

1984

Legislature: Rules, Procedures, Powers, Funding.

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Official Title and Summary Prepared by the Attorney General

LEGISLATURE: RULES, PROCEDURES, POWERS, FUNDING. INITIATIVE STATUTE. Specifies that membership on Senate and Assembly Rules Committees shall consist of members from two largest parties and accords largest party a one-vote majority. Specifies that membership on other house legislative committees shall be proportional to partisan composition in each house. Specifies that each house and specified legislative committees approve, among other things, by two-thirds vote, rules, committee establishment, appointments by Speaker and disbursement of funds. Reduces Legislature's support appropriations by 30%, limits future support appropriations, and requires specified public reports and audits. Specifies other procedural, operational, staffing and funding requirements. Summary of Legislative Analyst's estimate of net state and local government fiscal impact: Funding for support of the Legislature would be reduced by up to \$37 million from the amounts appropriated in the 1984-85 Budget Act. Because the budget will not be adopted until after the June 1984 election, the level of support for the Legislature remaining after this reduction is made cannot be determined at this time. In the years beyond 1984-85, the measure would set an upper limit on the growth in legislative funding.

Analysis by the Legislative Analyst

Background

The California Constitution provides that the Legislature shall choose its own officers and adopt rules governing its proceedings. Each house of the Legislature has implemented this authority by adopting rules, which are found in individual house rules, joint rules, and statutes.

These rules govern such matters as:

1. **The Selection of Assembly Committee Members.** With one exception, the Speaker of the Assembly selects all members of Assembly committees, and also designates who shall be chairman and vice chairman of each Assembly committee. Currently there are no rules governing the partisan composition of either the membership or chairmanship and vice chairmanship of the Assembly's committees. The one exception is the Assembly Rules Committee, which has nine members. In the case of this committee only, the chairman is selected by the Speaker, two members are members of the committee automatically because of other offices they hold in the Assembly, and the remaining six members are nominated by the two party caucuses and elected by a majority vote of the Assembly membership.

2. **The Selection of Senate Committee Members.** The Senate Rules Committee, which consists of five members, selects the members and chairman and vice chairman of each Senate committee. Currently there are no rules governing the partisan composition of either the membership or chairmanship and vice chairmanship of Senate committees.

3. **"Housekeeping Functions."** The Senate and Assembly Rules Committees handle the "housekeeping functions" of each house. The Joint Rules Committee handles these functions with regard to matters that affect both houses. These functions include paying bills, entering into contracts, and hiring, promoting and dismissing staff. Currently these committees can approve housekeeping transactions by a majority vote of their membership. To facili-

tate the performance of routine housekeeping functions, however, the three committees delegate the processing and approval of most of these transactions to their administrative staffs.

Funding for the Legislature and its supporting agencies is included in the Governor's Budget. Before it becomes law, the budget must be approved by a two-thirds vote of the membership of both houses of the Legislature; must be signed by the Governor. There are no provisions in current law, or in the rules of either house, which allocate the funding appropriated for support of the Legislature on the basis of the partisan composition of the Legislature's membership.

Proposal

This statutory initiative would make the following substantive changes in the operations and funding of the California Legislature:

1. **It Revises the Process for Selecting Committee Chairmen and Members.** The Speaker of the Assembly no longer would have the authority to appoint the chairman, the vice chairman and the members of Assembly committees. The Senate Rules Committee would retain its authority to appoint committee chairmen and vice chairmen, but it would lose its authority to appoint the members of Senate committees. Under this measure the rules committee of each house would appoint the chairman and vice chairman of each committee in its house. The party caucuses would select the members of the committees of each house. This measure also would reduce the membership of the Assembly Rules Committee from nine to seven, and would designate the Speaker as chairman of the committee.

2. **It Requires Committee Membership to Reflect the Partisan Composition of Each House of the Legislature.** The chairman and vice chairman of each Senate and Assembly committee would have to be members of different political parties. The partisan composition of each Senate,

Assembly, and joint committee would have to reflect the partisan composition of the membership in the respective house of the Legislature.

3. **It Requires Funding for the Support of the Assembly and Senate to be Allocated in Proportion to Party Representation.** All funds, staffing and other resources of the Assembly and Senate (but not of the joint committees) would have to be allocated in proportion to party representation within the respective house, unless the rules committee of the house, by a two-thirds vote, grants an exception. It is not clear how this requirement would be implemented. Currently the staff of all but two committees in the Legislature serve both majority and minority committee members. In addition, many expenses of the Legislature are incurred for services, such as those provided by the Chief Clerk of the Assembly, the Secretary of the Senate, the sergeants at arms, the secretarial pools and mail service, that are essentially nonpartisan in nature. If the language of this measure is interpreted literally, the funding for these support services would have to be allocated in proportion to the partisan representation within the respective house, unless the rules committee of that house, by a two-thirds vote, provides for an exception.

