

AMENDED IN SENATE JUNE 1, 2016

Senate Constitutional Amendment

No. 14

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~~ *of, and by adding Section 7.3 to*, Article IV thereof, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

SCA 14, as amended, Wolk. Legislative procedure.

The California Constitution requires that the proceedings of each house of the Legislature and the committees thereof be open and public, except as specified.

This measure, the California Legislature Transparency Act, would require the Legislature, commencing January 1, 2018, to make audiovisual recordings of the proceedings of each house of the Legislature and the standing committees thereof, if those proceedings are required to be open and public.

The California Constitution prohibits either house from passing a bill until *certain requirements are met, including that 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.~~

This measure would additionally prohibit the Legislature from passing a bill unless the bill has been published on the Internet in its final form for at least 72 hours prior to the final vote in the second house unless specified requirements are met with respect to 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.”

9 Second— The people of the State of California find and declare
10 ~~both~~ all of the following:

11 (a) It is essential to the maintenance of a democratic society
12 that public business be performed in an open and public manner,
13 and highly desirable that citizens be given the opportunity to ~~fully~~
14 review *fully* every bill and express *to their elected representatives*
15 their views regarding ~~the a bill’s merits to their elected~~
16 ~~representatives~~, before it is passed.

17 (b) Moreover, complex bills are often passed before ~~members~~
18 *Members* of the Legislature have any realistic opportunity to review
19 or debate them, resulting in ill-considered legislation.

20 (c) *Further, although the California Constitution currently*
21 *provides that the proceedings of each house of the Legislature and*
22 *the committees thereof shall be open and public, few citizens have*
23 *the ability to attend legislative proceedings in person, and many*
24 *legislative proceedings go completely unobserved by the public*
25 *and press, often leaving no record of what was said.*

26 (d) *Yet, with the availability of modern recording technology,*
27 *there is no reason why public legislative proceedings should*
28 *remain relatively inaccessible to the public.*

29 ~~Third— In enacting this measure, the people of the State of~~
30 ~~California intend to give the people of the State of California and~~
31 ~~their elected representatives the necessary time to carefully evaluate~~
32 ~~the strengths and weaknesses of the final version of a bill before~~

1 a vote occurs by imposing a 72-hour public notice period between
2 the time that the final version is made available to the Legislature
3 and the public and the time that a vote is taken, except in cases of
4 a true emergency declared by the Governor.

5 Fourth— That Section 8 of Article IV thereof is amended to
6 read:

7 SEC. 8. (a) ~~At regular sessions no bill other than the budget~~
8 ~~bill may be heard or acted on by committee or either house until~~
9 ~~the 31st day after the bill is introduced unless the house dispenses~~
10 ~~with this requirement by rolleall vote entered in the journal, three~~
11 ~~fourths of the membership concurring.~~

12 (b) (1) ~~The Legislature may make no law except by statute and~~
13 ~~may enact no statute except by bill. No bill may be passed unless~~
14 ~~it is read by title on 3 days in each house except that the house~~
15 ~~may dispense with this requirement by rolleall vote entered in the~~
16 ~~journal, two thirds of the membership concurring.~~

17 (2) ~~No bill may be passed or ultimately become a statute unless~~
18 ~~the bill, with any amendments, has been printed, distributed to the~~
19 ~~members, and published on the Internet, in its final form, for at~~
20 ~~least 72 hours before the vote, except that this notice period may~~
21 ~~be waived if the Governor has submitted to the Legislature a~~
22 ~~written statement that dispensing with this notice period for that~~
23 ~~bill is necessary to address a state of emergency, as defined in~~
24 ~~paragraph (2) of subdivision (c) of Section 3 of Article XIII B, that~~
25 ~~has been declared by the Governor, and the house considering the~~
26 ~~bill thereafter dispenses with the notice period for that bill by a~~
27 ~~separate rolleall vote entered in the journal, two thirds of the~~
28 ~~membership concurring, prior to the vote on the bill.~~

29 (3) ~~No bill may be passed unless, by rolleall vote entered in the~~
30 ~~journal, a majority of the membership of each house concurs.~~

31 (c) (1) ~~Except as provided in paragraphs (2) and (3) of this~~
32 ~~subdivision, a statute enacted at a regular session shall go into~~
33 ~~effect on January 1 next following a 90-day period from the date~~
34 ~~of enactment of the statute and a statute enacted at a special session~~
35 ~~shall go into effect on the 91st day after adjournment of the special~~
36 ~~session at which the bill was passed.~~

37 (2) ~~A statute, other than a statute establishing or changing~~
38 ~~boundaries of any legislative, congressional, or other election~~
39 ~~district, enacted by a bill passed by the Legislature on or before~~
40 ~~the date the Legislature adjourns for a joint recess to reconvene in~~

1 the second calendar year of the biennium of the legislative session;
2 and in the possession of the Governor after that date, shall go into
3 effect on January 1 next following the enactment date of the statute
4 unless, before January 1, a copy of a referendum petition affecting
5 the statute is submitted to the Attorney General pursuant to
6 subdivision (d) of Section 10 of Article II, in which event the
7 statute shall go into effect on the 91st day after the enactment date
8 unless the petition has been presented to the Secretary of State
9 pursuant to subdivision (b) of Section 9 of Article II.

