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Legislature. Legislation and Proceedings. Initiative Constitutional Amendment and Statute.

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PROPOSITION **LEGISLATURE. LEGISLATION AND PROCEEDINGS.**
54 **INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.**

OFFICIAL TITLE AND SUMMARY

PREPARED BY THE ATTORNEY GENERAL

- Prohibits Legislature from passing any bill unless it has been in print and published on the Internet for at least 72 hours before the vote, except in cases of public emergency.
- Requires the Legislature to make audiovisual recordings of all its proceedings, except closed session proceedings, and post them on the Internet.
- Authorizes any person to record legislative proceedings by audio or video means, except closed session proceedings.
- Allows recordings of legislative proceedings to be used for any legitimate purpose, without payment of any fee to the State.

SUMMARY OF LEGISLATIVE ANALYST'S ESTIMATE OF NET STATE AND LOCAL GOVERNMENT FISCAL IMPACT:

- One-time costs of \$1 million to \$2 million and ongoing costs of about \$1 million annually to record legislative meetings and make videos of those meetings available on the Internet.

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

State Legislature Makes Laws. The California Legislature has two houses: the Senate and the Assembly. Legislative rules guide the process by which bills become laws. In this process, legislators discuss bills in committee hearings and other settings. They often change bills based on these discussions. Typically, legislators take several days to consider these changes before they vote on whether to pass the bill. Sometimes, however, legislators take less time to consider these changes.

Legislature's Public Meetings. The State Constitution requires meetings of the Legislature and its committees to be open to the public, with some exceptions (such as meetings to discuss security at the State Capitol). Live videos of most, but not all, of these meetings are available on the Internet. The Legislature

keeps an archive of many of these videos for several years. The Legislature does not charge fees for the use of these videos. The Legislature spends around \$1 million each year on recording, posting, and storing these videos. Under current state statute, recordings of Assembly meetings cannot be used for political or commercial purposes.

Legislature's Budget. The Constitution limits how much the Legislature can spend on its own operations. This limit increases with growth in California's population and economy. This year, the Legislature's budget is about \$300 million—less than 1 percent of total spending from the General Fund (the state's main operating account).

PROPOSAL

Proposition 54 amends the Constitution to change the rules and duties of the

Figure 1**Key Changes That Would Happen if Proposition 54 Passes**

- A bill (including changes to that bill) would have to be available on the Internet for at least 72 hours before the Legislature could pass it.^a
- The Legislature would have to ensure that all of its public meetings were recorded, with videos posted on the Internet within 24 hours.
 - These videos would have to be downloadable for at least 20 years.

^a This rule has exceptions for emergencies, including natural disasters.

Legislature. Figure 1 summarizes the proposition's key changes. The Legislature's costs to comply with these requirements would be counted within the Legislature's annual spending limit.

Changes How State Legislature Makes Laws. If Proposition 54 passes, a bill (including changes to that bill) would have to be made available to legislators and posted on the Internet for at least 72 hours before the Legislature could pass it. In an emergency, like a natural disaster, the Legislature could pass bills faster. This could only happen, however, if the Governor declares a state of emergency and two-thirds of the house considering the bill votes to pass the bill faster.

Changes Rules of Legislature's Public Meetings. If Proposition 54 passes, videos of all of the Legislature's public meetings would have to be (1) recorded, (2) posted on the Internet within 24 hours following the end of the meeting, and (3) downloadable from the Internet for at least 20 years. (These requirements would take effect beginning January 1, 2018.) In addition, members

of the public would be allowed to record and broadcast any part of a public legislative meeting. Proposition 54 also changes state statute so that anyone could use videos of legislative meetings for any legitimate purpose and without paying a fee to the state.

FISCAL EFFECTS

The fiscal impact of Proposition 54 would depend on how the Legislature decides to meet these new requirements. The main costs of the proposition relate to the recording of videos of legislative meetings and storage of those videos on the Internet. The state would likely face: (1) **one-time costs of \$1 million to \$2 million** to buy cameras and other equipment and (2) **annual costs of about \$1 million** for more staff and online storage for the videos. These costs would be less than 1 percent of the Legislature's budget for its own operations.

Visit <http://www.sos.ca.gov/measure-contributions> for a list of committees primarily formed to support or oppose this measure. Visit <http://www.fppc.ca.gov/transparency/top-contributors/nov-16-gen-v2.html> to access the committee's top 10 contributors.