4. **It Places Limitations on the Processing of "Housekeeping Transactions."** "Housekeeping transactions" of the Assembly, Senate and Joint Rules Committees, such as paying bills, signing contracts, allocating office space, and hiring and dismissing staff, would have to be approved by a two-thirds vote of the committee. No longer could the chairman, a member, or staff act on behalf of the committee unless an authorization to do so is approved by a two-thirds vote of the committee. Such a delegation of authority, moreover, could be granted *only* for "the matter or matters under immediate consideration." It is not clear how "immediate consideration" should be interpreted. If the phrase is interpreted narrowly, it would seem to limit the rules committees' ability to delegate authority involving even routine housekeeping transactions when the Legislature is not in session. Currently the rules committees of both houses process hundreds of personnel transactions and bill payment claims each week. If this measure limits the rules committees' authority to delegate the approval of these transactions, there could be significant time delays in processing such transactions during the four months of each year when the Legislature is not in session.

5. **It Requires a Reduction in Funding for the Legislature in 1984-85.** The measure requires that funding for the Legislature in 1984-85 be reduced by an amount equal to 30 percent of the appropriations for the support of the Legislature in 1983-84. These appropriations provide funding for the direct expenses of the Assembly and Sen-

ate, as well as for the operating costs of joint committees, and related legislative expenses of aides such as the Office of the Auditor General, the Legislative Analyst, the Legislative Counsel, the California Law Revision Commission, and the California Commission on Uniform State Laws. The measure does not specify how the funding reduction shall be allocated among the various components of the legislative branch. The Legislature would have the responsibility to make those decisions.

6. **It Limits Future Growth in Legislative Funding.** Starting in 1985-86, and continuing thereafter, the measure would limit the total amount that can be appropriated for the support of the Legislature in each fiscal year. That limit would be the preceding fiscal year's expenditure level, adjusted by the percentage increase or decrease in total General Fund expenditures during the preceding fiscal year. For example, if total General Fund expenditures grew by 10 percent during 1984-85, support for the Legislature in 1985-86 could not be more than 10 percent higher than the amount expended in 1984-85.

7. **It Requires a Two-Thirds Vote to Make Changes in the Rules of the Legislature.** A two-thirds vote of the membership, rather than a majority vote of the members, would be needed to change the rules of the Legislature, to create new standing or special committees, and to change the size or jurisdiction of committees.

8. **It Requires that Appointments Made by the Speaker Be Confirmed by the Assembly Rules Committee.** The Speaker of the Assembly makes appointments to various state boards and commissions. Currently these appointments are not subject to confirmation. Under this measure all appointments made pursuant to a statute would have to be confirmed by a two-thirds vote of the Assembly Rules Committee.

9. **It Expands Reporting on Legislative Expenditures.** Existing law requires the rules committees to report annually on legislative expenditures under their control. These reports must include information on the expenditures by each member and each committee. This measure requires the committees to report quarterly on these expenditures and expands the details which need to be reported.

Fiscal Effect

If approved by the voters, funding for support of the Legislature, as defined by this measure, would be reduced by up to \$37 million from the amounts appropriated in the 1984-85 Budget Act. Because the budget will not be adopted until after the June 1984 election, the level of support for the Legislature remaining after this reduction is made cannot be determined at this time. In the years beyond 1984-85, the measure would set an upper limit on the growth in legislative funding.

Text of Proposed Law

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

This initiative measure repeals and adds sections to the Government Code; therefore, existing sections proposed to be deleted are printed in *keout type* and new provisions proposed to be added are printed in *lic type* to indicate that they are new.

PROPOSED LAW

First—That Sections 9026, 9027, 9028, 9029, 9030, 9031, 9107, 9107.5,

9126, 9127, 9128, 9129, 9131, 9132, 9220, 9221, 9222, and 9223 of the Government Code are repealed.

9026. All standing committees of either the Senate or Assembly shall be appointed by the presiding officer of their respective house if the house by resolution or its rules does not direct otherwise.

9027. All meetings of the Assembly and Senate and the committees and subcommittees thereof, and any conference committee, shall be open and public and all the proceedings shall be conducted openly so

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Argument in Favor of Proposition 24

Politicians who control your California Legislature think they're above the law and accountable to no one, spending money on themselves "like drunken sailors." Special interest bills are rushed through without a hearing. A handful of powerful bosses completely control the process.

In just six years, legislators' spending on themselves has gone up by more than 100 percent, while support for schools, transportation, and basic needs has been neglected. These politicians spend your tax money on themselves as if it grows on trees.

