

Assembly Constitutional Amendment

No. 2

Introduced by Assembly Member Jeffries

December 6, 2010

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IV thereof, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

ACA 2, as introduced, Jeffries. Legislature: floor sessions.

Existing law authorizes each house of the legislature to adopt rules for its proceedings.

This bill would prohibit a house from meeting in a floor session other than between the hours of 9 a.m. and 9 p.m. unless doing so is necessary to consider legislation relating to an emergency created by a natural disaster. The bill provides that any legislation passed by a house during a floor session occurring outside of those hours that is not necessary to consider legislation relating to an emergency created by a natural disaster would have no effect.

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

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2011–12 Regular
3 Session commencing on the sixth day of December 2010,
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:

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

2 SEC. 7. (a) Each house shall choose its officers and adopt
3 rules for its proceedings. A majority of the membership constitutes
4 a quorum, but a smaller number may recess from day to day and
5 compel the attendance of absent ~~members~~ *Members*.

6 (b) *A house may meet in a floor session only between the hours*
7 *of 9 a.m. and 9 p.m., unless a meeting outside of those hours is*
8 *necessary to consider legislation relating to an emergency created*
9 *by a natural disaster. Any legislation passed by a house outside*
10 *of those hours that does not relate to an emergency created by a*
11 *natural disaster shall have no effect.*

12 ~~(b)~~

13 (c) Each house shall keep and publish a journal of its
14 proceedings. The rollcall vote of the ~~members~~ *Members* on a
15 question shall be taken and entered in the journal at the request of
16 ~~3 members~~ *three Members* present.

17 ~~(c)~~

18 (d) (1) The proceedings of each house and the committees
19 thereof shall be open and public. However, closed sessions may
20 be held solely for any of the following purposes:

21 (A) To consider the appointment, employment, evaluation of
22 performance, or dismissal of a public officer or employee, to
23 consider or hear complaints or charges brought against a Member
24 of the Legislature or other public officer or employee, or to
25 establish the classification or compensation of an employee of the
26 Legislature.

27 (B) To consider matters affecting the safety and security of
28 Members of the Legislature or its employees or the safety and
29 security of any buildings and grounds used by the Legislature.

30 (C) To confer with, or receive advice from, its legal counsel
31 regarding pending or reasonably anticipated, or whether to initiate,
32 litigation when discussion in open session would not protect the
33 interests of the house or committee regarding the litigation.

34 (2) A caucus of the Members of the Senate, the Members of the
35 Assembly, or the Members of both houses, which is composed of
36 the members of the same political party, may meet in closed
37 session.

38 (3) The Legislature shall implement this subdivision by
39 concurrent resolution adopted by rollcall vote entered in the journal,
40 two-thirds of the membership of each house concurring, or by

1 statute, and shall prescribe that, when a closed session is held
2 pursuant to paragraph (1), reasonable notice of the closed session
3 and the purpose of the closed session shall be provided to the
4 public. If there is a conflict between a concurrent resolution and
5 statute, the last adopted or enacted shall prevail.

6 ~~(d)~~

7 (e) Neither house without the consent of the other may recess
8 for more than 10 days or to any other place.