

Assembly Constitutional Amendment

No. 20

Introduced by Assembly Member Jeffries

May 3, 2011

Assembly Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 9 of Article II thereof, and by amending Sections 3, 4, 10, and 11 of Article IV thereof, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

ACA 20, as introduced, Jeffries. Part-time Legislature.

Existing provisions of the California Constitution provide that the Legislature meets in a biennial regular session, commencing with the first Monday in December in each even-numbered year, when each house is required to immediately organize, and concluding at midnight on November 30 of the next even-numbered year.

This measure would provide that the meeting on the first Monday in December in an even-numbered year shall be for the sole purpose of organizing each house, and that the Legislature shall otherwise convene in regular session each year only between the first business day in March and June 30.

This measure would permit the Legislature to meet in regular session after June 30 of any calendar year only for a period of up to 15 days to reconsider bills vetoed by the Governor.

Existing provisions of the California Constitution prevent a Member of the Legislature from receiving travel and living expenses during the times that the Legislature is in recess for more than 3 calendar days, but exempts from that prohibition travel to or from, and attendance at,

any meeting of a committee of which he or she is a member, or a meeting, conference, or other legislative function or responsibility as authorized by the rules of the house of which he or she is a member, that is held at a location at least 20 miles from his or her place of residence.

This measure would eliminate these exemptions and, except for members of the committees on rules of each house or a joint committee on rules when meeting in Sacramento on issues relating to the operations of the Legislature, would permit a Member of the Legislature to receive these expenses only for limited periods of legislative sessions. It would prohibit the payment of living expenses, or related travel expenses, for a Member attending a legislative session or committee meeting held less than 20 miles from the Member's place of residence.

Existing provisions of the California Constitution provide that any bill passed by the Legislature before September 1 of the 2nd calendar year of the biennium of the legislative session and in the possession of the Governor on or after September 1 that is not returned on or before September 30 of that year becomes a statute.

This measure would instead provide that any bill passed by the Legislature before July 1 of the 2nd calendar year of the biennium of the legislative session and in the possession of the Governor on or after July 1 that is not returned on or before July 30 of that year becomes a statute.

Existing constitutional provisions provide that a bill introduced during the first year of the biennium of the legislative session that has not been passed by the house of origin by January 31 of the 2nd calendar year of the biennium may no longer be acted on by the house.

This measure would change the date by which a bill introduced in the first year of the biennium would have to be passed by the house of origin in the 2nd calendar year of the biennium to March 31.

Existing constitutional provisions authorize the selection of legislative committees, as specified.

This measure would permit a committee of either house of the Legislature, except a rules committee, to hold a hearing only on a day on which the Legislature is not in recess.

This measure provides that it would become effective as of the first day of the biennial session of the Legislature next commencing following the date on which this measure is approved by the voters.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
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:

7 First—That Section 9 of Article II thereof is amended to read:

8 SEC. 9. (a) The referendum is the power of the electors to
9 approve or reject statutes or parts of statutes except urgency
10 statutes, statutes calling elections, and statutes providing for tax
11 levies or appropriations for usual current expenses of the State.

12 (b) A referendum measure may be proposed by presenting to
13 the Secretary of State, within 90 days after the enactment date of
14 the statute, a petition certified to have been signed by electors
15 equal in number to 5 percent of the votes for all candidates for
16 Governor at the last gubernatorial election, asking that the statute
17 or part of it be submitted to the electors. ~~In the case of a statute
18 enacted by a bill passed by the Legislature on or before the date
19 the Legislature adjourns for a joint recess to reconvene in the
20 second calendar year of the biennium of the legislative session,
21 and in the possession of the Governor after that date, the petition
22 may not be presented on or after January 1 next following the
23 enactment date unless a copy of the petition is submitted to the
24 Attorney General pursuant to subdivision (d) of Section 10 of
25 Article II before January 1.~~

26 (c) The Secretary of State shall then submit the measure at the
27 next general election held at least 31 days after it qualifies or at a
28 special statewide election held prior to that general election. The
29 Governor may call a special statewide election for the measure.

30 Second—That Section 3 of Article IV thereof is amended to
31 read:

32 SEC. 3. (a) The Legislature shall convene in regular session
33 at noon on the first Monday in December of each even-numbered
34 year *for the sole purpose of organizing* and each house shall
35 immediately organize. Each *regular* session of the Legislature
36 shall adjourn sine die by operation of the Constitution at midnight
37 ~~on November~~ *June* 30 of the following even-numbered year.