Today your Legislature is controlled by a few powerful bosses. They pick the members of committees, send bills where they choose, and regularly kill needed legislation at the bidding of special interests who shower them with campaign dollars. They use so-called "conference committees" to rewrite bills and ram them through at the last moment with no public input or knowledge.

Concentration of power in the hands of a few political bosses has made California's Legislature arrogant and unresponsive. Needed legislation is regularly killed, despite overwhelming public support. Citizens must resort to the initiative to get action, because the Legislature won't listen to them.

That's why more than a half million California citizens signed the Legislative Reform Act, Proposition 24, and why we urge you to vote YES on Proposition 24. Proposition 24 will cut the Legislature's spending on itself by 30 percent (saving you \$37 million) and impose reasonable limits on future increases.

It requires all decision on legislative spending be made in open, public meetings, rather than the current system which allows a single member to spend literally hundreds

of thousands of your tax dollars any way he chooses, without any public knowledge or scrutiny.

It requires an annual audit of all legislative funds by an independent auditor approved by the Fair Political Practices Commission.

It also prohibits "ghost voting" (where votes are cast for members who don't bother to show up) and "vote switching," which have allowed members of the Legislature to mask their true actions from the people they claim to represent.

It requires two-day public notice for conference committee bills before a vote is taken on the floor.

And it limits the extraordinary power of a few members to influence the course of legislation and punish other members for the good faith exercise of their free will and judgment on behalf of the people.

Restore simple fairness and a genuine respect for your State Legislature. Give your voice and your opinion importance in California's legislative process. Save yourself \$37 million in the first year alone!

REGAIN CONTROL OF YOUR LEGISLATURE! CUT THE POLITICAL BOSSES DOWN TO SIZE.

Proposition 24 doesn't write legislative rules; it merely establishes guidelines for the Legislature's conduct. It guarantees true majority rule while maintaining procedural safeguards.

IT STOPS WASTE, SAVES YOU MONEY, AND GIVES YOU MORE SAY IN HOW LAWS ARE MADE.

IT'S TIME TO END THE POLITICAL GAMES! LET'S GIVE CALIFORNIA'S LEGISLATURE BACK TO THE PEOPLE!

VOTE YES ON PROPOSITION 24.

PAUL GANN

Rebuttal to Argument in Favor of Proposition 24

The argument offered by the partisan sponsors of this initiative is a classic example of deception and distortion.

Couched in wonder words like "legislative reform," "legislative bosses" and "legislative spending," the partisan sponsors would have the public believe Proposition 24 would right the wrongs of the ages.

The sponsors say they would establish the goal of limiting growth in legislative spending to the growth rate of overall state spending.

The fact is, since 1968 the average annual growth in legislative spending has been *less* than the growth rate in state spending for all other government programs. There is no goal to meet.

Gann says he wants to enact "reforms." His "reforms"—audits, public meetings, curbs on vote switching and the abolition of ghost voting—are already in place, either in statute or in legislative rules. Gann repeals existing laws, reenacts them, and asks *you* to believe this is "reform."

Finally, there are the "legislative bosses." As former Assembly Speakers, one of us a Republican and one a Democrat, we believe in majority rule! Gann does not.

Our democracy requires those with power to be visible if they are to be held responsible. This initiative would replace identifiable leaders such as an Assembly Speaker and President pro Tem with power that would be exercised by nameless cliques of partisan caucus members meeting behind closed doors. Such a system is unworkable.

If our legislative leaders do well, we should praise them; if they fail, we should criticize them—but we must *never* let them hide.

ROBERT T. MONAGAN
Republican Former Speaker

LEO T. MCCARTHY
Lieutenant Governor

Arguments Against Proposition 24

For over two hundred years this nation and this state have had a democratic form of government based upon the principle of majority rule.

Very simply, what this measure, popularly known as the "Gann Initiative," accomplishes is a radical change in our democratic form of government. It changes the rules by which the Legislature is governed so that any minority, be they extreme liberals or extreme conservatives or simply representatives of some special interest, has the power to prevent the Legislature from legislating.

This initiative was drafted by those who wish a government of minority control under the guise of protecting minorities and "reforming" the Legislature.

For the first time in history, control of the Legislature is placed in the hands of partisan caucuses. All power, resources, responsibility and access to the legislative machinery will be determined solely on the basis of party registration. All important decisions will be made by party caucuses meeting behind closed doors. If this act passes, the people's business will no longer take place within the people's view.

Both of us are former Assembly Speakers, one a Democrat, the other a Republican. We have no doubt but that the passage of this measure will cripple the Legislature's ability to function. It would enhance even more the influence of moneyed special interest groups in the legislative process. In addition, it diminishes the role of moderation and compromise in the operation of the Legislature. It gives the power to decide issues to the controlling factions of both parties.

The 30-percent spending cut is not the real issue here.

