.

67. *Severability Clause.* Since most of the California codes contain "severability" or "constitutionality" clauses (see par. (3), subd. (b), Sec. 64, this manual; and see Sec. 23, Gov. C.), it is rarely necessary to include such a clause in a bill draft. The clause should not be used unless there is a

possibility that should the draft become law, it may be construed as partially invalid. In that case, the following language shall be incorporated in the draft:

"If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable."

68. *Saving Clause.* Where it is necessary to use a "saving clause" (see par. (4), subd. (b), Sec. 64, this manual) in a bill draft, the following language shall be used:

"The repeal ..... effected by this ..... shall not be construed to deprive any person or public agency of any substantial right which would have existed or hereafter exists had such repeal ..... not been effected."

69. *Provision Declaratory of Law.* A provision in a bill that an amendment made by it is merely declaratory of the existing law shall conform to the following:

"The amendment of this section made by the ..... Regular Session of the Legislature does not constitute a change in, but is declaratory of, the existing law."

See, also, paragraph (5), subdivision (b), Section 64, this manual.

70. *Immediate Effect Section.* (a) As exceptions to the general rule that a statute, enacted at a regular session goes into effect on January 1 next following a 90-day period from the date of enactment of the statute and a statute enacted at a special session goes into effect on the 91st day after adjournment of the special session at which the bill was passed, statutes calling elections, statutes providing for tax levies, statutes making appropriations for the usual current expenses of the state, and urgency statutes go into effect immediately upon their enactment (subd. (c), Sec. 8, Art. IV, Cal. Const.).

(b) An urgency statute is one "necessary for the immediate preservation of the public peace, health, or safety," and a statement of the facts constituting such necessity must, by constitutional mandate (subd. (d), Sec. 8, Art. IV), be set forth in one section of the bill. The following language is used for this purpose:

"Sec. .... This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:"

(c) Although there is no express provision in the State Constitution on the subject, there is judicial authority indicating that without the inclusion of language in a statute calling an election, providing for a tax levy, or making an appropriation for the usual current expenses of the state, it does not become effective immediately as such (see *Roth Drug, Inc. v. Johnson* (1936), 13 Cal. App. 2d 720, 729). Accordingly, if it is desired that such a statute take effect immediately, the language in whichever of the



following forms is appropriate for the purpose shall be used:

(1) *Tax Levy.*

"Sec. . . . . This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect."

(2) *Appropriation for Usual Current Expenses.*

"Sec. . . . . This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect."

(3) *Calling Election.*

"Sec. . . . . This act calls an election within the meaning of Article IV of the Constitution and shall go into immediate effect."

See, also, paragraph (6), subdivision (b), Section 64, this manual.

71. *Double-Jointing Provisions.* (a) *Generally.* Double-jointing is requested when there are two or more bills affecting the same section of the law. Such a request is prompted by Section 9605 of the Government Code which provides generally that in the absence of any express provision to the contrary in a bill which is chaptered last, the last (higher) chapter law prevails. Consequently, unless some consideration is made for the earlier chaptered bill, the last chaptered bill will eliminate any changes proposed by the earlier bill.

Sometimes the problem can be resolved by adding a new section to the law rather than by amending a section which is also being amended by another bill.

Also, of course, the later bill could be amended to incorporate all of the changes of the earlier bill and thus save the effect of the earlier bill. For various reasons, including pride of authorship, this may not be desired. So assuming the changes made by both bills are compatible (that is, neither change is in conflict with the other), both bills can be saved by "double-jointing."

Requests for "double-jointing" are therefore requests for provisions in a bill which would add provisions to the bill that would make effective all of the changes in a section of a code or general law proposed by that bill and one or more other bills, if each bill is chaptered.

Double-jointing, to be effective, must either be in the bill which is last chaptered or that bill must contain a provision expressly indicating that it is the intent of the Legislature that an earlier chaptered bill prevail over the later chaptered bill (see Sec. 9605, Gov. C.). The only way in which it can be certain that double-jointing will be in the bill which is last chaptered is if each of the bills that amends a section of a code or general law contains the double-jointing provision. Thus, where possible, each bill should be double-jointed.

(b) *Where two bills are effective and operative at the same time, use language in the following*

form:

"Sec. .... It is the intent of the Legislature, if this bill and ..... Bill No. .... are both chaptered and become effective January 1, ....., both bills amend Section ..... of the ....., and this bill is chaptered after ..... Bill No. ...., that the amendments to Section ..... proposed by both bills be given effect and incorporated in Section ..... in the form set forth in Section ..... of this act. Therefore, Section ..... of this act shall become operative only if this bill and ..... Bill No. .... are both chaptered and become effective January 1, ....., both amend Section ....., and this bill is chaptered after ..... Bill No. ...., in which case Section ..... of this act shall not become operative."

(c) *Where there are two bills and the one not being amended is to be operative at a later date, use language in the bill to be amended in the following form:*

"Sec. .... It is the intent of the Legislature, if this bill and ..... Bill No. .... are both chaptered and become effective January 1, ....., both bills amend Section ..... of the ....., and this bill is chaptered after ..... Bill No. ...., that Section ..... of the ....., as amended by Section ..... of this act shall remain operative only until the operative date of ..... Bill No. ...., and that on the operative date of ..... Bill No. .... Section ..... of the ..... as amended by Section ..... of this act be further amended in the form set forth in Section ..... of this act to incorporate the changes in Section ..... proposed by ..... Bill No. .... Therefore, Section ..... of this act shall become operative only if this bill and ..... Bill No. .... are both chaptered and become effective January 1, ....., both bills amend Section ....., and this bill is chaptered after ..... Bill No. .... in which case Section ..... of this act shall become operative on the operative date of ..... Bill No. ...."

(d) *Where there are two bills and the one not being amended is to be operative at an earlier date, use language in the bill to be amended in the following form:*

"Sec. .... It is the intent of the Legislature, if this bill and ..... Bill No. .... are both chaptered and become effective January 1, ....., both bills amend Section ..... of the ....., and this bill is chaptered after ..... Bill No. ...., that Section ..... of the ....., as amended by Section ..... of ..... Bill No. .... be further amended on the operative date of this act in the form set forth in Section ..... of this act to incorporate the changes in Section ..... proposed by this bill. Therefore, Section ..... of this act shall become operative only if this bill and ..... Bill No. .... are both chaptered and become effective on or before January 1, ....., both bills amend Section

....., and this bill is chaptered after ..... Bill No. ...., in which case Section ..  
..... of this act shall become operative on the operative date of this act and Section .....  
of this act shall not become operative."

(e) *Where there are two bills and the one not being amended is effective later*, use language in the bill being amended in the following form:

"Sec. .... It is the intent of the Legislature, if this bill and ..... Bill No. .... are both chaptered and become effective on or before January 1, ....., both bills amend Section ..... of the ....., and this bill is chaptered after ..... Bill No. ...., that Section .... of the ....., as amended by Section ..... of this act, shall remain operative until the effective date of ..... Bill No. ...., and that on the effective date of ..... Bill No. .... Section ..... of the ....., as amended by Section ..... of this act, be further amended in the form set forth in Section ..... of this act to incorporate the changes in Section ..... proposed by ..... Bill No. .... Therefore, if this bill and ..... Bill No. .... are both chaptered and become effective on or before January 1, ....., and ..... Bill No. .... is chaptered before this bill and amends Section ....., Section ..... of this act shall become operative on the effective date of ..... Bill No. ...."

(f) *Where there are two bills and the one not being amended is effective earlier*, use language in the bill being amended in the following form:

"Sec. .... It is the intent of the Legislature, if this bill and ..... Bill No. .... are both chaptered and become effective on or before January 1, ....., both bills amend Section .... of the ....., and this bill is chaptered after ..... Bill No. ...., that Section ..... of the ....., as amended by Section ..... of ..... Bill No. ...., be further amended on the effective date of this act in the form set forth in Section ..... of this act to incorporate the changes in Section ..... proposed by this bill. Therefore, if this bill and ..... Bill No. .... are both chaptered and become effective on or before January 1, ..... and ..... Bill No. .... is chaptered before this bill and amends Section ....., Section ..... of this act shall become operative on the effective date of this act and Section ..... of this act shall not become operative.

**72. Section Length.** Every section of a code or general law that would be amended, added, or repealed by a bill shall be comparatively short, where this is possible without destroying the sense of the section, "to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length" (see Joint Rule 8).