★ ARGUMENT IN FAVOR OF PROPOSITION 54 ★

Democrats, Republicans and Independents agree it's time to PUT VOTERS FIRST, NOT SPECIAL INTERESTS.

THAT'S WHY DIVERSE GROUPS LIKE *the League of Women Voters of California, California Chamber of Commerce, California State Conference of the NAACP, Latin Business Association, California Common Cause, Howard Jarvis Taxpayers Association, League of California Cities, California Forward, Los Angeles Area Chamber of Commerce, California Planning and Conservation League, and many others*, URGE YOU TO VOTE "YES" ON PROP. 54.

PROP. 54 WILL:

- Require every bill to be posted online *and* distributed to lawmakers at least 72 hours before each house of the Legislature is permitted to vote on it (except when the Governor declares an emergency).
- Prohibit any bill passed in violation of this 72-hour requirement from becoming law.
- Make audiovisual recordings of ALL public legislative meetings.
- Post those recordings online within 24 hours, to remain online for at least 20 years.
- Guarantee the right of every person to also record and broadcast any open legislative meetings.
- Require NO new taxpayer money. The Legislature's existing budget will cover this measure's minor costs.

Proposition 54 makes our state government more transparent by STOPPING THE PRACTICE OF WRITING LAWS PROMOTED BY SPECIAL INTERESTS BEHIND CLOSED DOORS AND PASSING THEM WITH LITTLE DEBATE OR REVIEW.

"We have long opposed the California Legislature's practice of making last minute changes to proposed laws before legislators, the press, and the public have had a chance to read and understand them. Such practices make a mockery of democracy."—*Peter Scheer, FIRST AMENDMENT COALITION*

"Proposition 54 gives all people the opportunity to review, debate, and contribute to the laws that impact us all."—*Alice Huffman, CALIFORNIA STATE CONFERENCE OF THE NAACP*

Proposition 54 will stop the immediate passage of legislation that has been "gutted and amended"—a practice that replaces, at the last minute, every word of a bill with new, complex language secretly written by special interests,

thereby making major policy changes with no public input. "Proposition 54 finally gives voters the upper hand, not the special interests, and improves the way business is done at our State Capitol."—*Ruben Guerra, LATIN BUSINESS ASSOCIATION*

Special interests and the political establishment fear voters might track from home what happens in the Legislature's public meetings. Sacramento lobbyists don't believe the people can be trusted with this information—or with time to act on it.

Yet sixty-nine California cities representing 15 million people, and thirty-seven county boards of supervisors representing 27 million people, *already* post recordings of their meetings online.

Our Legislature should catch up.

"Proposition 54 will create a more open, honest, and accountable government. It's time to give voters a voice in the political process."—*Kathay Feng, CALIFORNIA COMMON CAUSE*

CHECK IT OUT FOR YOURSELF at YesProp54.org. YES ON PROP. 54 is supported by good government, minority, taxpayer, and small business groups, seniors, and voters from every walk of life, every political persuasion, and every corner of the state.

PROPOSITION 54 was written by constitutional scholars and has been carefully reviewed and vetted by good government organizations who all agree Prop. 54 *will* increase transparency. That's why special interests vigorously oppose it.

PROPOSITION 54 will reduce special interest influence by ensuring every proposed new law is subject to public review and comment BEFORE legislators vote on it.

Vote YES on Proposition 54.

HELEN HUTCHISON, President
League of Women Voters of California

HOWARD PENN, Executive Director
California Planning and Conservation League

ALLAN ZAREMBERG, President
California Chamber of Commerce

★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 54 ★

BIG MONEY IS BEHIND PROP. 54: DON'T BE FOOLED

Just look at its main backer: the California Chamber of Commerce. This group—whose members include big oil, tobacco and drug companies—spent a record-shattering \$4.3 MILLION lobbying the Legislature last year, according to the Secretary of State.

Prop. 54 will give these special interests even MORE power in Sacramento.

That's the reason one billionaire, backed by big, out-of-state corporations, is bankrolling Prop. 54.

STAND UP TO BIG MONEY. VOTE NO ON PROP. 54.

