

Introduced by Senator Ashburn

February 27, 2009

An act to repeal Section 9027 of, and to repeal and add Section 9028 of, the Government Code, relating to meetings of the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

SB 745, as introduced, Ashburn. Meetings of the Legislature.

(1) Existing provisions of the California Constitution require meetings of each house and committee of the Legislature to be open to the public, except that closed meetings may be held to consider specified matters, including employment and personnel, security, advice from counsel, and caucus meetings.

The Ralph M. Brown Act requires that any meeting of a legislative body of a local agency be open and public and that all persons be permitted to attend. The act also requires the legislative body comply with certain open meeting requirements.

This bill would require that all meetings of the Legislature be open to the public and comply with the open meeting requirements of the Ralph M. Brown Act, except as specified. The bill would define "meeting," for its purposes, as a gathering of two or more members of the Legislature in one place for the purposes of discussing matters, including budget-related matters, within the subject matter jurisdiction of the Legislature. The bill would make conforming changes to existing law.

(2) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 9027 of the Government Code is repealed.
- 2 ~~9027. Except as otherwise provided in this article, all meetings~~
- 3 ~~of a house of the Legislature or a committee thereof shall be open~~
- 4 ~~and public, and all persons shall be permitted to attend the~~
- 5 ~~meetings. As used in this article, “meeting” means a gathering of~~
- 6 ~~a quorum of the members of a house or committee in one place~~
- 7 ~~for the purpose of discussing legislative or other official matters~~
- 8 ~~within the jurisdiction of the house or committee. As used in this~~
- 9 ~~article, “committee” includes a standing committee, joint~~
- 10 ~~committee, conference committee, subcommittee, select committee,~~
- 11 ~~special committee, research committee, or any similar body.~~
- 12 SEC. 2. Section 9028 of the Government Code is repealed.
- 13 ~~9028. Any meeting that is required to be open and public~~
- 14 ~~pursuant to this article, including any closed session held pursuant~~
- 15 ~~to subdivision (a) of Section 9029, shall be held only after full and~~
- 16 ~~timely notice to the public as provided by the Joint Rules of the~~
- 17 ~~Assembly and Senate.~~
- 18 SEC. 3. Section 9028 is added to the Government Code, to
- 19 read:
- 20 9028. (a) All meetings of the Legislature shall be open to the
- 21 public and comply with the open meeting requirements of the
- 22 Ralph M. Brown Act (Chapter 9 (commencing with Section 54950)
- 23 of Part 1 of Division 2 of Title 5). All persons shall be permitted
- 24 to attend any meeting of the Legislature, except as otherwise
- 25 provided in subdivision (b).
- 26 (b) As used in this section, “meeting” means a gathering of two
- 27 or more members of the Legislature in one place for the purpose
- 28 of discussing matters, including, but not limited to, budget-related
- 29 matters, within the subject matter jurisdiction of the Legislature
- 30 pursuant to Article IV of the California Constitution. A meeting
- 31 shall not include a caucus of the Members of the Senate, the

1 Members of the Assembly, or the Members of both houses, which
2 is composed of members of the same political party.
3 SEC. 4. This act addresses the fiscal emergency declared by
4 the Governor by proclamation on December 19, 2008, pursuant
5 to subdivision (f) of Section 10 of Article IV of the California
6 Constitution.

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