It is popular to propose cuts in government spending but, in this instance, it is a campaign gimmick—a blatant example of diversion from the real intent.

The drafters of the Gann Initiative were clever enough to foresee the difficulty of convincing Californians to adopt radical changes in their form of government. This provision merely serves to camouflage the initiative's real purpose while providing a basis for the campaign to pass it. It is the height of political distortion.

Gann's proposal will not achieve the needed honest legislative reform. It guarantees government by the tyranny of a minority.

ROBERT T. MONAGAN
Republican Former Speaker

LEO T. MCCARTHY
Lieutenant Governor

This initiative is an ill-conceived plan that runs contrary to democratic procedures followed for over two hundred years by legislative bodies in this country. The most recent attempt to foist such a plan on a state legislature, in Massachusetts, failed. The plan was declared unconstitutional. This one may well face a similar fate.

It is sponsored by those who cannot win at the ballot box; failing there, they are trying to change the rules of the game. They masquerade as reformers. What they really want is a legislature under their control.

JOHN K. VAN DE KAMP
Attorney General

Rebuttal to Arguments Against Proposition 24

Former Assembly Speakers Bob Monagan and Leo McCarthy understand political power. They should. They used the power to funnel hundreds of thousands of your tax dollars and millions more in special interest campaign contributions to their political cronies. That power enables professional politicians to maintain a stranglehold on your California Legislature.

Monagan and McCarthy admit legislative reform is needed, but expect you to believe the political bosses will reform themselves. They won't. Your YES vote on Proposition 24 will do the job for them.

The Legislature's ability to pass laws by *majority* vote isn't changed *at all* by Proposition 24. However, it will prevent secret deals by political bosses passing out fat state contracts to their friends. That's the *real* reason these professional politicians want to defeat Proposition 24.

Today political bosses secretly spend millions of your tax

dollars without any vote. Many outrageous abuses have been uncovered. Two recent examples: \$132,000 contract given campaign expert Richard Ross for public relations advice to selected legislative candidates; \$203,000 to pay the bills of a private committee for a lavish party in the State Capitol. Chairman of the committee was former Speaker Bob Monagan.

Mr. Van de Kamp vaguely argues that Proposition 24 "may be unconstitutional." He knows it's completely constitutional since the California Constitution makes clear: "ALL POLITICAL POWER IS INHERENT IN THE PEOPLE."

Vote yes on Proposition 24. It saves you money and gives you more say by curbing the unfair power of political bosses—Democrats and Republicans alike!

PAUL GANN

interest on the bonds as the principal and interest become due and payable.

2641. There shall be collected each year and in the same manner and at the same time as other state revenue is collected such a sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on the bonds maturing each year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act which shall be necessary to collect that additional sum.

2642. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this chapter, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the provisions of this chapter, as principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 2644, which sum is appropriated without regard to fiscal years.

2643. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the Fish and Wildlife Habitat Enhancement Fund, which is hereby created. The money in the fund may be expended only for the purposes specified in this chapter and only pursuant to appropriation by the Legislature in the manner prescribed in this chapter.

2644. For the purposes of carrying out the provisions of this article, the Director of Finance may, pursuant to appropriate authority in each annual Budget Act, authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund. Any moneys made available under this section shall be returned to the General Fund from moneys received from the sale of bonds for the purpose of carrying out the provisions of this chapter. The withdrawals from the General Fund shall be returned to the General Fund with interest at the rate which would otherwise have been earned by those sums in the Pooled Money Investment Fund.

2645. All proposed appropriations for the program shall be included in a section in the Budget Bill for the 1984-85 fiscal year and each succeeding fiscal year for consideration by the Legislature and shall bear the caption "Fish and Wildlife Habitat Enhancement Program." The section shall contain separate items for each project, each class of projects, or each element of the program for which an appropriation is made.

All appropriations shall be subject to all limitations enacted in the Budget Act and to all fiscal procedures prescribed by law with respect to the expenditure of state funds unless expressly exempted from such laws by a statute enacted by the Legislature. The section in the Budget Act shall contain proposed appropriations only for the program elements and classes of projects contemplated by this chapter, and no funds derived from the bonds authorized by this chapter may be expended pursuant to an appropriation not contained in that section of the Budget Act.

Not later than October 1, 1985, and not later than October 1 of each year thereafter, the State Coastal Conservancy shall submit to the chairman and vice chairman of the Joint Legislative Budget Committee and the fiscal committees of the Legislature a report on all projects proposed to be undertaken pursuant to appropriations made for the fiscal year commencing the following July 1. The conservancy shall, as needed, make subsequent reports reflecting any significant change in information submitted in the October 1 report. The conservancy shall wait 30 days before encumbering funds for any project included in any subsequent report.

2646. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3, Division 4, Title 2 of the Government Code), and all of the provisions of that law are applicable to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full herein.