California's most significant achievements often occur when our elected representatives come to the table willing to find areas of compromise. Sometimes, powerful special interests don't get everything they want.

One example is the bipartisan 2009 state budget agreement, historic action that saved California from bankruptcy. That bipartisan compromise was updated through the final hours prior to the vote. It earned the

four Legislative Leaders that negotiated it the prestigious "Profiles in Courage Award" from the John F. Kennedy Library Foundation.

If Prop. 54 was in place, California might well have gone bankrupt.

The Legislature needs to work better, not be hamstrung by red tape. Prop. 54 unnecessarily requires the Legislature to wait 3 days before passing a measure in its "second house," allowing special interests to defeat it.

California's legislative work is transparent. Any citizen, at any time, can view any bill via the Internet. Audio and video is online free of charge.

VOTE NO ON PROP. 54. STOP THE SPECIAL INTEREST POWER GRAB.

ART TORRES, State Senator (Retired)

JERILYN STAPLETON,
California National Organization for Women (NOW)

STEVE HANSEN, City Council Member
City of Sacramento

★ ARGUMENT AGAINST PROPOSITION 54 ★

Proposition 54 is on your ballot solely because one California billionaire, after spending millions of dollars trying to influence California policy and elections, is now using our citizen initiative process to pursue his own political agenda.

What is Prop. 54? It is a complicated measure that introduces unnecessary new restrictions on the way laws are crafted by the Legislature. It empowers special interests under the guise of “transparency.”

Rather than promoting accountability, Prop. 54 will slow down the ability for legislators to develop bipartisan solutions to our state’s most pressing problems.

For example, many bipartisan balanced budget agreements, the Fair Housing Act (which ended housing discrimination), and last year’s bond measure to address California’s drought likely never would have happened if this measure had been enacted.

Prop. 54 will throw a monkey wrench into the ability of our elected officials to get things done. It will give special interests more power to thwart the will of our elected officials. It makes it more difficult to address state emergencies.

DON’T GIVE SPECIAL INTERESTS EVEN MORE POWER. VOTE NO ON PROP. 54.

While it sounds good, requiring the Legislature to wait three days before voting on a bill will give powerful lobbyists and well-funded special interests time to launch campaigns to attack bipartisan compromises. Special interests already have too much power in Sacramento. Prop. 54 will give them more.

PROP. 54 WILL CAUSE UNNECESSARY DELAYS

Anytime a comma is changed in a bill, lawmakers will now be forced to wait three days to vote on it. That will mean unnecessary delays.

PROP. 54 WILL INCREASE POLITICAL ATTACK ADS

Current law prohibits the use of Legislative proceedings in political campaign ads. Prop. 54 eliminates that rule, paving the way for millions of dollars in ugly campaign attack ads that will flood your screen before each election.

DON’T LET A BILLIONAIRE REWRITE CALIFORNIA’S CONSTITUTION FOR POLITICAL GAIN.

Who’s behind this measure? Charles Munger, Jr.—a billionaire with a long history of contributing millions to candidates that oppose increased education funding, the minimum wage, plans to make higher education more affordable, and other progressive issues—is the *only* donor to Prop. 54. He has spent more than \$5.5 million to put this measure on the ballot.

Don’t let a single wealthy Californian bypass the Legislature to rewrite our state’s constitution to his own liking. Even the California Newspaper Publishers Association, which supports many of the concepts in this measure, has told the *Capitol Weekly* newspaper, it “doesn’t feel the initiative process is a good way to deal with public policy.”

Prop. 54 is opposed by the California Democratic Party, dozens of elected officials, environmental, labor, and other groups.

Vote NO on Prop. 54. Get the facts on www.NoOnProposition54.com and follow us on Twitter @NoProp54

STEVEN MAVIGLIO,
Californians for an Effective Legislature

★ REBUTTAL TO ARGUMENT AGAINST PROPOSITION 54 ★

A bill every legislator and every Californian has had 72 hours to read will be a better bill than one that they haven’t. This shouldn’t be a partisan question: it’s just common sense.

In 2006 then-Senator Barack Obama sponsored, and then-Senator Hillary Clinton co-sponsored, the “Curtailing Lobbyist Effectiveness Through Advance Notification, Updates, and Posting Act,” or “CLEAN UP Act,” which called for each bill in the U.S. Senate to be “available to all Members and made available to the general public by means of the Internet for at least 72 hours before its consideration”.