10 (3) Statutes calling elections, statutes providing for tax levies
11 or appropriations for the usual current expenses of the State, and
12 urgency statutes shall go into effect immediately upon their
13 enactment.

14 (d) Urgency statutes are those necessary for immediate
15 preservation of the public peace, health, or safety. A statement of
16 facts constituting the necessity shall be set forth in one section of
17 the bill. In each house the section and the bill shall be passed
18 separately, each by rollcall vote entered in the journal, two thirds
19 of the membership concurring. An urgency statute may not create
20 or abolish any office or change the salary, term, or duties of any
21 office, or grant any franchise or special privilege, or create any
22 vested right or interest.

23 *Third— In enacting this measure, the people of the State of*
24 *California intend the following:*

25 (a) *To enhance the ability of the people of the State of California*
26 *to observe what is happening and has happened at the Legislature's*
27 *public proceedings so as to obtain the information necessary to*
28 *participate in the political process.*

29 (b) *To give the people of the State of California and their elected*
30 *representatives the necessary time to evaluate carefully the*
31 *strengths and weaknesses of the final version of a bill before a*
32 *vote occurs by imposing a 72-hour public notice period between*
33 *the time that the final version is published on the Internet for review*
34 *by the Legislature and the public and the time that the final vote*
35 *in the second house is taken, except in cases of a state of emergency*
36 *declared by the Governor.*

37 *Fourth— That Section 7.3 is added to Article IV thereof, to*
38 *read:*

39 *SEC. 7.3. Commencing January 1, 2018, the Legislature shall*
40 *cause audiovisual recordings to be made of the proceedings of*

1 *each house of the Legislature and the standing committees thereof,*
2 *if those proceedings are required to be open and public pursuant*
3 *to subdivision (c) of Section 7. Expenditures made in furtherance*
4 *of this section are not subject to Section 7.5.*

5 *Fifth— That Section 8 of Article IV thereof is amended to read:*

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

11 (b) (1) The Legislature may make no law except by statute and
12 may enact no statute except by bill. No bill may be passed unless
13 it is read by title on ~~3~~ *three* days in each house except that the
14 house may dispense with this requirement by rollcall vote entered
15 in the journal, ~~two-thirds~~ *two-thirds* of the membership concurring.
16 ~~No bill may be passed until the bill with amendments has been~~
17 ~~printed and distributed to the members. No bill may be passed~~
18 ~~unless, by rollcall vote entered in the journal, a majority of the~~
19 ~~membership of each house concurs.~~

20 (2) *No bill may be passed until it has been printed and*
21 *distributed, with amendments, to the Members.*

22 (3) *No bill may be passed until it has been published on the*
23 *Internet in its final form for at least 72 hours prior to the final vote*
24 *in the second house. Upon a rollcall vote, two-thirds of the*
25 *membership concurring, the requirement of this paragraph may*
26 *be waived for a bill if the Governor has declared a state of*
27 *emergency, as defined in paragraph (2) of subdivision (c) of*
28 *Section 3 of Article XIII B, and has submitted a written statement*
29 *to the Legislature identifying the bill as necessary to address the*
30 *emergency.*

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

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

39 (2) A statute, other than a statute establishing or changing
40 boundaries of any legislative, congressional, or other election

1 district, enacted by a bill passed by the Legislature on or before
2 the date the Legislature adjourns for a joint recess to reconvene in
3 the second calendar year of the biennium of the legislative session,
4 and in the possession of the Governor after that date, shall go into
5 effect on January 1 next following the enactment date of the statute
6 unless, before January 1, a copy of a referendum petition affecting
7 the statute is submitted to the Attorney General pursuant to
8 subdivision (d) of Section 10 of Article II, in which event the
9 statute shall go into effect on the 91st day after the enactment date
10 unless the petition has been presented to the Secretary of State
11 pursuant to subdivision (b) of Section 9 of Article II.

12 (3) Statutes calling elections, statutes providing for tax levies
13 or appropriations for the usual current expenses of the State, and
14 urgency statutes shall go into effect immediately upon their
15 enactment.

16 (d) Urgency statutes are those necessary for immediate
17 preservation of the public peace, health, or safety. A statement of
18 facts constituting the necessity shall be set forth in one section of
19 the bill. In each house the section and the bill shall be passed
20 separately, each by rollcall vote entered in the journal, ~~two-thirds~~
21 *two-thirds* of the membership concurring. An urgency statute may
22 not create or abolish any office or change the salary, term, or duties
23 of any office, or grant any franchise or special privilege, or create
24 any vested right or interest.

25 *Sixth— In the event that this measure and another measure*
26 *that imposes transparency requirements on the Legislature, such*
27 *as requirements to make audiovisual recordings of legislative*
28 *proceedings or to specify the amount of time a bill must be publicly*
29 *available before it may be passed, appear on the same statewide*
30 *ballot, the provisions of the other measure or measures shall be*
31 *deemed to be in conflict with this measure. In the event that this*
32 *measure receives a greater number of affirmative votes than a*
33 *measure deemed to be in conflict with it, the provisions of this*
34 *measure shall prevail in their entirety, and the other measure or*
35 *measures shall be null and void in their entirety.*