38 (b) *After the Legislature has organized, it shall reconvene in
39 regular session on the first business day in March each year, and
40 shall not meet in regular session after June 30 of any calendar*

1 *year except for a single period after that date of up to 15 days to*
2 *reconsider bills vetoed by the Governor pursuant to Section 10.*

3 (c) On extraordinary occasions the Governor by proclamation
4 may cause the Legislature to assemble in special session. When
5 so assembled it has power to legislate only on subjects specified
6 in the proclamation but may provide for expenses and other matters
7 incidental to the session.

8 Third—That Section 4 of Article IV thereof is amended to read:

9 SEC. 4. (a) To eliminate any appearance of a conflict with the
10 proper discharge of his or her duties and responsibilities, no
11 Member of the Legislature may knowingly receive any salary,
12 wages, commissions, or other similar earned income from a
13 lobbyist or lobbying firm, as defined by the Political Reform Act
14 of 1974, or from a person who, during the previous 12 months,
15 has been under a contract with the Legislature. The Legislature
16 shall enact laws that define earned income. However, earned
17 income does not include any community property interest in the
18 income of a spouse. Any Member who knowingly receives any
19 salary, wages, commissions, or other similar earned income from
20 a lobbyist employer, as defined by the Political Reform Act of
21 1974, may not, for a period of one year following its receipt, vote
22 upon or make, participate in making, or in any way attempt to use
23 his or her official position to influence an action or decision before
24 the Legislature, other than an action or decision involving a bill
25 described in subdivision (c) of Section 12 of this article, which he
26 or she knows, or has reason to know, would have a direct and
27 significant financial impact on the lobbyist employer and would
28 not impact the public generally or a significant segment of the
29 public in a similar manner. As used in this subdivision, “public
30 generally” includes an industry, trade, or profession.

31 (b) (1) Travel and living expenses for Members of the
32 Legislature in connection with their official duties shall be
33 prescribed by statute passed by rollcall vote entered in the journal,
34 two-thirds of the membership of each house concurring. ~~A Member~~
35 ~~may not receive travel and living expenses during the times that~~
36 ~~the Legislature is in recess for more than three calendar days,~~
37 ~~unless the Member is traveling to or from, or is in attendance at,~~
38 ~~any meeting of a committee of which he or she is a member, or a~~
39 ~~meeting, conference, or other legislative function or responsibility~~
40 ~~as authorized by the rules of the house of which he or she is a~~

1 ~~member, which is held at a location at least~~ *A Member of the*
2 *Legislature may receive living expenses, and related travel*
3 *expenses, only for the following:*

4 (A) *Days spent attending the regular session.*

5 (B) *Up to 15 days spent attending a legislative session to*
6 *reconsider one or more bills vetoed by the Governor.*

7 (C) *Up to 15 days spent attending a special session of the*
8 *Legislature.*

9 (D) *For members of the committee on rules of either house, or*
10 *of the joint committee on rules, days spent meeting in Sacramento*
11 *on issues relating to the operations of that house or, in the case*
12 *of the joint committee, of both houses.*

13 (2) *No travel or living expenses shall be provided to a Member*
14 *attending a legislative session or committee meeting held at a*
15 *location less than 20 miles from his or her the Member's place of*
16 *residence.*

17 (c) (1) The Legislature may not provide retirement benefits
18 based on any portion of a monthly salary in excess of five hundred
19 dollars (\$500) paid to any Member of the Legislature unless the
20 Member receives the greater amount while serving as a Member
21 in the Legislature. The Legislature may, prior to their retirement,
22 limit the retirement benefits payable to Members of the Legislature
23 who serve during or after the term commencing in 1967.

24 ~~When~~

25 (2) *When* computing the retirement allowance of a Member who
26 serves in the Legislature during the term commencing in 1967 or
27 later, allowance may be made for increases in cost of living if so
28 provided by statute, but only with respect to increases in the cost
29 of living occurring after retirement of the Member. However, the
30 Legislature may provide that no Member shall be deprived of a
31 cost of living adjustment based on a monthly salary of five hundred
32 dollars (\$500) which has accrued prior to the commencement of
33 the 1967 Regular Session of the Legislature.

34 Fourth—That Section 10 of Article IV thereof is amended to
35 read:

36 SEC. 10. (a) Each bill passed by the Legislature shall be
37 presented to the Governor. It becomes a statute if it is signed by
38 the Governor. The Governor may veto it by returning it with any
39 objections to the house of origin, which shall enter the objections
40 in the journal and proceed to reconsider it. If each house then

1 passes the bill by rollcall vote entered in the journal, two-thirds of
2 the membership concurring, it becomes a statute.