Also apropos this subject are the following statements in the drafting rules of the 1929 California Code Commission in its 1949 report to the Governor and the Legislature (Appendix G of that report, at pp. 30-31):

"In our codes we endeavor to break up the law into comparatively short sections. The primary purpose of this is to facilitate subsequent amendment and to reduce the length of amendatory bills which must conform to the constitutional requirement that the section amended must be set forth at length. The draftsman must be careful, however, to avoid the use of sections that are too short. This fault is not readily apparent in the original draft of a code. However, if a section is lifted out of its context, as it is in an amendatory bill, its brevity may make it unintelligible. For example, no beneficial purpose is served by placing in separate sections the law specifying that a given state department is under the control of an officer known by a given title, the provisions regarding appointment and tenure, the salary, and the amount of the bond to be filed by him. All of these provisions can be set forth in one well-rounded section that will not be more than ten or fifteen lines in length and which, if taken out of its context, will let the reader know what it is all about. On the other hand, a section reading: 'The director is appointed by and holds office at the pleasure of the Governor. The annual salary of the director is \$12,000,' is incomprehensible when taken out of its context.

"Generally speaking, in determining how much should be placed in a section, we apply the rules of composition as to what would be placed in a paragraph.

"Two common exceptions to this rule should be noted. Where other sections in the same article each deal with a separate subject, you may find it necessary to include more than one paragraph in some section where each paragraph is related to the other and all deal with the same subject. The reason for the exception is apparent in cases where one paragraph modifies or limits the preceding paragraph only. Correct interpretation is aided by including both paragraphs in the same section, thus avoiding a possible construction that the modifying paragraph affects all sections in the article.

"A second exception is in the matter of enumerations, where each paragraph is designated (a), (b), or (c), etc. It is desirable to include such subdivisions in a single section. The practice (e.g., see Sections 335-341, C.C.P., re limitation of actions) of setting forth in one section incomplete phraseology which does not express a complete thought without reference to another section is not approved. Where the inclusion of all the paragraphs in the enumeration would result in an unduly long section, use the following device:

"801. The district may:

"(a) \* \* \*

"(b) \* \* \* , etc.

"802. The district may also: (Or a similar phrase.)

“(a) \* \* \* .

“(b) \* \* \* , etc.

“While enumerations of this type are used frequently with approval, we do not ordinarily use long sections consisting of lettered *subdivisions*. The material included in subdivisions in most statutes may usually properly be placed in separate sections, thus facilitating subsequent amendment.

“Incidentally, we do not use the term ‘subsection.’ Where such a cross-reference is necessary, say ‘in *subdivision* (b) of Section 304.’

“One test that has been suggested for ready determination as to whether a section is too short or too long, is for the draftsman mentally to write a heading for the section. If a single heading will not comprehend all of the contents of a section, it is probably too long insofar as it contains unrelated matters. On the other hand, if a series of short sections seem to call for an identical heading or if they separately cover relatively minor matters that could well be covered by a single major heading, it is probable that the sections could be consolidated.”

73. *Enumerations Within Sections.* Small letters in parentheses are used for the designation of enumerated paragraphs and arabic numbers for the designation of enumerated subparagraphs within sections. Example:

“912.6. (a) In the case of a claim . . . , the board may act in one of the following ways:

“(1) If the board finds the claim is a proper charge, it shall allow the claim.

“(2) If the liability is disputed, the board may reject the claim.

“(b) If the board allows the claim, it may require the applicant to accept it in full settlement.”

For reference purposes, paragraphs are termed “subdivisions” of the section in which they are contained and subparagraphs are called “paragraphs” of subdivisions. Thus, a reference to the first subparagraph of the first paragraph in the above example would be: “paragraph (1) of subdivision (a) of Section 912.6 . . . ”

74. *References.* (a) *Part of Code.* Where a cross-reference is to a part of a code, indicate the first section of that part in language substantially similar to the following:

“pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 3 of the Government Code”

In making such a cross-reference, arabic rather than roman numerals should be used to identify the referred to article, chapter, part, division, or title, even though the latter has a roman numeral designa-

tion in the official statutes, as is the case in some portions of the 1872 codes.

(b) *Legislative Sessions.* Textual references to the sessions of the Legislature shall be consistent with the following examples:

Regular General Sessions —	1965 Regular Session or 1965 Reg. Sess. 1973-74 Regular Session or 1973-74 Reg. Sess.
Regular Budget Sessions —	1964 Regular (Budget) Session or 1964 Reg. (Budget) Sess.
Extra Sessions —	1964 First Extraordinary Session or 1964 (1st Ex.) Sess. 1962 Second Extraordinary Session or 1962 (2nd Ex.) Sess.

(c) *Statutes.*

Regular Session —	Chapter 755 of the Statutes of 1915 or Ch. 755, Stats. 1915 or 1915:755:1502
Extra Session —	Chapter 1 of the Statutes of 1962, First Extra-ordinary Session or Ch. 1, Stats. 1962 (1st Ex. Sess.) or 1962 (1st Ex. Sess.):1:425

(d) *Section Subdivisions and Paragraphs.* See Section 73, this manual.

75. *General Drafting Considerations.* (a) Every bill should be written in language that is simple and clear and that conveys the same meaning to every intelligent reader of the bill. This can be achieved to a large extent by following the accepted rules of composition, grammar, punctuation and spelling.

(b) Wherever possible, be consistent in style and phraseology. Use the same language to mean the same thing or to convey the same meaning.

(c) Be as brief as possible, without, however, sacrificing clarity.

Omit every needless or superfluous word.

If a word has the same meaning as a phrase, use the word.

Use the shortest sentences possible to bring out the meaning intended.

76. *Choice of Words and Phrases.* (a) Select short and familiar words and phrases that best express the intended meaning according to common and approved usage.

(b) Do not use synonyms.

(c) Use pronouns only if their antecedents are unmistakable.

(d) Make free yet careful use of possessive nouns and pronouns.

(e) Do not use the words "aforesaid," "hereinabove," "beforementioned," "whatsoever," or similar words of reference or emphasis.

(f) Do not use the words "said," "such," and similar words where an article may be used.

(g) Do not use the expression "and/or."

(h) Do not use the word "etc."

77. *Definitions.* (a) Use definitions only in the following instances:

(1) When a word is used in a sense other than its dictionary meaning, or is used in the sense of one of several dictionary meanings.

(2) To avoid repetition of a phrase.

(3) To limit or extend the provisions of the law.

(b) Do not write substantive provisions or artificial concepts into definitions.

(c) Place definitions, if used, at the beginning of the law.

(d) Arrange definitions in alphabetical order.

(e) Use the defined word, not the definition.

78. *Expressions of Limitation.* (a) If a provision is limited in its application or is subject to an exception or condition, begin the sentence with the limitation, exception, or condition, or with an expression calling attention to any that follow.

(b) For conditions, use "if," not "when" or "where."

79. *Provisos.* Use provisos only for taking special cases out of a general enactment and providing specially for them.

80. *Tense and Mood.* Use the present tense and the indicative mood. Avoid use of passive voice.

81. *Code Commission Rules.* The drafting rules set forth in the preceding sections of this manual were observed by the 1929 California Code Commission in its work of code drafting. Other drafting rules that it adhered to, and which, for the most part, have been regularly used by this office in the years since the existence of that agency was terminated, are contained in the following portion of its 1949 report to the Governor and the Legislature (Appendix G of that report, at pp. 34-37):

" 'Shall' is declared to be mandatory and 'may' permissive by the general provisions. These words may be substituted for numerous phrases.

- " 'The director shall' for —
- " 'The director is hereby authorized and directed'
- " 'It is the duty of the director to, etc.' "
- " 'The director may' for —
- " 'The director is hereby authorized and empowered'
- " 'The director shall have power to'
- " 'Shall' is substituted for 'must,' which word is not used in the codes.

"State the law in the present tense, simply and directly. 'Any person who ~~shall~~ violate s any of the provisions of this section ~~shall be~~ is, guilty of a felony and shall be punished by, etc.' 'It is ~~hereby declared to be~~ a misdemeanor, etc.' Change 'If there be' to 'If there is.'

"Where something 'is,' do no say 'shall be deemed (or shall be construed) to be,' as 'shall be deemed to be guilty of a misdemeanor.'

"Use an active rather than a passive form. Say 'Each licensee shall keep records, etc.,' not 'Records shall be kept, etc.' One hazard avoided is the possibility of neglecting to say who shall keep the records or who is responsible for failure to do so.

"The use of 'said' and 'such' in referring to a person or thing is poor drafting practice—primarily because these terms have been overworked. It is seldom necessary for purposes of certainty to 'tie together' phrases with these words. 'The court' is usually as free from ambiguity as 'Said court' (or, properly, 'The said court'). If you must use 'said' do not neglect to use 'the' preceding it. 'Said' is not a substitute for 'the,' although commonly so used, and the use of 'said,' does not justify omission of the article.