2647. Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 1 of Division 4 of Title 2 of the Government Code), of the bonds authorized by this chapter, the Wildlife Habitat Enhancement Program Finance Committee is hereby created. The committee consists of the Controller, the Director of Finance, and the Treasurer. For purposes of this chapter, this committee is "the committee" as that term is used in the State General Obligation Bond Law, and the Treasurer shall serve as chairman of the committee.

2648. All money deposited in the fund which is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

2649. Commencing with the Budget Bill for the 1985-86 fiscal year, the balance remaining in the fund may be appropriated by the Legislature for expenditure, without regard to the maximum amounts allocated to each element of the program, for any or all elements of the program specified in Section 2620, or any class or classes of projects within those elements that the Legislature deems to be of the highest priority.

2650. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

2651. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable.

SEC. 3. Section 1 of this act shall become operative July 1, 1984, if the people, at the June 5, 1984, Direct Primary Election, adopt the Fish and Wildlife Habitat Enhancement Act of 1984, as set forth in Section 1 of this act.

Proposition 24 Text Continued from page 37

that the public may remain informed, except as otherwise provided in this article:

All meetings of any conference committee shall be open to press representatives accredited by the Joint Rules Committee:

9008. Any such meetings at which the discussion or adoption of any proposed resolution, rule, regulation, or formal action occurs, or at which a majority or quorum of the body is in attendance, shall be held only after full and timely notice to the public as provided by the Joint Rules of the Senate and Assembly:

9009. Nothing contained in this article shall be construed to prevent the Assembly or the Senate or a committee or subcommittee thereof from holding executive sessions to consider the appointment of members to committees or to the chairmanship or vice chairmanship thereof; or to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee; or an elected public official; or to consider matters relating to internal house management; or to consider assignment of bills to committees; or affecting the safety and security of the State Capitol or Members of the Legislature; its staff and employees; or the Members of the Assembly or the Senate from meeting privately in caucus with members of their own political party:

9010. Each Member of the Legislature who attends a meeting of the Assembly, the Senate, or any committee or subcommittee thereof, where action is taken in violation of Section 9007, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor:

9011. Any interested person may commence an action by mandamus, injunction or declaratory relief for the purpose of stopping or preventing violations or threatened violations of Section 9007 by Members of the Legislature or to determine the applicability of this chapter to actions or threatened future action of the Legislature:

9107. There is hereby created the Joint Rules Committee which shall have the membership specified in the Joint Rules of the Senate and the Assembly. The committee herein created has a continuing existence and may meet and act during sessions of the Legislature or any recess thereof and in the interim periods between sessions. The provisions of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply to the committee herein created and it shall have all the

powers and authority provided in said rules; in Section 11 of Article IV of the Constitution of California; and in this article. Any action of the committee shall require an affirmative vote of not less than a majority of the Senate members and a majority of the Assembly members of the committee:

9107.5. Any reference in any code or statute to the Joint Committee on Legislative Organization shall be deemed a reference to the Joint Rules Committee:

9126. Unless specifically exempted from this section, all appropriations for contingent expenses of the Senate and legislative committees thereof, including appropriations previously made which have not reverted to the General Fund, shall be deposited in and credited to the Senate Contingent Fund, which fund is created in the State Treasury. The money in the fund shall be available for the expenses of the Senate and legislative committees thereof, and shall be disbursed under or pursuant to the direction of the Senate as provided in the rules, orders, and resolutions of the Senate; or as provided by the Senate Committee on Rules (which committee has a continuing existence during sessions and between sessions with such powers, duties and responsibilities as the Senate from time to time shall prescribe) as and when thereunto authorized by the Senate. The money in the fund shall be disbursed pursuant to, and the powers, duties and responsibilities of the Senate Committee on Rules shall be as provided by, the rules, orders and resolutions adopted by the Senate at the 1040 Regular Session until modified or superseded by Senate action at a subsequent session:

9127. Unless specifically exempted from this section, all appropriations for contingent expenses of the Assembly and legislative committees thereof, including appropriations previously made which have not reverted to the General Fund, shall be deposited in and credited to the Assembly Contingent Fund, which fund is created in the State Treasury. The money in the fund shall be available for the expenses of the Assembly and legislative committees thereof and shall be disbursed under or pursuant to the direction of the Assembly as provided in the rules, orders, and resolutions of the Assembly; or as provided by the Assembly Rules Committee (which committee has a continuing existence during sessions and between sessions with such powers, duties and responsibilities as the Assembly from time to time shall prescribe) as and when thereunto authorized by the Assembly. The money in the fund shall be disbursed pursuant to, and the powers, duties and responsibilities of the Assembly Rules Committee shall be as provided by, the rules, orders and resolutions adopted by the Assembly at the 1040 Regular Session until modified

or superseded by Assembly action at a subsequent session:

9189. Any money appropriated for legislative printing shall be disbursed under or pursuant to the direction of the Senate or Assembly as provided in the rules, orders, and resolutions of the Senate or Assembly their joint rules and resolutions.