3 (b) (1) Any bill, other than a bill which would establish or
4 change boundaries of any legislative, congressional, or other
5 election district, passed by the Legislature on or before the date
6 the Legislature adjourns for a joint recess to reconvene in the
7 second calendar year of the biennium of the legislative session,
8 and in the possession of the Governor after that date, that is not
9 returned within 30 days after that date becomes a statute.

10 (2) Any bill passed by the Legislature before ~~September~~ *July* 1
11 of the second calendar year of the biennium of the legislative
12 session and in the possession of the Governor on or after ~~September~~
13 *July* 1 that is not returned on or before ~~September~~ *July* 30 of that
14 year becomes a statute.

15 (3) Any other bill presented to the Governor that is not returned
16 within 12 days becomes a statute.

17 (4) If the Legislature by adjournment of a special session
18 prevents the return of a bill with the veto message, the bill becomes
19 a statute unless the Governor vetoes the bill within 12 days after
20 it is presented by depositing it and the veto message in the office
21 of the Secretary of State.

22 (5) If the 12th day of the period within which the Governor is
23 required to perform an act pursuant to paragraph (3) or (4) ~~of this~~
24 ~~subdivision~~ is a Saturday, Sunday, or holiday, the period is
25 extended to the next day that is not a Saturday, Sunday, or holiday.

26 (c) Any bill introduced during the first year of the biennium of
27 the legislative session that has not been passed by the house of
28 origin by ~~January~~ *March* 31 of the second calendar year of the
29 biennium may no longer be acted on by the house. ~~No bill may be~~
30 ~~passed by either house on or after September 1 of an~~
31 ~~even-numbered year except statutes calling elections, statutes~~
32 ~~providing for tax levies or appropriations for the usual current~~
33 ~~expenses of the State, and urgency statutes, and bills passed after~~
34 ~~being vetoed by the Governor.~~

35 (d) ~~The Legislature may not present any bill to the Governor~~
36 ~~after November 15 of the second calendar year of the biennium of~~
37 ~~the legislative session.~~

38 (e)

39 (d) The Governor may reduce or eliminate one or more items
40 of appropriation while approving other portions of a bill. The

1 Governor shall append to the bill a statement of the items reduced
2 or eliminated with the reasons for the action. The Governor shall
3 transmit to the house originating the bill a copy of the statement
4 and reasons. Items reduced or eliminated shall be separately
5 reconsidered and may be passed over the Governor's veto in the
6 same manner as bills.

7 ~~(f)~~

8 (e) (1) If, following the enactment of the budget bill for the
9 2004–05 fiscal year or any subsequent fiscal year, the Governor
10 determines that, for that fiscal year, General Fund revenues will
11 decline substantially below the estimate of General Fund revenues
12 upon which the budget bill for that fiscal year, as enacted, was
13 based, or General Fund expenditures will increase substantially
14 above that estimate of General Fund revenues, or both, the
15 Governor may issue a proclamation declaring a fiscal emergency
16 and shall thereupon cause the Legislature to assemble in special
17 session for this purpose. The proclamation shall identify the nature
18 of the fiscal emergency and shall be submitted by the Governor
19 to the Legislature, accompanied by proposed legislation to address
20 the fiscal emergency.

21 (2) If the Legislature fails to pass and send to the Governor a
22 bill or bills to address the fiscal emergency by the 45th day
23 following the issuance of the proclamation, the Legislature may
24 not act on any other bill, nor may the Legislature adjourn for a
25 joint recess, until that bill or those bills have been passed and sent
26 to the Governor.

27 (3) A bill addressing the fiscal emergency declared pursuant to
28 this section shall contain a statement to that effect.

29 Fifth—That Section 11 of Article IV thereof is amended to read:

30 SEC. 11. (a) The Legislature or either house may by resolution
31 provide for the selection of committees necessary for the conduct
32 of its business, including committees to ascertain facts and make
33 recommendations to the Legislature on a subject within the scope
34 of legislative control.

35 (b) *A committee of either house of the Legislature may hold a*
36 *hearing only on a day on which that house of the Legislature is*
37 *not in recess, and a joint committee may hold a hearing only on*
38 *a day on which neither house is in recess. Notwithstanding that*
39 *restriction, the committee on rules of either house, or a joint*
40 *committee on rules, may meet on any day on issues relating to the*

1 *operations of that house or, in the case of the joint committee, of*
2 *both houses.*
3 Sixth—That the amendments set forth in this measure shall
4 become operative as of the first day of the biennial session of the
5 Legislature next commencing following the date on which this
6 measure is approved by the voters.

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