" 'The same' as a substitute for a pronoun is disapproved. Someone has said that if the substitution of the proper pronoun for this expression leaves the text ambiguous, recast it at once, because it needs recasting.

" 'And/or' is taboo. Writers and courts condemn its use.

"The use of 'hereinbefore' and 'hereinafter' is condemned. Avoid these indirect cross-references and use direct cross-references sparingly. Frequently you will find that cross-references in the existing law serve no real purpose and that they may properly be deleted.

" 'Provided that' and 'Provided, however,' are taboo. These expressions are seldom used properly. The clauses which they precede are usually not provisos in the true sense of the word. Sometimes 'except' is a proper substitute. Frequently proper style calls for striking the phrase, substituting a period, and commencing a new sentence.

"We say ' "Food" means' in place of 'The word "food" means.' The deleted language is superfluous. Note the distinction between ' "Food" means' and ' "Food" includes.' Do not say, 'Food means and includes.'



" 'In (or of) the State' is frequently surplusage, and '(State) of California' is seldom necessary. Say: 'Appear for the people of the State of California.' 'Any city or county in this state.'

"In referring to state departments and officers, 'state Controller' is usually sufficient. Exceptions may arise in cases where a law refers to both state and county or city departments or officers having like or similar titles.

" ~~'A department of the~~ There is in the State Government to be known as the Department of Industrial Relations is hereby created.' (This example is the approved style of codifying provisions of law creating offices. Note, also, the next example.)

" 'shall be deposited in the pension fund, which fund is hereby created continued in existence.'

" 'Now or hereafter' is unnecessary in 'The director shall perform all duties now or hereafter vested by law in the department.' Where 'now' has a real significance, as 'Each actual settler now occupying tidelands has a preference right, etc.,' substitute the appropriate date, which usually is the effective date of the statute being codified.

"When making provision for expiration dates of terms of members of existing boards, etc., one device used is, 'The terms of the members of the commission in office at the time this code takes effect shall expire on January 15th of that year which for the particular member has heretofore been determined.' It is preferable, however, to use the style of Section 1603 of the Business and Professions Code, 'The terms of the members of the board in office at the time this code takes effect shall expire as follows: Two members January 15, 1938; one member January 15, 1939; etc. The terms shall expire in the same relative order as to each member as the term for which he holds office before this code takes effect.'

"Keep in mind the definitions and phraseology used in other codes. For instance, the Insurance Code uses 'insurer.' Use this term in your code in place of 'insurance company.'

"Various phrases have been used for cross-references. 'As provided in Section 23,' 'under the provisions of Section 23,' 'pursuant to Section 23,' 'prescribed by etc.,' and 'as provided in this article,' are only a few. 'Pursuant to Section . . . . .,' seems adequate and preferable. The draftsman may, perhaps, be allowed some discretion here, but he should endeavor to be fairly consistent. In any case, however, the words 'provision of' seem superfluous. The draftsman will find it helpful to keep a record of cross-references in his code to insure making all necessary changes if he finds it necessary to renumber sections. A convenient method is to note the section numbers of sections where cross-references occur in the margin opposite the section to which reference is made.

"When subdividing a section, designate the subdivisions with lower case letters in parentheses, (a), (b), etc., not followed by periods. In subdividing a lettered subdivision, use Arabic numerals in parentheses, thus:

“(b) (1) .....

“(2) .....

“When subdividing in cases where the subdivisions relate back to the introductory clause, adopt a style which obviates any need for using ‘and’ or ‘or’ preceding the last subdivision, thus:

“ ‘ ..... who comes within any of the following classes:

“(a) .....

“(b) ..... (‘or’ unnecessary here)

“(c) .....

“ ..... who meets *all* of the following requirements:

“(a) .....

“(b) ..... (no ‘and’)

“(c) .....

“Further examples may be found in Sections 2920 and 2921 of the Labor Code, and also in other codes.

“We have adopted a rule that, in punctuating a series, a comma shall be used preceding the conjunction: ‘A, b, and c,’ and ‘A, b, or c.’

“Delete references to payment in ‘gold coin.’ Substitute ‘lawful money.’

“Where an offense is a misdemeanor and the section also prescribes the penalty, the penalty should be deleted where it is the same as that prescribed by the Penal Code, a maximum of six months or a fine of \$500, or both.

“In referring to code sections use Arabic numbers. Generally numbers are spelled out, as ‘five thousand dollars,’ and the number is repeated in parentheses (\$5,000). So, ‘twenty days,’ but say ‘June 1, 1937.’ Sometimes Arabic numbers are preferable, as ‘\$5,372.50.’ However, when the proposed code is printed, the State Printer will follow his style manual in this respect.

“ ‘Person’ is usually defined in the code as meaning persons, firms, corporations, etc. You will find instances where ‘person’ in a statute being codified means an individual. In some cases ‘natural person’ may be used. In the Business and Professions Code, ‘person’ is not defined. Similar problems may arise in other codes.

“Check references to titles of officers, departments, etc., to ascertain

(a) whether the name is correct and (b) whether the duty imposed may have been transferred to another officer or body.

"Consider the effect of the civil service constitutional amendment (Article XXIV) upon salary, tenure, and appointment provisions. The tenure provisions are usually void, but the salary provisions should usually be retained and also the designation of the appointing power."

82. *Last Amended Form.* (a) In preparing a draft of a bill amending or repealing an existing section of a code or general law, it is imperative that the draftsman use the correct last amended form of the section (see Sec. 9, Art. IV, Cal. Const., Joint Rule 10; and subd. (a), Sec. 63, these rules). Care must be exercised in this connection where the last amended form appears in a statute that was double-jointed (see Secs. 64 and 71, this manual).

83. *Separate Sections.* Each section of the existing law that is amended, added, or repealed by a bill must be set forth in a separate section of the bill (see Joint Rule 10; and subd. (a), Sec. 63, this manual).

84. *Amendments: Deletions and Additions.* (a) A bill that amends the existing law must show all deletions in strikeout type and all additions in italics (underlining in typed material), including punctuation (see Sec. 9, Art. IV, Cal. Const.; Joint Rule 10; and subd. (a), Sec. 63, this manual).

(b) When a section of the existing law is amended, the text of the entire section must be set forth—not merely the subdivision or paragraph in which the amendment occurs (see Sec. 9, Art. IV, Cal. Const.).

85. *Repeals.* (a) Except as indicated in subdivision (b), if a bill repeals a section of the existing law, the section repealed must be shown in strikeout type (see Sec. 9, Art. IV, Cal. Const.; Joint Rule 10; and subd. (a), Sec. 63, this manual).

(b) Where a bill repeals an article, chapter, part, division, or title of an existing code, the language of the sections in such portion of the code is not set forth. In such case, the portion of the code repealed is identified by its number, immediately following it is inserted the number of the section with which such portion commences, and there is then incorporated a reference to each larger portion of the code in which the repealed portion is found (see Sec. 9, Art. IV, Cal. Const.; Joint Rule 10; and subd. (a), Sec. 63, this manual). Example: "Section 1. Article 4 (commencing with Section 6450) of Chapter 2 of Part 2 of Division 6 of ..... Code is repealed."

### Chapter 3. *Constitutional Amendments and Resolutions*

#### Article 1. *Constitutional Amendments*

100. *Generally.* (a) Provisions for the submission to a vote of the people of proposals to amend the California Constitution are found in the State Constitution (Secs. 22 and 24, Art. IV, – submission by initiative petition; Art. XVIII – submission by Legislature).

Sections 1, 2 and 4 of Article XVIII read as follows:

“Sec. 1. The Legislature by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, may propose an amendment or revision of the Constitution and in the same manner may amend or withdraw its proposal. Each amendment shall be so prepared and submitted that it can be voted on separately.

“Sec. 2. The Legislature by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, may submit at a general election the question whether to call a convention to revise the Constitution. If the majority vote yes on that question, within 6 months the Legislature shall provide for the convention. Delegates to a constitutional convention shall be voters elected from districts as nearly equal in population as may be practicable.”

“Sec. 4. A proposed amendment or revision shall be submitted to the electors and if approved by a majority of votes thereon takes effect the day after the election unless the measure provides otherwise. If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.”

(b) Although the medium for a legislative proposal for a constitutional amendment is virtually a concurrent resolution, for purposes of description and reference a constitutional amendment is considered to be distinguishable from a resolution (see Sec. 3, this manual).

(c) While under the joint and individual house rules of the Legislature, a constitutional amendment is within the definition “bill” (see Joint Rule 4, Senate Rule 19, and Assembly Rule 46), a constitutional amendment is not treated as a bill for all purposes (see Joint Rule 6, and Assembly Rules 62.5 and 73).