9190. Appropriations deposited in and credited to the Senate Contingent Fund or the Assembly Contingent Fund shall be continuously available without regard to fiscal years, except that appropriations made at extraordinary or special sessions for the expenses of said sessions shall be maintained as special accounts within the particular funds and shall be available for expenditure for such purpose for a period of one year after the date upon which the appropriation first becomes available for expenditure; and the unexpended balance of any such appropriation shall revert to the fund from which the appropriation was made upon the expiration of one year following the last day of the period of its availability.

9191. For the period ending on November 30 of each year, the Assembly Rules Committee, Senate Committee on Rules, and the Joint Rules Committee shall annually issue a report to the public on the expenditures made from the contingent fund subject to their direction and control. Such report shall include, but not be limited to, a listing of total expenditures for each Member and committee of the Legislature in the following categories:

- (a) Out-of-state travel and living expense reimbursement and in-state travel and living expense reimbursement.
- (b) Automotive expenses.
- (c) Rent.
- (d) Telephone.
- (e) Postage.
- (f) Printing.
- (g) Office supplies.
- (h) Newsletters.
- (i) Per diem for attendance at legislative sessions.

9192. The Assembly and Senate, and the Joint Rules Committee, shall annually provide to the Director of Finance an itemized statement of proposed expenditures from the Assembly Contingent Fund; the Senate Contingent Fund; and the Contingent Funds of the Assembly and Senate for inclusion in the Governor's Budget for the ensuing fiscal year.

9193. The Speaker is responsible for the efficient conduct of the legislative and administrative affairs of the Assembly from the final adjournment of any session of the Legislature until the convening of the next session including, but not limited to, the preparation, correction, filing and indexing of all bills, records, histories, and other official documents of the Assembly; the proper maintenance of committee rooms and offices of the Assembly and the assignment thereof; and the signing of enrolled bills and delivery thereof to the Governor.

9194. Every member, officer, and employee of the Assembly shall, upon request, assist the Speaker in carrying out the duties imposed upon him under this article.

9195. Neither the Speaker nor any Member of the Assembly who assists him shall receive any additional salary for services rendered pursuant to this article, but they shall be allowed the same mileage and actual and necessary expenses for living accommodations and meals as is provided by the Joint Rules for members of investigating committees. Officers and employees who perform services pursuant to this article shall be compensated at the same rate paid for their services during the session. The allowances and compensation provided for in this section shall be paid only out of any money appropriated for the payment of legislative help. Claims for such allowances and compensation shall be paid by warrants drawn by the State Controller upon the State Treasurer, after certification by the Speaker.

9196. Whenever the Speaker incurs expenses in connection with the work of an Assembly committee of which he is a member, whether an ex officio or otherwise, the Controller shall draw his warrant in payment of the claim for such expenses when it is certified either by the chairman of the committee or by the Speaker. The amount so paid shall be charged against the money allocated to the committee from the Assembly Contingent Fund.

Second—That Chapter 8 (commencing with Section 9900) is added to Part 1 of Division 2 of Title 2 of the Government Code, to read:

Chapter 8 LEGISLATIVE REFORM

Article 1 GENERAL

§ 9900. Short title

This chapter shall be known and may be cited as the "Legislative Reform Act of 1993."

§ 9901. Findings and declaration.

The people find and declare:

- (a) All citizens of the State are entitled to full and effective representation by their elected representatives.
- (b) In recent years spending for the support of the Legislature has increased at a rate greatly exceeding the growth in spending for most other state functions,

severely damaging the image and credibility of the Legislature with the people of California.

(c) In the absence of reasonable oversight and constraints, powerful individual lawmakers exercise virtually exclusive control over legislative spending, depriving the people of California and other lawmakers of an effective means of discovering how these monies are being spent or of judging the propriety of those expenditures.

(d) The distribution of funding, staff, and informational resources in the Legislature according to predominantly partisan criteria has greatly hindered the ability of minority party representatives to provide effective legislative representation.

(e) The concentration of power in the office of Speaker of the Assembly and, to a lesser extent, in the office of President pro Tempore of the Senate, has created a system of patronage and punishment through which a single legislator, accountable only to the people of a single legislative district, is able to wield greatly disproportionate influence over the laws of California.

(f) The growth in abusive voting practices in the Legislature and its committees has worked to deprive the people of their right to monitor the performance of their legislative representatives and respond accordingly.

(g) The Legislature's refusal to adhere to statutory and traditional notice and publication requirements for committee hearings and reports of conference committees has deprived the public of its right to make effective input into the legislative process.

