

Assembly Constitutional Amendment

No. 4

Introduced by Assembly Member Olsen
(Principal coauthors: Senators Huff and Wolk)

January 23, 2013

Assembly Constitutional Amendment No. 4—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 Article IV thereof, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

ACA 4, as introduced, Olsen. Legislative procedure.

The California Constitution prohibits a bill other than the Budget Bill from being heard or acted on by a committee or either house of the Legislature until the 31st day after the bill is introduced, unless the house dispenses with this requirement by rollcall vote entered in the journal, $\frac{3}{4}$ of the membership concurring.

This measure would add an additional exception to this 31-day waiting period by authorizing a committee to hear or act on a bill if the bill, in the form to be considered by the committee, has been in print and published on the Internet for at least 15 days.

Existing provisions of the California Constitution prohibit either house of the Legislature from passing a bill until the bill with amendments has been printed and distributed to the Members.

This measure would also prohibit either house of the Legislature from passing a bill until the bill, in the form to be voted on, has been made available to the public, in print and published on the Internet, for at least 72 hours preceding the vote. This requirement would not apply to specified urgency bills upon the submission by the Governor to the

Legislature of a written statement that it is necessary to dispense with the requirement to address a state of emergency declared by the Governor.

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 2013–14 Regular
3 Session commencing on the third day of December, two-thirds of
4 the membership of each house concurring, hereby proposes to the
5 people of the State of California that the Constitution of the State
6 be amended as follows:

7 That Section 8 of Article IV thereof is amended to read:

8 SEC. 8. (a) At regular sessions, no bill other than the budget
9 bill may be heard or acted on by committee or either house until
10 the 31st day after the bill is introduced ~~unless the~~, *except in either*
11 *of the following circumstances:*

12 (1) *A committee or either house may hear or act on a bill if the*
13 *house dispenses with this requirement by rollcall vote entered in*
14 *the journal, three fourths of the membership concurring.*

15 (2) *A committee may hear or act on a bill if the bill, in the form*
16 *to be considered by the committee, has been in print and published*
17 *on the Internet for at least 15 days.*

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

27 (2) (A) *No bill may be passed in either house until the bill, in*
28 *the form to be voted on, has been made available to the public, in*
29 *print and published on the Internet, for at least 72 hours before*
30 *the vote.*

31 (B) *This paragraph does not apply to a bill that contains an*
32 *urgency clause if the Governor submits to the Legislature a written*
33 *statement, for that bill, that dispensing with the requirement in*
34 *subparagraph (A) is necessary to address a state of emergency*

1 *declared by the Governor. “Emergency,” for the purposes of this*
2 *paragraph, has the same meaning as in paragraph (2) of*
3 *subdivision (c) of Section 3 of Article XIII B and does not include*
4 *a fiscal emergency declared pursuant to Section 10 of this article.*

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

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

24 (3) Statutes calling elections, statutes providing for tax levies
25 or appropriations for the usual current expenses of the State, and
26 urgency statutes shall go into effect immediately upon their
27 enactment.

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