(d) There is no constitutional requirement that a constitutional amendment set forth all of a section that it would amend (see Sec. 9, Art. IV, State Const.).

(e) Each amendment to the State Constitution proposed by the Legislature must be prepared and submitted so that it can be voted on separately (Sec. 1, Art. XVIII, State Const.).

(f) An *initiative* measure may not relate to more than one subject (Sec. 22, subd. (d), Art. IV, Cal., Const.). There is no similar constitutional prohibition relating to constitutional amendments submitted to the voters by the Legislature; nevertheless, the single subject requirement is also observed in the drafting of such proposals.

101. *Title.* Joint Rule 7, which provides that the title of every bill carry an accurate index of its contents and indicate its scope and subject, is followed in the drafting of titles of proposals to amend the California Constitution submitted by the Legislature to the voters. A relating clause is included as part of the title, as in the use of a bill (see Sec. 33, this manual).

102. *Body or Text.* (a) Since there is no constitutional prohibition against the practice, as in the case of a bill (see Sec. 100, subd. (d)), a legislative proposal for a constitutional amendment may provide for the amendment, addition, or repeal of only a subdivision or paragraph of a section, and in doing so set forth only that subdivision or paragraph. However, in conformity with Joint Rule 10, language to be added should be shown in underlining and any to be deleted, in strikeout type.

(b) If a legislatively proposed constitutional amendment would amend, add, or repeal more than one section, or part of a section, of the Constitution, the proposal must contain a separate section for each such amendment, addition, or repeal.

103. *Last Amended Form.* Where a proposal would affect an existing section of the State Constitution, the last amended form of that section can be ascertained by examining (a) the State Constitution as printed in the most recent version of the "Statutes and Amendments to the Codes" and (b) the ballot pamphlet for each statewide election since the publication of such version at which a proposed amendment to the section was adopted by the voters.

104. *Constitution Revision Commission Rules.*

I. The California Constitution Revision Commission that was created pursuant to Assembly Concurrent Resolution No. 7 of the 1963 First Extraordinary Session (Res. Ch. 7, Stats. 1963 First Ex. Sess.) adhered to the following rules in its work of revising the State Constitution, and in the interest of consistency, asked that we also be guided by them in our drafting of proposed constitutional amendments:

(a) Generally, inherent legislative powers are not spelled out.

(b) Affirmative terms are used rather than negative, if at all possible.

(c) The present tense is used with regard to existing institutions (e.g., Sec. 9, Art. VI, "The State Bar of California is . . .", and Sec. 20, Art. IV, "There is a Fish and Game Commission . . .").

(d) Generic terms are used where possible (e.g., in Art. VI, "judges" is used except in those cases where special reference must be made to "justices" (see Secs. 2 and 6, Art. VI)).

(e) Latin terms are not used to the extent they can be replaced (e.g., "pro tempore" was changed to "temporary president," but "habeas corpus" was retained).

(f) One word article titles are preferred.

(g) Words of act:

(1) "Provide." Indicates that a power can be delegated.

(2) "Prescribe." Indicates a power cannot be delegated. See Commission's February 1966 "Proposed Revision of the Constitution," at page 24.

(3) "May." In addition to meaning the permissive as opposed to "shall," "may" when joined with the negative "not" is used by the commission to mean the strongest inhibition, as in "a person *may* not do something" rather than "a person *shall* not."

(4) "Cause." Means all things a court might do. It replaces "case," "matter," "proceeding" and similar terms.

(5) "Law." Is used in the broadest possible sense, and includes decisional law.

(6) "Statute." Means an enacted bill, does not include a resolution, and excludes decisional law.

(7) "Measure." Includes a statute and resolution, but not decisional law.

(8) "Any," "all," "such," "said," and "every." These are not used, in the sense of "any agency may . . . ." An article or the plural is used instead, as "An agency may. . . ." or "Agencies may . . . ." Rather than "such" if special identification is needed, the word "that" is used.

(9) "Select." Replaces "elect" or "appoint."

(10) "Rollcall." Is used instead of "roll call" or "roll-call."

(11) Use of the hyphen is avoided. It is used in designating terms of office, as "4-year" term, to avoid being construed as more than one year term.

(h) Capitalization and numerical usage:

(1) "One" is always spelled out. Otherwise, all numbers are arabic, except for article headings.

(2) "State." When used as a noun, is capitalized; not when used as an adjective.

(i) Finally, strive for brevity and simplicity on the level of an eighth grade civics student.

II. In preparing drafts of proposed constitutional amendments, the draftsman should follow the above rules of the California Constitution Revision Commission to the extent that he can do so and still comply with the specific requirements of each request.

In drafting new sections to be added to the Constitution, there should be no problem in following their rules.

In amending existing sections of the Constitution which have been revised by the Commission, the draftsman should conform to their style to the extent possible.

In amending existing sections which have not been revised, the draftsman should follow the style of the existing sections.

105. *Forms.* (a) The title and opening "Resolved" clause of a legislative proposal for an amendment to the State Constitution are as set forth below:

"..... Constitutional Amendment No. .... A Resolution to propose to the people of the State of California an amendment to the Constitution of the state, by ..... relating to

Resolved by the ....., the ..... *concurring*, That the Legislature of the State of California at its ..... Regular Session commencing on the ..... day of January, ....., two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by"

(b) Assistance in obtaining a constitutional amendment form to fit your immediate situation can usually also be readily found on an examination of the pending proposed Senate and Assembly constitutional amendments and the resolution chapters of the published "Statutes and Amendments to the Codes."

#### Article 2. *Resolutions*

110. *Types Generally.* Requests are frequently received for the preparation of three general types of resolutions: joint, concurrent, and single house. As to function of each and the difference between them, see subdivision (e) of Section 3 of this manual.

Requests are also received for the preparation of these kinds of resolutions: Joint Rules Committee, Senate Rules Committee, Assembly Rules Committee, and Member's. The character and scope of each of these resolutions will be noted in subsequent sections of this article.

111. *Joint and Concurrent Resolutions, Generally.* (a) The title of a joint or concurrent resolution must, as in the case of a bill title, convey an accurate index of its contents and indicate its scope and subject (see Joint Rules 6 and 7). Examples: (1) "Senate Joint Resolution No. 15. Relative to Fishing Industry." (2) "Assembly Concurrent Resolution No. 9. Relative to Adoption of the Temporary Joint Rules of the Senate and Assembly."

(b) Forms used in the drafting of joint and concurrent resolutions can be readily determined from an examination of the pending proposed resolutions of those types and the published "Statutes and Amendments to the Codes."

112. *Joint Resolution.* A joint resolution relates to matters connected with the federal government:

(a) Request Congress to consider legislation. The Senate Rules Committee will not approve a joint resolution which refers to a specific bill. Any reference in such a resolution to legislation should therefore be to legislation generally.

(b) Request federal official or agency to do something.

(c) Express concern or interest over national issue.

(d) Ratify proposed U. S. Constitution amendment.

113. *Concurrent Resolution.* A concurrent resolution relates to matters to be treated by both houses of the Legislature:

(a) Request a state agency or department, local government entity, or other nonfederal entity to do something.

(b) Amend or revise the Joint Rules.

(c) Memorialize the death of a present or former state or federal elected official or member of his immediate family.

(d) Request to Governor to issue a proclamation, where prior approval of appropriate Rules Committee has been secured. (Jt. Rule 34.2.)

(e) Create or revise a Joint Committee.

114. *Single House Resolution.* (a) A "single house resolution" (i.e., Senate Resolution, if introduced in the Senate, or House Resolution, if introduced in the Assembly) is one proposed for adoption by all Members of one house of the Legislature.

(b) A single house resolution can be used to request a state agency or department, local government entity, or other nonfederal entity to do something.

(c) A single house resolution, as well as a concurrent resolution, can be used to memorialize the death of a present or former state or federal elected official (including a Member of the Legislature) or a member of his immediate family, but such a resolution ordinarily cannot be used for such a purpose in respect to any other person (see Joint Rule 34.2, Senate Rule 24.5, Assembly Rule 54).

(d) A single house resolution is also used for the following purposes:

(1) Amend or revise house rules.

(2) Make proposals re conduct of business of house.

(3) Refer a subject matter to committee for study.

115. *Joint Rules Committee Resolution.* (a) A Joint Rules Committee Resolution is one proposed for adoption by the Joint Rules Committee only (see Joint Rule 40).

(b) A Joint Rules Committee Resolution may be used to commend, congratulate, memorialize, or express regret or sympathy to, or in respect to, any person,\* group, or organization.

(c) A Joint Rules Committee Resolution may also be used to proclaim days, weeks, months, or other periods of time for certain and special events or occasions of importance to the members.