What *would* work for the U.S. Senate, *will* work for the California Legislature.

That is why **PROP. 54 IS ENDORSED BY A LARGE BIPARTISAN COALITION** including the League of Women Voters of California, California Common Cause, California State Conference of the NAACP, League of California Cities, California Chamber of Commerce, Californians Aware, First Amendment Coalition, California Forward, Planning and Conservation League, California Black Chamber of Commerce, California Business Roundtable, National Federation of Independent Business/California, Latin Business Association of California, Hispanic 100, Howard Jarvis Taxpayers Association, California Taxpayers

Association, Small Business Action Committee, San Jose/Silicon Valley NAACP, Monterey County Business Council, and the Los Angeles Area, San Francisco and Fresno Chambers of Commerce.

As the *SAN FRANCISCO CHRONICLE* declared about Prop. 54, “Let the record also show that this was no partisan effort. Its advocates include a long list of respected reform groups such as Common Cause, California Forward and the League of Women Voters.” Special interests sit through every committee meeting in Sacramento. *They already know* what bills live and die and why, and who votes with a special interest or against it. The way to level the playing field is to record the public meetings and post them online. Then we too will know.

Prop. 54 requires no new tax money. Prop. 54’s minor costs come out of the Legislature’s operating budget.

To learn more, see YesProp54.org.

Vote YES on Prop. 54.

TERESA CASAZZA, President
California Taxpayers Association
TOM SCOTT, State Executive Director
National Federation of Independent Business/California
KATHAY FENG, Executive Director
California Common Cause

retaining independent counsel to faithfully and vigorously defend this act on behalf of the State of California.

PROPOSITION 54

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends sections of the California Constitution and amends and adds sections to the Government Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Title.

This act shall be known and may be cited as the California Legislature Transparency Act.

SEC. 2. Findings and Declarations.

The people of the State of California hereby find and declare that:

(a) It is essential to the maintenance of a democratic society that public business be performed in an open and public manner, and highly desirable that citizens be given the opportunity to fully review every bill and express their views regarding the bill's merits to their elected representatives, before it is passed.

(b) However, last-minute amendments to bills are frequently used to push through political favors without comment or with little advance notice.

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

(d) Further, although our State Constitution currently provides that the proceedings of each house and the committees thereof shall be open and public, few citizens have the ability to attend legislative proceedings in person, and many legislative proceedings go completely unobserved by the public and press, often leaving no record of what was said.

(e) Yet, with the availability of modern recording technology and the Internet, there is no reason why public legislative proceedings should remain relatively inaccessible to the citizens that they serve.

(f) Accordingly, to foster disclosure, deliberation, debate, and decorum in our legislative proceedings, to keep our citizens fully informed, and to ensure that legislative proceedings are conducted fairly and openly, our State Constitution should guarantee the right of all persons, including members of the press, to freely record legislative proceedings and to broadcast, post, or otherwise transmit those recordings.

(g) To supplement this right to record legislative proceedings, the Legislature itself should also be required to make and post audiovisual recordings of all public proceedings to the Internet and to maintain an archive of these recordings, which will be a valuable resource for the public, the press, and the academic community for generations to come.

(h) California should also follow the lead of other states that require a 72-hour advance notice period between the

time a bill is printed and made available to the public and the time it is put to a vote, allowing an exception only in the case of a true emergency, such as a natural disaster.

(i) The opportunity for an orderly and detailed review of bills by the public, the press, and legislators will result in better bills while thwarting political favoritism and power grabs.

(j) These measures will have nominal cost to taxpayers, while promoting greater transparency in our legislative proceedings to benefit the people.

SEC. 3. Statement of Purpose.

In enacting this measure, the people of the State of California intend the following:

(a) To enable we, the people, to observe through the Internet what is happening and has happened in any and all of the Legislature's public proceedings so as to obtain the information necessary to participate in the political process and to hold our elected representatives accountable for their actions.

(b) To enable we, the people, to record and to post or otherwise transmit our own recordings of those legislative proceedings in order to encourage fairness in the proceedings, deliberation in our representatives' decision-making, and accountability.