§ 9902. Purposes of chapter

The people enact this chapter to accomplish the following purposes:

(a) Appropriations for the support of the Legislature should be reduced by thirty percent from 1983-84 budgeted levels and future growth in legislative spending should be limited to a rate commensurate with the growth of state government spending in general.

(b) Control over legislative spending should be removed from the hands of powerful individual lawmakers and there should be established a system of independent monitoring of legislative spending practices and increased disclosure of legislative spending levels.

(c) All Members of the Legislature, regardless of partisan affiliation, should be provided with equal opportunity and resources to effectively serve their constituents. The minority party or parties in each house of the Legislature should be provided with resources, funding, and a policy-making voice proportionate with their numbers in that house in order to achieve the end of fair and effective representation for all.

(d) No single Member of the Legislature should be given extraordinary power to influence the course of legislation nor the power to punish other members for the good faith exercise of their free will and judgement on behalf of their constituents.

(e) No system of legislative voting which serves to deny or obscure the people's right to know how their representatives vote should be permitted in the Legislature.

(f) The people have the right to have notice of, see, and express their feelings on all proposed changes in the laws, including those changes proposed in reports of conference committees, and any knowing and willful violation of these rights should be a criminal offense and the laws passed in violation thereof invalidated.

§ 9903. Construction of chapter

This chapter shall be liberally construed to accomplish its purposes.

§ 9904. Amendment or repeal of chapter; procedures

This chapter may be amended only by the procedures set forth in this section. If any portion of subsection (a) is declared invalid, then subsection (b) shall be the exclusive means of amending or repealing this chapter.

(a) This chapter may be amended only to further its purposes and only by statute, passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring and signed by the Governor, if at least 90 days prior to passage in each house the bill in its final form has been printed and made available for public inspection.

(b) This chapter may be amended or repealed by a statute that becomes effective only when approved by the electors.

§ 9905. Imposition of additional requirements; law governing

Nothing in this chapter shall prevent the Legislature from imposing additional requirements on itself if the requirements do not conflict with the purposes of this chapter. If any act of the Legislature conflicts with the provisions of this chapter, this chapter shall prevail.

§ 9906. Severability

If any provision of this chapter, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this chapter to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the provisions of this chapter are severable.

§ 9907. Effective date

This chapter shall go into effect immediately. Notwithstanding any other provision of law, all changes in the structure or operation of the Legislature required by this chapter, including but not limited to the adoption of rules in accordance with Section 9920 and 9921, the reorganization of the Senate Committee on Rules, the Assembly Committee on Rules, the Joint Rules Committee, and all standing, special, select, and joint committees of the Legislature, including the reallocation of staff resources, in accordance with Sections 9911, 9915, 9917, 9922, 9923, and 9924, and the reduction in funding for support of the Legislature pursuant to Section 9934, shall be implemented upon the first meeting of the Legislature in regular or special session subsequent to enactment of this chapter.

Article 2
LEGISLATIVE POWERS AND DUTIES

§ 9910. *Speaker of the Assembly*

The Speaker is responsible for the efficient conduct of the legislative and administrative affairs of the Assembly.

The Speaker shall be elected upon organization of the Assembly at the beginning of each regular or special session and shall serve until adjournment sine die of that session, unless removed pursuant to Section 9173 and a successor chosen pursuant to the rules of the Assembly.

§ 9911. *Assembly Committee on Rules*

There is hereby created in the Assembly a Committee on Rules, which shall consist of the Speaker, who shall be the chairman of the committee, and six other Members of the Assembly, three to be elected by the party having the largest number of Members in the Assembly and three to be elected by the party having the second largest number of Members. The Assembly Committee on Rules has a continuing existence and may meet and act during sessions of the Legislature or any recess thereof and in the interim periods between sessions. The committee shall have all the powers and authority provided in Section 11 of Article IV of the Constitution of California, in this article, and as provided in the rules of the Assembly.

§ 9912. *Powers of the Assembly Committee on Rules*

(a) The Assembly Committee on Rules shall have the power:

(1) To assign all bills to Assembly committees.

(2) To appoint the Chairmen and Vice-chairmen of all other Assembly Committees, provided that the Chairman and Vice-chairman of each committee must be members of different parties.

(3) To have general direction over the Assembly Chamber and rooms set aside for the use of the Assembly, including the rooms for use by Members as private offices.

(4) To allocate all funds, staffing, and other resources necessary for the effective operation of the Assembly. Except as provided otherwise by affirmative recorded vote of two thirds of the total membership of the committee, all funds, staffing, and resources shall be allocated proportionately by party.

(5) To exercise such other powers and perform such duties as may be provided by statute enacted in accordance with the provisions of this chapter, or in the rules of the Assembly.