(d) Such a resolution is the preferred type to use when members from both houses are coauthors and *must have at least one coauthor from each house* (see Joint Rule 34.2).

\* To express sympathy on death of a present or former state or federal elected official or a member of his immediate family, one may also use Assembly Concurrent Resolution or House Resolution or Senate Concurrent Resolution or Senate Resolution.



116. *Senate Rules Committee and Assembly Rules Committee Resolutions.* (a) A Senate Rules Committee Resolution or an Assembly Rules Committee Resolution may be used to commend, congratulate, memorialize, or express regret or sympathy to, or in respect to, any person, \*group, organization (see Joint Rule 34.2, Senate Rule 24.5, and Assembly Rule 54).

(b) It may also be used to proclaim days, weeks, months, or other periods of time for certain and special events or occasions of importance to the members.

(c) A resolution of either type is proposed for adoption only by the Rules Committee of a single house. Such a resolution is the preferred type to use when there are no coauthors from the other house. However, such a resolution may have coauthors from the other house.

117. *Member's Resolution.* (a) A Member's Resolution may be used by a member of the Assembly, on behalf of himself personally, to commend, congratulate, memorialize, or express regret or sympathy to, or in respect to, any person,\*\* group, or organization (See Joint Rule 34.2, Senate Rule 24.5, and Assembly Rule 54). There may be coauthors from either house.

(b) A Member's Resolution may not be used in the Senate.

*\*To express sympathy on death of a present or former state or federal elected official or a member of his immediate family, one may also use Assembly Concurrent Resolution or House Resolution or Senate Concurrent Resolution or Senate Resolution.*

*\*\* To express sympathy on death of a present or former state or federal elected official or a member of his immediate family, one may also use Assembly Concurrent Resolution or House Resolution.*

## Chapter 4. Amendments

### Article 1. In General

130. *Applicable House Rules.* The drafting rules considered in Chapters 2 and 3 of this manual are, in the main, equally applicable in the drafting of amendments to bills, constitutional amendments, and resolutions that have already been introduced. Other rules which are specially applicable to the drafting of such amendments will, where appropriate, be noted in this chapter. Among others, they include:

(a) *Joint Rule 8.6.* Requires the preparation of an amended digest by the Legislative Counsel to show changes in the existing law proposed by a bill, constitutional amendment, or joint or concurrent resolution, as amended.

(b) *Joint Rule 9.* Requires that an amendment relate to the same subject as the original bill, constitutional amendment, or resolution amended.

(c) *Joint Rule 10.* Requires that an amendment to a bill setting out for the first time a section proposed for amendment or repeal shall show new and omitted matter in the same way as though the section were a part of the original bill.

(d) *Joint Rule 11.* Requires that an amended bill shall be reprinted immediately, showing new matter in italics and omitted matter in strikeout type, at the same time omitting the first or previous such markings.

(e) *Joint Rule 12.* Requires the State Printer to observe specified directions in printing bills, constitutional amendments, and joint and concurrent resolutions, including a direction that "amendments shall be identified by reference to title, page, and line only."

131. *Nature and Scope.* When amendments are proposed by the author of a measure, they are called "Author's Amendments"; when proposed by a committee that has or is considering the measure, they are known as "Committee Amendments."

Amendments range from changing a single word to rewriting completely the title and text of a measure.

Amendments are directions to the State Printer, stating what is to be put into or taken out of the measure, and at what point. To avoid error and misunderstanding, they should be as brief and clear as possible.

Ascertain the proper line of the title by commencing with the first line of the title as printed and counting down to the line to be amended.

Each change in the measure is indicated by a separately numbered amendment, thus:

## AMENDMENT 1

On page 1, line 6, of the printed bill, strike out "furthermore" and insert:  
for instance

When an amendment is adopted, the amending clerk, or other legislative officer or employee who has been given the function, pastes a copy of the printed legislative measure on a larger sheet of paper, and on the margins indicates the changes which the amendment makes in the measure. Words to be stricken out are so marked on the measure; words to be inserted are clipped from a copy of the amendments and pasted on the margin, with lines appropriately indicating the point at which they are to be inserted.

The text thus prepared then becomes printer's "copy," from which the printer resets the measure in appropriate type.

An example of amendments as prepared for adoption is as follows:

### AMENDMENTS TO SENATE BILL NO. 550

#### AMENDMENT 1

In line 1 of the title of the printed bill, strike out "Section 14040.6 of" and insert:  
Sections 14040.6 and 14040.7 of,

#### AMENDMENT 2

In line 2 of the title, strike out "the California Transportation Plan" and insert:  
transportation

#### AMENDMENT 3

On page 1, line 3, strike out "transmit" and insert:  
submit its comments and recommendations on

#### AMENDMENT 4

On page 1, line 4, after "Plan" insert:  
to the Secretary of the Business and Transportation Agency, and shall  
transmit the plan

#### AMENDMENT 5

On page 1, line 6, strike out "However, the plan shall not be", and strike out lines 7 to 11, inclusive, and on page 2, strike out lines 1 to 4, inclusive.

#### AMENDMENT 6

On page 2, line 5, after "Sec. 2." insert:  
Section 14040.7 of the Government Code is amended to read:

14040.7 After the adoption of transmitting the plan to the Legislature in accordance with Section 14040.6, but prior to the board's annual review of the department's budget, the director shall submit to

the board annually, ~~during the next succeeding two years~~ on January 1, 1978, a proposed updating of the California Transportation Plan which includes the ~~annual~~ updated regional transportation plans required by Section 65080, along with a multiyear planning program. Thereafter, the proposed updating shall be submitted biennially. The board shall hold public hearings ~~and adopt~~, submit its comments and recommendation on an updated California Transportation Plan to the Secretary of the Business and Transportation Agency, and transmit the updated plan to the Legislature in the same manner as required for the original plan. ~~However, the board shall not adopt the updated plan unless it finds that the updated plan is compatible with the currently effective legislative declaration of statewide transportation goals, objectives, and policies.~~

132. *What Printer Does.* An amendatory bill as introduced shows in ~~strikout~~ and italics the proposed changes which would be made in the *law* by the bill. When the bill is reprinted as first amended, all the material that was in ~~strikeout~~ type in the bill as introduced is deleted, and all of the material printed in italics in the bill as introduced, is printed in ordinary type. Then, words of the bill ordered stricken out by the amendment are reset by the printer in ~~strikeout~~ type, and words added by the amendment are set in italics. Subsequent amendment of the bill repeats the process.

Thus, when a bill is amended on a particular date, the ~~strikeout~~ and italics show only the difference between the bill as amended on that date and the last previous form of the bill. An amended bill, in other words, does not show in ~~strikeout~~ and italics the changes which the bill would make in the *law* but only the changes which are made in the last previous form of the *bill*.

## Article 2. *Form and Style*

140. *Identification: Last Amended Form.* It is necessary that an amendment relate to the last amended version of the measure to which it relates.

Always check for the latest amended form of the measure. Never rely upon copy furnished by the requester or anyone else. It is necessary to check the histories and, occasionally, the journals. This is especially true as the advances and the tempo steps up. Always, therefore, make a thorough check for the last amended form of any bill as to which you are asked to prepare amendments.

141. *Identification: Heading.* An identifying heading is placed at the top of the first page of the amendments. This heading, for amendments directed at the measure as introduced, merely cites the number of the bill, as, for instance:

"Amendments to Assembly Bill No. 10"

The heading on amendments directed at the last amended form of the measure indicates also the date of the last amendment and the house in which the amendment took place. Thus:

"Amendments to Assembly Bill No. 10"

As amended in Senate April 10, 1970"

No reference is made to the fact that a bill may have been amended more than once.

142. *Identification: Separation and Numbering.* Each change made by an amendment of a measure is set out as a separately numbered amendment. The first change is indicated by Amendment 1. Other changes are made by amendments numbered in sequence as the changes occur or are made in the measure.

Amendment 1 of amendments directed at the bill as introduced identifies the bill merely as "the printed bill," but Amendment 1 of amendments directed at a previously amended bill repeats the identifying words of the heading, thus: "of the printed bill as amended in the Senate April 10, 1970." This is done because in the amendments printed in the journal the heading is deleted. Without the identifying reference in Amendment 1, the journal would not show the form of the bill to which the amendments are directed.

All following amendments make no reference to the bill, but refer only to the page and line affected, the form of the bill having been adequately identified in the heading and first amendment.

143. *Amendments to Headings.* Frequently a request for an amendment will be to change the heading of a bill by adding, or sometimes deleting, coauthors, or, rarely, to change the lead author (see Joint Rule 9, Senate Rule 27, and Assembly Rule 92).