(c) To give us, the people, and our representatives the necessary time to carefully evaluate the strengths and weaknesses of the final version of a bill before a vote by imposing a 72-hour public notice period between the time that the final version is made available to the Legislature and the public, and the time that a vote is taken, except in cases of a true emergency declared by the Governor.

SEC. 4. Amendments to Article IV of the California Constitution.

SEC. 4.1. Section 7 of Article IV of the California Constitution is amended to read:

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

(b) Each house shall keep and publish a journal of its proceedings. The rollcall vote of the members on a question shall be taken and entered in the journal at the request of 3 members present.

(c) (1) *Except as provided in paragraph (3), The the proceedings of each house and the committees thereof shall be open and public. The right to attend open and public proceedings includes the right of any person to record by audio or video means any and all parts of the proceedings and to broadcast or otherwise transmit them; provided that the Legislature may adopt reasonable rules pursuant to paragraph (5) regulating the placement and use of the equipment for recording or broadcasting the proceedings for the sole purpose of minimizing disruption of the proceedings. Any aggrieved party shall have standing to challenge said rules in an action for declaratory and injunctive relief, and the Legislature shall have the burden of demonstrating that the rule is reasonable.*

(2) *Commencing on January 1 of the second calendar year following the adoption of this paragraph, the Legislature shall also cause audiovisual recordings to be made of all proceedings subject to paragraph (1) in their entirety, shall make such recordings public through the Internet within*

24 hours after the proceedings have been recessed or adjourned for the day, and shall maintain an archive of said recordings, which shall be accessible to the public through the Internet and downloadable for a period of no less than 20 years as specified by statute.

(3) Notwithstanding paragraphs (1) and (2) However, closed sessions may be held solely for any of the following purposes:

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

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

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

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

(3)(5) The Legislature shall implement this subdivision by concurrent resolution adopted by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, or by statute, and shall prescribe that, when in the case of a closed session is held pursuant to paragraph (1), (3), shall prescribe that reasonable notice of the closed session and the purpose of the closed session shall be provided to the public. If there is a conflict between a concurrent resolution and statute, the last adopted or enacted shall prevail.

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

SEC. 4.2. Section 8 of Article IV of the California Constitution is amended to read:

SEC. 8. (a) At regular sessions no bill other than the budget bill may be heard or acted on by committee or either house until the 31st day after the bill is introduced unless the house dispenses with this requirement by rollcall vote entered in the journal, three fourths of the membership concurring.

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

(2) No bill may be passed or ultimately become a statute unless until the bill with any amendments has been printed, and distributed to the members, and published on the Internet, in its final form, for at least 72 hours before the vote, except that this notice period may be waived if the Governor has submitted to the Legislature a written statement that dispensing with this notice period for that bill is necessary to address a state of emergency, as defined in paragraph (2) of subdivision (c) of Section 3 of Article XIII B, that has been declared by the Governor, and the house considering the bill thereafter dispenses with the

notice period for that bill by a separate rollcall vote entered in the journal, two thirds of the membership concurring, prior to the vote on the bill.

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

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

SEC. 5. Amendments to the Government Code.

SEC. 5.1. Section 9026.5 of the Government Code is amended to read as follows:

9026.5. *Televised or other audiovisual recordings of public proceedings.*

(a) *Televised or other audiovisual recordings of the public proceedings of each house of the Legislature and the committees thereof may be used for any legitimate purpose and without the imposition of any fee due to the State or any public agency or public corporation thereof. No television signal generated by the Assembly shall be used for any political or commercial purpose, including, but not limited to, any campaign for elective public office or any campaign supporting or opposing a ballot proposition submitted to the electors.*

As used in this section, "commercial purpose" does not include either of the following:

(1) The use of any television signal generated by the Assembly by an accredited news organization or any nonprofit organization for educational or public affairs programming.

~~(2) As authorized by the Assembly, the transmission by a third party to paid subscribers of an unedited video feed of the television signal generated by the Assembly.~~

~~(b) The Legislature's costs of complying with paragraph (2) of subdivision (c) of Section 7 and of paragraph (2) of subdivision (b) of Section 8 of Article IV of the California Constitution shall be included as part of the total aggregate expenditures allowed under Section 7.5 of Article IV of the California Constitution. Any person or organization who violates this section is guilty of a misdemeanor.~~

SEC. 5.2. Section 10248 of the Government Code is amended to read as follows:

10248. *Public computer network; required legislative information.*

(a) The Legislative Counsel shall, with the advice of the Assembly Committee on Rules and the Senate Committee on Rules, make all of the following information available to the public in electronic form:

(1) The legislative calendar, the schedule of legislative committee hearings, a list of matters pending on the floors of both houses of the Legislature, and a list of the committees of the Legislature and their members.

