

AMENDED IN ASSEMBLY JUNE 17, 2016

AMENDED IN SENATE JUNE 9, 2016

AMENDED IN SENATE JUNE 1, 2016

Senate Constitutional Amendment

No. 14

Introduced by Senator Wolk

(Principal coauthor: Assembly Member Gordon)

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, 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 open and public proceedings of each house of the Legislature and the committees thereof, ~~as prescribed.~~ *prescribed, and to authorize members of the public who attend those proceedings to make recordings of and to broadcast the proceedings, as prescribed.* The measure would require the Legislature to provide ~~these~~ *its* recordings to the Legislative Counsel for purposes of making the recordings promptly available to the public and would require that the recordings remain reasonably accessible to the public for not less than 20 years. The measure would require the Legislature to enact laws to

implement these provisions, provided that the bills enacting such laws would be required to be published in final form on the Internet for at least 12 days prior to the final vote in each house.

The California Constitution prohibits either house from passing a bill until certain requirements are met, including *that a committee or house not hear or act on the bill until the 31st day after it is introduced and that the bill with amendments has been printed and distributed to the Members of the Legislature.*

~~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. This measure would require the house of origin to pass a bill by a second rollcall vote following the final vote in the second house if the bill, as first passed in the house of origin, had not been published on the Internet in its final form for at least 72 hours prior to that vote and was not amended thereafter in the second house. The~~

This measure would authorize a committee to hear or act on a bill on the 16th day after the bill is introduced. The measure would also prohibit a bill from being passed in either house until the bill, in the form to be voted on, has been made available to the public by publishing it on the Internet for at least 72 hours before the vote. The measure would authorize the Legislature to waive these requirements, as prescribed, if 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—~~

10 *First—* The people of the State of California find and declare
11 all of the following:

12 (a) It is essential to the maintenance of a democratic society
13 that public business be performed in an open and public manner,

1 and highly desirable that citizens be given the opportunity to review
2 fully every bill and express to their elected representatives their
3 views regarding a bill's merits before it is passed.

4 (b) Moreover, complex bills are often passed before Members
5 of the Legislature have any realistic opportunity to review or debate
6 them, resulting in ill-considered legislation.

7 (c) Further, although the California Constitution currently
8 provides that the proceedings of each house of the Legislature and
9 the committees thereof shall be open and public, few citizens have
10 the ability to attend legislative proceedings in person, and many
11 legislative proceedings go completely unobserved by the public
12 and press, often leaving no record of what was said.

13 (d) Yet, with the availability of modern recording technology,
14 there is no reason why public legislative proceedings should remain
15 relatively inaccessible to the public.

16 ~~Third—~~

17 *Second—* In enacting this measure, the people of the State of
18 California intend the following:

19 (a) To enhance the ability of the people of the State of California
20 to observe what is happening and has happened at the Legislature's
21 public proceedings so as to obtain the information necessary to
22 participate in the political process.

23 (b) To give the people of the State of California and their elected
24 representatives the necessary time to evaluate carefully the
25 strengths and weaknesses of ~~the final version of a bill before a~~
26 ~~vote occurs by imposing a 72-hour public notice period between~~
27 ~~the time that the final version is published on the Internet for review~~
28 ~~by the Legislature and the public and the time that the final votes~~
29 ~~are taken, except in cases of a state of emergency declared by the~~
30 ~~Governor.~~ *the bill, in the form to be voted on, has been made*
31 *available to the public by publishing it on the Internet and the time*
32 *that the bill is passed in either house.*

33 ~~Fourth—~~

34 *Third—* That Section 7.3 is added to Article IV thereof, to read:

35 SEC. 7.3. (a) Commencing January 1, 2018, the Legislature
36 shall do all of the following with respect to its open and public
37 proceedings:

38 (1) Cause audiovisual recordings to be made of all floor sessions
39 of each house of the Legislature, the committee proceedings thereof
40 at which a vote is taken or other action is recorded, and the

1 committee proceedings thereof held in the State Capitol Building
2 regardless of whether a vote is taken or an action is recorded.