(a) On introduction, the authors of a bill are listed with the lead author, i.e., member introducing the bill, first and all other members who signed the bill as coauthors following, listing first those members of the house of the lead author and, paragraphed below this list, in parentheses, the coauthors from the other house.

(b) An amendment to add a coauthor of the same house to a bill with a single author is stated thus:

"In the heading of the printed bill, strike out "Senator Mills" and insert:

Senators Mills and Collier"

(c) If an amendment also adds a coauthor of the other house, it is stated:

"In the heading of the printed bill, strike out "Senator Mills" and insert:

Senators Mills and Collier

(Coauthor: Assemblyman Porter)"

Note that the other house coauthor is paragraphed (in parentheses) below the other author.

(d) If the bill has more than one author as introduced, the added coauthors are named after the last author of the same house, unless the coauthors have been arranged in alphabetical order (other than the lead author), in which case the new coauthor is inserted in the appropriate alphabetical order. For such an amendment the lines of the heading are counted and noted for the purposes of the amendment. For

example, in a Senate Bill which lists numerous Senators as coauthors in alphabetical order with Walsh and Zenovich appearing in the third line of authors, to add Wedworth as a coauthor the amendment would be:

"In line 3 of the heading of the printed bill, after "Walsh," insert:  
Wedworth,"

(e) If the amendment would only add coauthors of the other house, and there is only one line to the heading, the addition is made immediately below the heading of the printed bill. For example:

"Immediately below the heading of the printed bill, insert:  
(Coauthor: Assemblyman Porter)"

(f) If there is more than one line to the heading, the lines are counted and the insertion is made immediately below the last line. For example:

"Immediately below line 3 of the heading of the printed bill, insert:  
(Coauthor: Assemblyman Porter)"

144. *Amendments to Title.* (a) When amending the title of a measure, refer only to the title and the appropriate line. Thus: "In line 10 of the title of the printed bill, strike out "machines". Do not refer to any page number.

(b) In bills previously amended you may find the first lines of the title are in strikeout type. In such cases the lines in strikeout are counted; i.e., if the amendment is to occur in the second line of clear type in the title, and these lines are preceded by three lines of strikeout type, the amendment is directed to line 5 of the title, not to line 2.

(c) In some instances the title may run over to the second page of the bill. The amendment is still directed to the appropriate line of the title. No reference is made to the page number of the bill on which the line occurs.

(d) Always check the title to see if the proposed changes require amendment of the title. If, for example, the amendments requested delete a section formerly in an amendatory bill or add a new section, the title must be amended accordingly to delete reference to the eliminated section, or to add the new section number.

Also, the relating clause of the title may have to be changed to cover the amendments (see also Sec. 33 of this manual).

145. *Textual Amendments.* (a) Changes in the text of a measure are indicated by appropriate references to page and line number, as: "On page 1, line 6, of the printed bill, strike out "furthermore" and insert:  
for instance"

Ordinarily, as has been noted, the changes are made by amendments numbered in sequence as the changes occur or are made.

(b) Typed amendments usually are not set up in *strikeout* and underline for the reason that the printer uses the instructions supplied by the amendments as his guide and sets up in *strikeout* the material that the amendments direct to be stricken out, and in italics the material to be inserted.

However, Joint Rule 10 reads as follows:

"10. In a bill amending or repealing a code section or a general law, any new matter shall be underlined and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as '*strikeout*' type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in '*strikeout*' type.

"In any amendment to a bill which sets out for the first time a section being amended or repealed, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the section as amended or repealed were a part of the original bill and was being printed for the first time.

"When an entire code is repealed as part of a codification or recodification or when an entire title, part, division, chapter or article of a code is repealed, the sections comprising such code, title, part, division, chapter, or article shall not be set forth in the bill or amendment in *strikeout* type."

(c) When the same word appears twice in the same line and is intended to be stricken out only once, the one to be stricken is identified by stating that it appears as following or preceding some other word or by language such as "*strike out the first 'a'.*"

(d) When it is desired to make two changes in a single line, the changes being separated by words that are not to be changed, this is usually accomplished by a single amendment which either strikes out the entire line and rewrites it with the proposed changes, or by striking out that portion of the line commencing and ending with the words to be changed and substituting the appropriate language to accomplish the change. However, this is a matter of convenience and to save time. If it is desirable to show exactly, or more particularly, what the changes are, two or more amendments in a single line may be made.

(e) If amendments are intended to change one or two words in each of three successive lines, it is preferable to do this by three successive amendments so that the reader can see easily the exact changes to be made. For the sake of expediency, this may be done by one amendment; that is, by striking out the three lines and directing the insertion of new material comprising the stricken text rewritten to make the proposed changes. This is a mere expedient, however; it is not the preferred practice.

(f) At times it may be expedient or desirable to strike out the entire title of a measure and to insert

a revised title by one amendment, and by a second amendment to strike out the entire text of the measure commencing with line 1, on page 1, and insert a completely new text. This is not the preferred practice, however.

When amendments are so made, it is good practice to strike out the text of the measure by two amendments rather than one. By one such amendment strike out line 1 and insert the new text; by the second, strike out the rest of the old text commencing with line 2 of the measure. When the measure so amended is printed, the new text will appear at its beginning. The reader will not then have to thumb through several pages of text in strikeout type before he comes to the new text.

(g) When adding material at the end of a bill, if you are adding a new paragraph, the direction should be: On page 1, after line 9, insert: "(here indicate text to be inserted)." However, if the new material is not intended as a paragraph but is to follow the last line of the bill as a part of the same paragraph, the direction is: "On page 1, line 9, after the period insert: (here indicate text to be inserted)."

146. *Terminology.* As has been noted (see Sec. 132), text deleted from a measure by an amendment is set up by the printer in the amended form of the bill in strikeout type. Therefore, when indicating that material is to be omitted from a measure, the term "strike out" is used rather than "delete." Thus: "On page 1, line 1, of the printed bill, strike out 'county of Sacramento.' " It is unnecessary to say "strike out the words so-and-so." Merely say strike out or insert, then quote the material to be stricken out or inserted.

147. *Punctuation.* (a) When indicating changes in punctuation, only the punctuation mark identified should be spelled out, as: "strike out the period." When inserting a punctuation mark, the symbol is not used but the mark is spelled out. Example: "strike out the period and insert a comma."

(b) In matter to be added to a bill, the punctuation must be exactly as it is to be set by the printer.

(c) Probably the most common error made in preparing amendments is either striking out punctuation and not putting it back in where necessary or not striking it out and putting duplicatory punctuation in. If added material is to appear at the end of a sentence or immediately before other punctuation rather than striking out the period or other punctuation, the amendment should insert the language after the last word or portion of a word before the period or other punctuation.

148. *Amending House Resolutions.* Single house resolutions are sometimes amended. Such amendments are prepared in the same form as amendments to bills and are directed to the resolutions as printed in the journals of the houses of introduction. They are appropriately identified in the heading as follows:



"AMENDMENTS TO SENATE RESOLUTION NO. 68  
AS PRINTED ON PAGES 486 AND 487 OF THE SENATE JOURNAL  
FOR MARCH 7, 1949"

Since the lines of such resolutions are not numbered, it is necessary to indicate the changes by reference to the line of the paragraph where the amendment occurs, as, for example, "line 3 of the 3rd WHEREAS clause" or of the "second *Resolved* clause," or "of the paragraph numbered (3)."

149. *Amendments to Amendments.* Amendments printed in the journal are sometimes amended. Such amendments are prepared in the same form as amendments to bills. They are directed to the amendments as printed in the journal, and are appropriately identified as follows:

"Amendments to Amendments to Senate Bill No. 68, as Printed on Pages 1454 and 1455 of the Senate Journal for March 18, 1974."

Since the lines of the amendments as printed in the journal are not numbered, it is necessary to indicate the changes by reference to the line of the amendment where the amendment occurs.

150. *Amendments to Special Session Measures.* Amendments to legislative measures during a special session are prepared in the same manner as those for regular session measures, except that amendments directed to measures pending in the special session are headed thus:

"1952 FIRST EXTRAORDINARY SESSION  
AMENDMENTS TO ..... BILL NO. ...."

*Article 3. Miscellaneous*

160. *Germaneness.* In preparing an amendment to a legislative measure it is necessary to determine whether or not the amendment would be germane.

The rule applicable to amendments to be offered in the Senate is the one contained in Joint Rule 9, which reads as follows:

"9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment, or resolution under consideration. No amendment shall be in order when all that would be done to the bill is the addition of a coauthor or coauthors, unless the Rules Committee of the house in which such an amendment is to be offered grants prior approval."