(2) The text of each bill introduced in each current legislative session, including each amended, enrolled, and chaptered form of each bill.

(3) The bill history of each bill introduced and amended in each current legislative session.

(4) The bill status of each bill introduced and amended in each current legislative session.

(5) All bill analyses prepared by legislative committees in connection with each bill in each current legislative session.

(6) *All audiovisual recordings of legislative proceedings that have been caused to be made by the Legislature in accordance with paragraph (2) of subdivision (c) of Section 7 of Article IV of the California Constitution. Each recording shall remain accessible to the public through the Internet and downloadable for a minimum period of 20 years following the date on which the recording was made and shall then be archived in a secure format.*

~~(6)(7)~~ All vote information concerning each bill in each current legislative session.

~~(7)(8)~~ Any veto message concerning a bill in each current legislative session.

~~(8)(9)~~ The California Codes.

~~(9)(10)~~ The California Constitution.

~~(10)(11)~~ All statutes enacted on or after January 1, 1993.

(b) The information identified in subdivision (a) shall be made available to the public by means of access by way of the largest nonproprietary, nonprofit cooperative public computer network. The information shall be made available in one or more formats and by one or more means in order to provide the greatest feasible access to the general public in this state. Any person who accesses the information may access all or any part of the information. The information may also be made available by any other means of access that would facilitate public access to the information. The information that is maintained in the legislative information system that is operated and maintained by the Legislative Counsel shall be made available in the shortest feasible time after the information is available in the information system. The information that is not maintained in the

information system shall be made available in the shortest feasible time after it is available to the Legislative Counsel.

(c) Any documentation that describes the electronic digital formats of the information identified in subdivision (a) and is available to the public shall be made available by means of access by way of the computer network specified in subdivision (b).

(d) Personal information concerning a person who accesses the information may be maintained only for the purpose of providing service to the person.

(e) No fee or other charge may be imposed by the Legislative Counsel as a condition of accessing the information that is accessible by way of the computer network specified in subdivision (b).

(f) The electronic public access provided by way of the computer network specified in subdivision (b) shall be in addition to other electronic or print distribution of the information.

(g) No action taken pursuant to this section shall be deemed to alter or relinquish any copyright or other proprietary interest or entitlement of the State of California relating to any of the information made available pursuant to this section.

SEC. 6. Defense of Initiative Measure.

SEC. 6.1. Section 12511.7 is added to the Government Code, to read:

12511.7. Defense of the California Legislature Transparency Act.

If an action is brought challenging, in whole or in part, the validity of the California Legislature Transparency Act, the following shall apply:

(a) The Legislature shall continue to comply with the act unless it is declared unconstitutional pursuant to a final judgment of an appellate court.

(b) Except as set forth in subdivision (c), the Attorney General shall defend against any action challenging, in whole or in part, the validity of the act, and shall have an unconditional right to intervene in any action addressing the validity of the act.

(c) If the Attorney General declines to defend the validity of the act in any action, the Attorney General shall nonetheless file an appeal from, or seek review of, any judgment of any court that determines that the act is invalid, in whole or in part, if necessary or appropriate to preserve the state's standing to defend the law in conformity with the Attorney General's constitutional duty to see that the laws of the state are adequately enforced.

(d) The official proponents of the act have an unconditional right to participate, either as interveners or real parties in interest, in any action affecting the validity or interpretation of the act. Where the Governor and Attorney General have declined to defend the validity of the act, the official proponents are also authorized to act on the state's behalf in asserting the state's interest in the validity of the act in any such action and to appeal from any judgment invalidating the act.

(e) Nothing in this section precludes other public officials from asserting the state's interest in the validity of the act.

SEC. 7. Repeal of any Conflicting Statute Proposed at the Primary Election.

If the Legislature places a measure on the ballot for the June 2016 primary election that is approved by a majority

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of votes thereon, any provision of that measure that is inconsistent with, or interferes in any way with, the purpose or provisions adopted by this initiative measure shall be rendered void and without legal effect.