3 (2) Make reasonable efforts to cause audiovisual recordings to
4 be made of all committee proceedings held outside of the State
5 Capitol Building at which no vote is taken and no action is
6 recorded.

7 (3) Make reasonable efforts to broadcast to the public, in real
8 time, all proceedings of the Legislature and the committees thereof
9 that are held in the State Capitol Building.

10 (4) *Authorize members of the public who attend the proceedings*
11 *of the Legislature and the committees thereof to make recordings*
12 *of those proceedings, subject to reasonable restrictions such as*
13 *those necessary to ensure public safety and prevent disruption of*
14 *the proceedings, and to broadcast those recordings.*

15 (b) The Legislature shall provide all *of its* audiovisual recordings
16 made pursuant to this section to the Legislative Counsel, who shall
17 make the recordings promptly available to the public. The
18 recordings shall remain reasonably accessible to the public for not
19 less than 20 years.

20 (c) The Legislature shall enact laws to implement this section,
21 provided that, notwithstanding paragraph (3) of subdivision (b) of
22 Section 8, after the 2015–16 Regular Session of the Legislature,
23 a bill implementing this section shall not be passed or ultimately
24 become a statute unless the bill is published in its final form on
25 the Internet for at least 12 days prior to the final vote in each house.

26 (d) (1) Expenditures made in furtherance of *paragraphs (1) to*
27 *(3), inclusive, of* subdivision (a) are not subject to Section 7.5.

28 (2) The Legislature shall make sufficient funds available to
29 carry out the purposes of this section.

30 ~~Fifth—~~

31 *Fourth—* That Section 8 of Article IV thereof is amended to
32 read:

33 SEC. 8. (a) At regular sessions no bill other than the budget
34 bill may be heard or acted on by ~~committee or~~ either house until
35 the 31st day after the bill is introduced ~~unless the house dispenses~~
36 ~~with this requirement or by a committee thereof until the 16th day~~
37 *after the bill is introduced. The house may dispense with these*
38 *requirements by rollcall vote entered in the journal, three-fourths*
39 *of the membership concurring.*

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

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

8 ~~(3) (A) No bill may be passed until it has been published on~~
9 ~~the Internet in its final form for at least 72 hours prior to the final~~
10 ~~vote in the second house.~~

11 ~~(B) If a bill is passed by the house of origin without having been~~
12 ~~published on the Internet in its final form for at least 72 hours prior~~
13 ~~to that vote and the bill is not amended thereafter in the second~~
14 ~~house, then the bill may not be passed except by a second rollcall~~
15 ~~vote in the house of origin following the final vote in the second~~
16 ~~house.~~

17 (3) (A) *No bill may be passed in either house until the bill, in*
18 *the form to be voted on, has been made available to the public by*
19 *publishing it on the Internet for at least 72 hours before the vote*
20 *in that house.*

21 ~~(C)~~

22 (B) Upon a rollcall vote, two-thirds of the membership
23 concurring, the requirements of this paragraph may be waived for
24 a bill if the Governor has declared a state of emergency, as defined
25 in paragraph (2) of subdivision (c) of Section 3 of Article XIII B,
26 and has submitted a written statement to the Legislature identifying
27 the bill as necessary to address the emergency.

28 ~~(D)~~

29 (C) ~~No bill shall become a statute that fails to comply with the~~
30 ~~requirements of subparagraphs subparagraph (A) and (B) and for~~
31 ~~which no waiver is obtained pursuant to subparagraph (C). (B)~~
32 ~~shall become a statute.~~

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

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

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

(3) Statutes calling elections, statutes 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.

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

~~Sixth—~~

Fifth— In the event that this measure and another measure that imposes transparency requirements on the Legislature, such as requirements to make audiovisual recordings of legislative ~~proceedings~~ *proceedings, to authorize members of the public to record or broadcast legislative proceedings,* or to specify the amount of time a bill must be publicly available before it may be passed, appear on the same statewide ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their

- 1 entirety, and the other measure or measures shall be null and void
- 2 in their entirety.

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