

AMENDED IN SENATE MAY 15, 2014

Senate Constitutional Amendment

No. 17

Introduced by Senator Steinberg

March 28, 2014

Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 5 of Article IV thereof, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

SCA 17, as amended, Steinberg. Members of the Legislature: suspension.

The California Constitution provides that each house of the Legislature shall judge the qualifications and elections of its Members and may expel a Member by a vote of $\frac{2}{3}$ of the membership of the house. The California Constitution further charges the California Citizens Compensation Commission with the responsibility to establish the annual salary and benefits of all state officers, and provides that the salary of an elected state officer may not be reduced during his or her term of office.

This measure would require that, to suspend a Member of either house of the Legislature, a motion or resolution to that effect shall be adopted by a vote of ~~the majority~~ $\frac{2}{3}$ of the membership of the house, *as specified*. *The measure would prohibit a suspended Member from exercising any of the rights, privileges, duties, or powers of his or her office, or from utilizing any resources of the Legislature, while the suspension is in effect. If the motion or resolution imposing the suspension does not specify the date upon which the suspension ends, this measure would require a vote of $\frac{2}{3}$ of the membership of the house to remove the*

suspension. The measure also would authorize the salary and benefits of the Member to be forfeited for all or part of the period of the suspension by express provision of the motion or resolution.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring,* That the
2 Legislature of the State of California at its 2013–14 Regular
3 Session commencing on the third day of December 2012,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 That Section 5 of Article IV thereof is amended to read:

8 SEC. 5. (a) (1) Each house of the Legislature shall judge the
9 qualifications and elections of its Members and, by rollcall vote
10 entered in the journal, two-thirds of the membership concurring,
11 may expel a Member.

12 (2) (A) Each house may suspend a Member by motion or
13 resolution adopted by rollcall vote entered in the journal, ~~a majority~~
14 *two-thirds* of the membership concurring. *The motion or resolution*
15 *shall contain findings and declarations setting forth the basis for*
16 *the suspension.* Notwithstanding any other provision of this
17 Constitution, the house may deem the salary and benefits of the
18 Member to be forfeited for all or part of the period of the
19 suspension by express provision of the motion or resolution.

20 (B) *A Member suspended pursuant to this paragraph shall not*
21 *exercise any of the rights, privileges, duties, or powers of his or*
22 *her office, or utilize any resources of the Legislature, during the*
23 *period the suspension is in effect.*

24 (C) *The suspension of a Member pursuant to this paragraph*
25 *shall remain in effect until the date specified in the motion or*
26 *resolution or, if no date is specified, the date a subsequent motion*
27 *or resolution terminating the suspension is adopted by rollcall*
28 *vote entered in the journal, two-thirds of the membership of the*
29 *house concurring.*

30 (b) No Member of the Legislature may accept any honorarium.
31 The Legislature shall enact laws that implement this subdivision.

32 (c) The Legislature shall enact laws that ban or strictly limit the
33 acceptance of a gift by a Member of the Legislature from any

1 source if the acceptance of the gift might create a conflict of
2 interest.

3 (d) No Member of the Legislature may knowingly accept any
4 compensation for appearing, agreeing to appear, or taking any
5 other action on behalf of another person before any state
6 government board or agency. If a Member knowingly accepts any
7 compensation for appearing, agreeing to appear, or taking any
8 other action on behalf of another person before any local
9 government board or agency, the Member may not, for a period
10 of one year following the acceptance of the compensation, vote
11 upon or make, participate in making, or in any way attempt to use
12 his or her official position to influence an action or decision before
13 the Legislature, other than an action or decision involving a bill
14 described in subdivision (c) of Section 12, which he or she knows,
15 or has reason to know, would have a direct and significant financial
16 impact on that person and would not impact the public generally
17 or a significant segment of the public in a similar manner. As used
18 in this subdivision, “public generally” includes an industry, trade,
19 or profession. However, a Member may engage in activities
20 involving a board or agency which are strictly on his or her own
21 behalf, appear in the capacity of an attorney before any court or
22 the Workers’ Compensation Appeals Board, or act as an advocate
23 without compensation or make an inquiry for information on behalf
24 of a person before a board or agency. This subdivision does not
25 prohibit any action of a partnership or firm of which the Member
26 is a member if the Member does not share directly or indirectly in
27 the fee, less any expenses attributable to that fee, resulting from
28 that action.

29 (e) The Legislature shall enact laws that prohibit a Member of
30 the Legislature whose term of office commences on or after
31 December 3, 1990, from lobbying, for compensation, as governed
32 by the Political Reform Act of 1974, before the Legislature for 12
33 months after leaving office.

34 (f) The Legislature shall enact new laws, and strengthen the
35 enforcement of existing laws, prohibiting Members of the
36 Legislature from engaging in activities or having interests which
37 conflict with the proper discharge of their duties and

1 responsibilities. However, the people reserve to themselves the
2 power to implement this requirement pursuant to Article II.

O