SEC. 8. Severability.

The provisions of this act are severable. If any provision of this act or its application is held to be invalid, that invalidity shall not affect the other provisions or applications that can be given effect in the absence of the invalid provision or application. Without limiting in any way the generality of the foregoing, the voters declare (1) that the amendments to Section 7 of Article IV of the California Constitution are severable from the amendments to Section 8 of Article IV of the California Constitution, (2) that the Legislature's obligations to cause to be made, to make public, and to maintain audiovisual recordings of legislative proceedings are severable from the right of any person to record the proceedings and broadcast or otherwise transmit such recordings pursuant to the amendments to Section 7 of Article IV of the California Constitution, (3) that the right to record proceedings is severable from the right to broadcast or otherwise transmit the recordings, and (4) that the statutory amendments of this initiative measure are severable from the constitutional amendments.

SEC. 9. Amendments.

The statutory provisions of this act shall not be amended except upon approval of the voters, except that the Legislature may amend paragraph (6) of subdivision (a) of Section 10248 of the Government Code to extend the time that recordings shall remain accessible to the public through the Internet and downloadable by passing a statute by a rollcall vote entered in the journal, a majority of the membership of each house concurring.

SEC. 10. Conflicting Ballot Propositions.

(a) In the event that this initiative measure and any other measure or measures that relate to the transparency of the legislative process with respect to any of the matters addressed herein are approved by a majority of voters at the same election, and this initiative measure receives a greater number of affirmative votes than any other such measure or measures, this initiative measure shall control in its entirety and the other measure or measures shall be rendered void and without legal effect.

(b) If this initiative measure and a statutory measure placed on the ballot by the Legislature are approved by a majority of voters at the same election, the constitutional amendments in this initiative measure shall control over any statutory measure placed on the ballot by the Legislature to the extent that the statutory measure conflicts with, is inconsistent with, or interferes with the purpose, intent, or provisions of this initiative measure.

(c) If this initiative measure is approved by voters but is superseded in whole or in part by any other conflicting measure approved by the voters and receiving a greater number of affirmative votes at the same election, and the conflicting measure or superseding provisions thereof are subsequently held to be invalid, the formerly superseded provisions of this initiative measure, to the extent superseded by the subsequently invalidated provisions of the conflicting measure, shall be self-executing and given the full force of law.

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PROPOSITION 55

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends a section of the California Constitution; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

The California Children's Education and Health Care Protection Act of 2016

SECTION 1. Title.

This measure shall be known and may be cited as "The California Children's Education and Health Care Protection Act of 2016."

SEC. 2. Findings.

(a) During the recent recession, California cut more than \$56 billion from education, health care and other critical state and local services. These cuts resulted in thousands of teacher layoffs, increased school class sizes, higher college tuition fees, and reduced essential services. Temporary tax increases passed by California voters in 2012 helped to partially offset some of the lost funding, but those taxes will begin to expire at the end of 2016, leading to more deficits and more school cuts.

(b) Unless we act now to temporarily extend the current income tax rates on the wealthiest Californians, our public schools will soon face another devastating round of cuts due to lost revenue of billions of dollars a year. Public school funding was cut to the bone during the recession. Our schools and colleges are just starting to recover, and we should be trying to protect education funding instead of gutting it all over again. We can let the temporary sales tax increase expire to help working families, but this is not the time to be giving the wealthiest people in California a tax cut that they don't need and that our schools can't afford.

(c) California's future depends on the success of its nine million children. Every California child deserves a fair chance to become a successful adult. But for children to succeed as adults, they must have access to high quality education and health care.

(d) For children, education and health care are essential and dependent on one another. Access to a quality education is fundamental to the success of California's children. Even with adequate schools, children cannot obtain an education if illness prevents them from attending. And children growing up in communities without adequate health care are more likely to contract illnesses or have chronic medical conditions that prevent them from regularly attending school.

(e) Underfunding of health care programs also harms California financially. Every new state dollar spent on health care for children and their families is automatically matched by federal funds. This means every year California loses out on billions of dollars in federal matching money that could be used to ensure children and their families have access to health care.

(f) Research also shows that early access to quality education and health care improves children's chances of succeeding in school and in life. California should do more to ensure that the state's children receive the education