The rule applicable to amendments to be offered in the Assembly is contained in Assembly Rule 92, which reads as follows:

"92. No amendment to any bill, whether reported by a committee or offered by a Member, shall be in order when such amendment relates to a different subject than, or is intended to accomplish a different purpose than, or requires a title essentially different than, the original bill.

"No motion or proposition on a subject different from that under consideration shall be admitted as an amendment.

"No amendment shall be in order which changes the original number of any bill.

"No Member shall be added or deleted as an author or coauthor of a bill or resolution without his consent."

The term "bill," as used in the above rules, includes constitutional amendments and concurrent and joint resolutions (see Joint Rule 4 and Assembly Rule 46).

Note particularly that under each of these rules we are concerned in determining the germaneness of an amendment to the subject of the original bill, even though the bill may have been amended and the subject of the bill changed after it was introduced.

161. *Free Conference Committee Amendments.* When a bill has passed the house of origin and is amended and passed as so amended by the second house and returned to the house of origin, and the latter does not concur in the amendments made in the second house, the bill is referred to a committee on conference consisting of three members from each house. If the committee agrees upon changes to be made in the bill, the proposed amendments are prepared and reported to the two houses. These amendments are prepared in the same manner as other committee amendments, but are attached by the E & B'er after approval to a printed form designated "Report of Committee on Conference." The actual report is always that the last amendments "be concurred" in and that the bill "be further amended to read." The reason for this is that the amendments are already in the printed bill and mere "nonconcurrence" will not take them out — they must be removed by amendments in a form the printer can understand.

Conference amendments must be available to the members before adoption (A.J. 1956 Reg. Sess. p. 323, No. 2169 to O'Connell). If time is too short for printing, xerox copies are recommended.

See, also, Joint Rules 25-30.7, inclusive.

162. *Checking.* The draftsman should check all typed amendments prepared by him to see that they are in proper form.

He should check the text and punctuation of each amendment against the printed measure, making sure that each reference is correctly made to proper page and line, and that the amended portion of the bill reads properly as proposed to be amended.

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## APPENDIX

### A. References

#### 1. *California Constitution*

##### Article I:

Section 1. Declares people have specified inalienable rights, including right of privacy.

Section 2. Guarantees freedom of speech and press.

Section 3. Guarantees right to assemble and petition.

Section 4. Guarantees right to free exercise and enjoyment of religion and liberty of conscience.

Section 6. Prohibits slavery and involuntary servitude, except for punishment for crime.

Section 7. Prohibits deprivation of life, liberty, or property without due process of law and prohibits granting of special privileges and immunities. Prohibits denial of equal protection of the laws.

Section 9. Prohibits a bill of attainder, ex post facto laws, and laws impairing obligation of contract.

Section 16. Guarantees trial by jury, with provision for waiver. Provides that in civil cases three-fourths of jury may render verdict, and that jury in such cases may be twelve or such lesser number as parties may agree upon in open court.

Section 17. Prohibits cruel and unusual punishment and excessive fines.

Section 19. Prohibits taking or damaging of property for public purpose without just compensation. Includes other related provisions.

Section 20. Provides that noncitizens have the same property rights as citizens.

Section 22. Prohibits requiring any property qualification as condition for voting or holding office.

Section 24. Provides that rights guaranteed by the California Constitution are not dependent on those guaranteed by the United States Constitution.

Section 25. Among other things, guarantees right to fish "upon and from the public lands of the state and in the waters thereof . . . "

Section 28. Provides that the California Constitution provisions are mandatory unless expressly declared otherwise.

Article II. Contains provisions on voting.

### Article III:

Section 3. Provides generally for the separate exercise of their powers by the three branches of the state government.

Section 4. Provides that laws fixing salaries of elected state officers are appropriations. Prohibits reduction of such salaries during terms of office.

Section 5. Permits bringing of suits against state "as shall be directed by law."

### Article IV:

Section 1. Vests legislative power in Legislature.

Section 7. Subdivision (a) requires each house of Legislature to "adopt rules for its proceedings."

Section 8:

Subdivision (b). Requires that Legislature "make no law except by statute," and prohibits enactment of a statute except by bill.

Subdivision (c), paragraph (2). Provides that statutes "calling election" or "providing for tax levies or appropriations for the usual current expenses of the state, and urgency statutes shall go into effect immediately upon their enactment."

Subdivision (d). Defines "urgency statute."

Section 9. Requires that a statute embrace but one subject, to be expressed in its title, and provides that any part of subject not expressed in title is void.

Prohibits amendment of statute by reference to its title.

Prohibits amendment of section of statute unless section is reenacted as amended.

Section 11. Permits the creation of legislative committees by resolution.

Section 12:

Subdivision (c). Requires that budget submitted by Governor to Legislature be accompanied by a budget bill itemizing recommended expenditures.

Subdivision (d). Provides that no bill except budget bill shall contain more than one item of appropriation, and that only for "one certain, expressed purpose."

Section 16. Requires that laws of a general nature shall operate uniformly and declares that a local or special statute is invalid if a general statute can be made applicable.

Section 17. Prohibits legislation granting extra compensation or allowance after service has been rendered or contract has been entered into and performed.

Section 19. Prohibits Legislature from authorizing lotteries, and authorizes Legislature to provide for regulation of horseracing and wagering thereon.

Section 24. Provides that Legislature may amend or repeal referendum statutes. It may amend or repeal an initiative statute only by another statute that becomes effective only when approved by the electors unless the initiative statute permits legislative change.

Section 26. Prohibits amendment to Constitution or statute proposed to the electorate naming individual to hold office or identifying any private corporation to perform any function or duty.

#### Article V:

Section 6. Permits legislation giving Governor authority to assign and reorganize functions among nonelective executive officers and agencies administered by such officers.

Section 8. Provides that, subject to procedures provided by statute, Governor may grant reprieves, pardons, and commutations, after sentence, except in cases of impeachment.

Section 12. Requires that compensation of named constitutional officers be prescribed by statute, but prohibits increase or decrease during terms.

#### Article VI:

Section 1. Vests judicial power in Supreme Court, courts of appeal, superior courts, municipal courts, and justice courts.

Section 4. Superior courts.

Section 5. Municipal and Justice courts.

Section 10. Original jurisdiction of Supreme Court, courts of appeal, and superior courts.

Section 11. Appellate jurisdiction of Supreme Court, courts of appeal, and superior courts.

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Sections 3 and 3.1. County superintendents of schools.

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Section 7. Selection of State Board of Education and county boards of education.

Section 8. Appropriations for support of sectarian schools prohibited.

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Section 11. Prohibits Legislature from delegating to private person or body any jurisdiction over a county or city or to levy taxes or perform municipal functions.

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Section 5. Legislative power regarding Public Utilities Commission.

Section 8. Powers of local governments over public utilities.

Article XIII:

Section 1. Ad valorem taxes.

Section 2. Personal property taxes.

Section 3. Exemptions.

Section 4. Exemptions by the Legislature.

Section 7. Real property exemptions.

Section 8. Open space.

Section 9. Single-family dwelling valuation.

Section 10. Golf courses.

Section 11. Taxation of local government real property.

Section 12. Unsecured property tax rate.

Section 15. Disaster relief.

Section 16. County equalization.

Section 17. State Board of Equalization.

Section 18. Intercounty equalization.

Section 19. State assessment.

Section 20. Maximum tax rates.

Section 21. School district tax.

Section 22. State property tax limits.  
Section 24. Prohibits state taxes for local purposes.  
Section 25. Homeowner's exemptions.  
Section 26. Income taxes.  
Section 27. Bond and corporation taxes.  
Section 28. Taxation of insurance taxes.  
Section 29. Local government tax sharing.  
Section 31. Power to tax.

Article XIV:

Section 1. Use of water.  
Section 2. Franchise requirements.  
Section 3. Beneficial use of water.

Article XV:

Section 2. Access to navigable waters.  
Section 3. Tidelands.

Article XVI:

Section 1. State indebtedness.  
Section 1.5. General Obligation Bond Proceeds Fund.  
Section 2. Submission of bond acts to voters.  
Section 3. Appropriations.  
Section 4. Loan guarantees relating to non-profit corporations and public agencies.  
Section 5. Grants prohibited to religious institutions.  
Section 6. Loans and gifts of public moneys.  
Section 7. Appropriations and Controller's warrants.  
Section 8. Public school support.  
Section 9. Fish and game.  
Section 10. Federal-state cooperation on aged aid.  
Section 11. Relief administration.  
Section 13. Legislative power to release encumbrances taken as security for aid to aged.  
Section 14. Revenue bonds for environmental pollution control facilities.  
Section 16. Taxation of redevelopment projects.  
Section 17. State's credit and investment of public retirement funds.  
Section 18. Municipal indebtedness.



