

Introduced by Senator Wolk
(Principal coauthor: Assembly Member Olsen)

April 21, 2016

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article IV thereof, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

SCA 14, as introduced, Wolk. Legislative procedure.

The California Constitution prohibits either house from passing a bill until the bill with amendments has been printed and distributed to the Members of the Legislature.

This measure, the California Legislature Transparency Act, would prohibit voting on a bill until the bill, with any amendments, has been printed, distributed to the members, and published on the Internet, in its final form, for at least 72 hours before the vote, except for certain bills that address a state of emergency declared by the Governor.

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 2015–16 Regular
- 3 Session commencing on the first day of December 2014, two-thirds
- 4 of the membership of each house concurring, hereby proposes to
- 5 the people of the State of California that the Constitution of the
- 6 State be amended as follows:
- 7 First— This measure shall be known, and may be cited, as the
- 8 “California Legislature Transparency Act.”

1 Second— The people of the State of California find and declare
2 both of the following:

3 (a) It is essential to the maintenance of a democratic society
4 that public business be performed in an open and public manner,
5 and highly desirable that citizens be given the opportunity to fully
6 review every bill and express their views regarding the bill's merits
7 to their elected representatives, before it is passed.

8 (b) Moreover, complex bills are often passed before members of
9 the Legislature have any realistic opportunity to review or debate
10 them, resulting in ill-considered legislation.

11 Third— In enacting this measure, the people of the State of
12 California intend to give the people of the State of California and
13 their elected representatives the necessary time to carefully evaluate
14 the strengths and weaknesses of the final version of a bill before
15 a vote occurs by imposing a 72-hour public notice period between
16 the time that the final version is made available to the Legislature
17 and the public and the time that a vote is taken, except in cases of
18 a true emergency declared by the Governor.

19 Fourth— That Section 8 of Article IV thereof is amended to
20 read:

21 SEC. 8. (a) At regular sessions no bill other than the budget
22 bill may be heard or acted on by committee or either house until
23 the 31st day after the bill is introduced unless the house dispenses
24 with this requirement by rollcall vote entered in the journal, three
25 fourths of the membership concurring.

26 (b) (1) The Legislature may make no law except by statute and
27 may enact no statute except by bill. No bill may be passed unless
28 it is read by title on 3 days in each house except that the house
29 may dispense with this requirement by rollcall vote entered in the
30 journal, two thirds of the membership concurring. ~~No~~

31 (2) ~~No bill may be passed until or ultimately become a statute~~
32 ~~unless the bill bill, with amendments any amendments, has been~~
33 ~~printed and printed, distributed to the members. members, and~~
34 ~~published on the Internet, in its final form, for at least 72 hours~~
35 ~~before the vote, except that this notice period may be waived if the~~
36 ~~Governor has submitted to the Legislature a written statement that~~
37 ~~dispensing with this notice period for that bill is necessary to~~
38 ~~address a state of emergency, as defined in paragraph (2) of~~
39 ~~subdivision (c) of Section 3 of Article XIII B, that has been declared~~
40 ~~by the Governor, and the house considering the bill thereafter~~

1 *dispenses with the notice period for that bill by a separate rollcall*
2 *vote entered in the journal, two thirds of the membership*
3 *concurring, prior to the vote on the bill.* ~~No~~

4 (3) No bill may be passed unless, by rollcall vote entered in the
5 journal, a majority of the membership of each house concurs.

6 (c) (1) Except as provided in paragraphs (2) and (3) of this
7 subdivision, a statute enacted at a regular session shall go into
8 effect on January 1 next following a 90-day period from the date
9 of enactment of the statute and a statute enacted at a special session
10 shall go into effect on the 91st day after adjournment of the special
11 session at which the bill was passed.

12 (2) A statute, other than a statute establishing or changing
13 boundaries of any legislative, congressional, or other election
14 district, enacted by a bill passed by the Legislature on or before
15 the date the Legislature adjourns for a joint recess to reconvene in
16 the second calendar year of the biennium of the legislative session,
17 and in the possession of the Governor after that date, shall go into
18 effect on January 1 next following the enactment date of the statute
19 unless, before January 1, a copy of a referendum petition affecting
20 the statute is submitted to the Attorney General pursuant to
21 subdivision (d) of Section 10 of Article II, in which event the
22 statute shall go into effect on the 91st day after the enactment date
23 unless the petition has been presented to the Secretary of State
24 pursuant to subdivision (b) of Section 9 of Article II.

25 (3) Statutes calling elections, statutes providing for tax levies
26 or appropriations for the usual current expenses of the State, and
27 urgency statutes shall go into effect immediately upon their
28 enactment.

29 (d) Urgency statutes are those necessary for immediate
30 preservation of the public peace, health, or safety. A statement of
31 facts constituting the necessity shall be set forth in one section of
32 the bill. In each house the section and the bill shall be passed
33 separately, each by rollcall vote entered in the journal, two thirds
34 of the membership concurring. An urgency statute may not create
35 or abolish any office or change the salary, term, or duties of any
36 office, or grant any franchise or special privilege, or create any
37 vested right or interest.