LEGISLATIVE DRAFTING TIPS

1. Choose the type of legislation that will best accomplish your policy goal

☐ Bill
   - This is best for changes that need to be made to California law (e.g. Health and Safety Code, Education Code, and etc).

☐ Constitutional Amendment
   - This is needed for any changes to the California Constitution (requires a 2/3 vote)

☐ Concurrent Resolution
   - This is best when the intent is to recommend a change in state government that the drafter does not want to have written in the code books, or to have the Legislature make a declaration. This does not have the force of law.
   - For example, a concurrent resolution may declare a particular month to be "California Autism Awareness Month" or a particular week to be "Suicide Prevention Week."

☐ Joint Resolution
   - This is best when the policy goal would require a change of federal law. This is used to urge the federal government to make that change. This does not have the force law.
   - For example, a joint resolution may urge the federal government to enact a certain change relating to immigration law, federal taxation law, or anything else decided at the federal level.

2. Make sure your legislation has the following three components:

☐ Title
   - This tells the reader what type of legislation it is and what subject the legislation generally addresses.
   - Example: "An act to amend Section 1250 of the Health and Safety Code, relating to health facilities."

☐ Abstract
   - This provides a more specific summary of the legislation. Try to keep this short (1-2 sentences)
   - Example: "AB 174 requires entity X to do ABC"

☐ Body
   - The exact format of the body of the piece of legislation will differ depending on what type of legislation was chosen. Refer to the templates and/or advisor manual provided for more specifics.

3. <u>Avoid common mistakes</u>

- **For bills, make sure you are amending the most recent version of the code section**. If using code books from the library (West or Deerings), remember to look at the back for the "pocket part" supplement, which will provide the more recent version if there is one.

- **For bills, when amending current law, remember to bring into the bill the entire code section you are amending.** This provides context for the changes you are making.

- **Never use the abstracts from federal bills as the body of your legislation.** If the policy goal is to accomplish something that is currently being considered at the federal level, a joint resolution is the appropriate legislation to accomplish that goal, and the appropriate Whereas and Resolved clauses need to be created to make the policy argument.

- **For bills and constitutional amendments, be clear about whether the actor is required to do something or whether the actor has discretion.** To do this, use "shall" when the action is mandatory and use "may" when the action is discretionary.

- **For bills, strive for short and concise.** If the proposal requires amendments to a long section or multiple sections, consider whether it may be appropriate to draft a new section as a way to accomplish the policy goal without having to amend all of the other sections.

  For example: "Notwithstanding any other law, entity X shall not do ABC"

- **Don't forget the abstract.** Remember to include a 1-2 sentence summary of what your bill is doing

4. <u>Take advantage of your resources</u>

- ✓ Electronic resources:
  - Leginfo: http://www.leginfo.ca.gov/
  - California Legislative Information: http://leginfo.legislature.ca.gov/

- ✓ Local library or county law library
  - West or Deerings California Code Books.

- ✓ Advisor Manual