Article XVII:

Section 1. Homesteads.

Article XVIII: Sections 1 to 4 amending  
and revising State Constitution.

Article XX:

Section 5. Convict labor.

Section 11. Misconduct in office.

Section 15. Mechanics' liens.

Section 17. Public works: hours of labor.

Section 17½. Minimum wages.

Section 19. Subversive persons and groups of franchises.

Section 21. Workmen's compensation.

Section 22. Alcoholic beverages.

Section 22. Usury.

Section 24. Alteration of corporation laws.

Article XXIII: Recall of public officers.

Article XXIV: State civil service.

Article XXVI: Motor vehicle gas and other taxes.

Article XXXIV: Public housing projects.

2. *United States Constitution*

Article I:

Section 8. Congressional powers:

Subdivision 3. Interstate and foreign commerce.

Subdivision 4. Naturalization and bankruptcy.

Subdivision 16. Militia.

Subdivision 17. Territorial jurisdiction.

Section 10. Powers prohibited states:

Subdivision 1. Treaties, letters of marque and reprisal, coining of money, bills of credit, tender in payment of debts, bills of attainder, ex post facto laws, impairing obligations of contracts, grants of titles of nobility.

Subdivision 2. Import or export imposts or duties.

Subdivision 3. Duty of tonnage, keeping troops or ships of war in time of peace, agreements or compacts with other states or foreign powers, engaging in war.

Article IV:

Section 1. Full faith and credit.

Section 2:

Subdivision 1. Privileges and immunities of state citizens.

Subdivision 2. Extradition.

Article V: Amendments of United States Constitution.

Article VI:

Subdivision 2. United States Constitution, laws of United States, and all treaties made pursuant to such instrument and laws are supreme law of land.

Thirteenth Amendment. Neither slavery nor involuntary servitude permitted, except as punishment for crime.

Fourteenth Amendment. Section 1. Prohibits states from enacting legislation abridging privileges or immunities of citizens of United States, depriving any person of life, liberty, or property without due process of law, and denying any person within their jurisdiction the equal protection of the laws.

Fifteenth Amendment. Right to vote not to be denied by any state on account of race, color, or previous condition of servitude.

Nineteenth Amendment. Right to vote not to be denied by any state on account of sex.

Twenty-first Amendment. Section 2. Prohibits transportation or importation into any state, for delivery or use therein, of intoxicating liquor in violation of state's laws.

Twenty-fourth Amendment. Right of citizen to vote for President, Vice-President, United States Senator, or member of House of Representatives not to be denied or abridged by any state by reason of failure to pay poll tax.

3. *California Statutory Provisions Relating to Drafting of Legislative Measures.*

Government Code, Section 9501.5. Requires that the enacting clause of every law read as follows:

"The enacting clause of every law shall be 'The people of the State of California do enact as follows:' "

Government Code, Section 9510.5. Statute designation.

Government Code, Section 9604. Reference in any statute to provision of a second statute carried into a third statute as a restatement or continuation is deemed reference to the restatement or continuation.

Government Code, Section 9605. Portion of amended section not altered by amendment

is considered as having been law from time of its enactment; new provisions of amended section are considered as having been enacted at time of amendment; and omitted portion of amended section is considered as having been repealed at time of amendment.

When same section is amended by two or more acts at same session, portion of earlier amendment omitted from later is deemed to have been omitted deliberately and portion of earlier which is restored by later is deemed to have been restored deliberately.

Where no express provision to contrary in statute last enacted, it is conclusively presumed that statute last enacted is intended to prevail over statute earlier enacted at same session; and in absense of express provision to contrary in statute with higher chapter number, it is presumed that statute with higher chapter number was intended by Legislature to prevail over statute enacted at same session with lower chapter number.

Government Code, Section 9606. Permits repeal of a statute "except when vested rights would be impaired." ✓

Government Code, Section 9607. A statute repealed by another is generally not revived by repeal of repealing statute without language expressly reviving the repealed statute. However, if later enacted statute deleting, repealing, or extending the termination or repeal date of a previously enacted law is chaptered before the termination date, the terminated or repealed law is revived when the later enacted statute becomes operative.

Government Code, Section 9610. Provides that fixing or authorizing salary of a state officer or employee by statute is not an appropriation for the payment of the salary. See, however, provision to contrary in California Constitution, Article III, Section 4, re salaries of elected state officers.

Government Code, Section 9611. A law that is temporarily suspended, or impliedly modified or repealed by a provision declared to be effective for a limited period only, is revived on expiration of time of temporary suspension or limited period.

Government Code, Section 9612. If not otherwise required, the terms, United States Army, Army of United States, United States Navy, or military service are deemed to include United States Air Force.

Government Code, Section 9603. States that general rules for construction of statutes are found in preliminary provisions of various codes.

#### 4. *Legislative Rules Relating to Drafting of Legislative Measures.*

##### *(a) Joint Rules.*

Joint Rule 4. Defines bill as including constitutional amendments and concurrent and

joint resolutions.

Joint Rule 5. Defines "concurrent resolution" as resolution relating to matter "to be treated by both houses," and "joint resolution" as resolution relating to matters connected with federal government.

Joint Rule 6. Requires general treatment of constitutional amendments and concurrent and joint resolutions as bills. ✓

Joint Rule 7. Requires that title of every bill convey accurate index of contents of bill and indicate its scope and object. Prohibits amending code section by mere reference to section number. ✓

Joint Rule 8. Requires that bill amending more than one section of existing law contain a separate section for each section amended. Requires that bill not amending existing law be divided into short sections where such can be done without destroying sense of any section.

Joint Rule 8.5. Prohibits introduction of any bill unless (1) contained in cover attached by Legislative Counsel, and (2) accompanied by a digest, prepared and attached to bill by Legislative Counsel, showing changes in existing law proposed by bill.

Joint Rule 9. Requires that amendments must relate to the same subject as original bill, constitutional amendment, or resolution under consideration.

Joint Rule 10. Requires that in bill amending or repealing a code section or general law, new matter shall be underlined and omitted matter shall be shown in "strikeout type" (i.e., by type bearing a horizontal line through its center). Where bill is amended to show for first time a section to be amended or repealed, any new or omitted matter in the section is to be shown in underline or strikeout as through section where part of bill as introduced.

Provides that where entire code is repealed as part of codification or recodification, or where entire title, part, division, chapter, or article of a code is repealed, the sections comprising the title, part, division, chapter, or article shall not be set forth in strikeout type.

Joint Rule 10.7. Prohibits any indication in heading or elsewhere in bill that it was introduced at request of a state agency or officer or any other person, and prohibits inclusion in bill of words "By request" or words similar import.

Joint Rule 34.2. Permits introduction of concurrent or single house resolution to memorialize death of present or former state or federal elected official or member of his immediate family. In all other instances, a resolution other than a concurrent resolution must be used for purpose of commending, congratulating, sympathizing, or expressing regret.

This rule also prohibits introduction of concurrent resolution requesting Governor to issue a

proclamation without prior approval of Committee on Rules of house of introduction.

Joint Rule 39. Designation of Special Session.

Joint Rule 50. Designation of Regular Session.

*(b) Senate Rules.*

Senate Rule 19. Treatment of joint and concurrent resolutions and constitutional amendments as bills. Similar to Joint Rule 6.

Senate Rule 22.2. Digests of bills when introduced. Similar to Joint Rule 8.5.

Senate Rule 24.5. Resolutions. Similar to Joint Rule 34.2.

Senate Rule 27. Committee may amend into one bill related provisions germane to the subject and embraced within the title.

*(c) Assembly Rules.*

Assembly Rule 46. Defines bill as including constitutional amendments and concurrent and joint resolutions. Similar to Joint Rule 4.

Assembly Rule 49. Digests of bills when introduced. Similar to Joint Rule 8.5.

Assembly Rule 54. Resolutions. Similar to Joint Rule 34.2.

Assembly Rule 67. Requires that committee amendments reported with bills "shall be prepared by, or approved as to form by, the Legislative Counsel."

Assembly Rule 69. Requires that amendments offered from floor during second or third reading of bill "shall be prepared by, or approved as to form by, Legislative Counsel."

Assembly Rule 73. Treatment of joint and concurrent resolutions as bills. Similar to Joint Rule 6.

Assembly Rule 92. Provides that an amendment of a bill is not in order when it "relates to a different subject than, or is intended to accomplish a different purpose than, or requires a title essentially different than, the original bill."

Provides that no amendment is in order that would change the original number of a bill.

Provides that no member shall be added or deleted as an author of a bill or resolution without his consent.