(b) Notwithstanding any other provision of law or rule, neither the Chairman nor any member or agent of the Assembly Committee on Rules shall have the power to perform any action on behalf of the committee, including but not limited to the making of contracts, the payment of claims, the allocation of office space, or the hiring or dismissal of staff, without the express authorization of two thirds of the total membership of the committee. Such authorization shall apply only to the matter or matters under immediate consideration.

§ 9913. *Appointments by the speaker; confirmation by Assembly Committee on Rules*

Notwithstanding any other provision of law, all statutory appointments delegated to the Speaker of the Assembly are subject to confirmation by the Assembly Committee on Rules, two thirds of the membership thereof concurring.

§ 9914. *President pro tempore of the senate*

The President pro Tempore is responsible for the efficient conduct of the legislative and administrative affairs of the Senate.

The President pro Tempore shall be elected upon organization of the Senate at the beginning of each regular or special session and shall serve until adjournment sine die of that session, unless removed pursuant to Section 9173 and a successor chosen pursuant to the rules of the Senate.

§ 9915. *Senate Committee on Rules*

There is hereby created in the Senate a Committee on Rules, which shall consist of the President pro Tempore of the Senate, who shall be the chairman of the committee, and four other Members of the Senate, two to be elected by the party having the largest number of Members in the Senate and two to be elected by the party having the second largest number of Members. The Senate Committee on Rules has a continuing existence and may meet and act during sessions of the Legislature or any recess thereof and in the interim periods between sessions. The committee shall have all the powers and authority provided in Section 11 of Article IV of the Constitution of California, in this article, and as provided in the rules of the Senate.

§ 9916. *Powers of the Senate Committee on Rules*

(a) The Senate Committee on Rules shall have the power:

(1) To assign all bills to Senate committees.

(2) To appoint the Chairmen and Vice-chairmen of all other Senate committees, provided that the Chairman and Vice-chairman of each committee must be members of different parties.

(3) To have general direction over the Senate Chamber and rooms set aside for the use of the Senate, including the rooms for use by Members as private offices.

(4) To allocate all funds, staffing, and other resources necessary for the effective operation of the Senate. Except as decided otherwise by affirmative recorded vote of two thirds of the total membership of the committee, all funds, staffing, and resources shall be allocated proportionately by party.

(5) To exercise such other powers and perform such duties as may be provided by statute enacted in accordance with the provisions of this chapter, or in the rules of the Senate.

(b) Notwithstanding any other provision of law or rule, neither the Chairman

nor any member or agent of the Senate Committee on Rules shall have the power to perform any action on behalf of the committee, including but not limited to the making of contracts, the payment of claims, the allocation of office space, or the hiring or dismissal of staff, without the express authorization of two thirds of the membership of the committee. Such authorization shall apply only to the matter or matters under immediate consideration.

§ 9917. *Joint rules committee*

(a) There is hereby created the Joint Rules Committee which shall be comprised of the combined membership of the Assembly Committee on Rules and the Senate Committee on Rules as specified in this article and two other Members of the Senate, one to be elected by the party having the largest number of Members in the Senate and one to be elected by the party having the second largest number of Members. The committee herein created has a continuing existence and may meet and act during sessions of the Legislature or any recess thereof and in the interim periods between sessions. The committee shall have all the powers and authority provided in Section 11 of Article IV of the Constitution of California, this title, and in the joint rules of the Legislature. Any action of the committee shall require an affirmative vote of not less than a majority of the Senate members and a majority of the Assembly members of the committee, except that any action which involves or anticipates the expenditure or allocation of funds shall require an affirmative vote of at least two thirds of the Senate members and two thirds of the Assembly members. Any reference in any code or statute to the Joint Committee on Legislative Organization shall be deemed a reference to the Joint Rules Committee.

(b) Notwithstanding any other provision of law or rule, neither the Chairman nor any member or agent of the Joint Rules Committee shall have the power to perform any action on behalf of the committee, including but not limited to the making of contracts, the payment of claims, the allocation of office space, or the hiring or dismissal of staff, without the express authorization of two thirds of the membership of the committee. Such authorization shall apply only to the matter or matters under immediate consideration.

Article 3
LEGISLATIVE RULES AND PROCEDURES

§ 9920. *Rules*

Each house of the Legislature shall adopt rules for its proceedings for each regular and special session by resolution adopted by an affirmative recorded vote of two thirds of the membership of the house in question. No rule of either the Senate or Assembly shall be amended except by resolution adopted by an affirmative recorded vote of two thirds of the Members of that house. Any standing rule of either house may be suspended temporarily by a vote of two thirds of the Members of that house present and voting; provided, that in no case may a rule be suspended in the absence of a quorum. Any such temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond an adjournment.

§ 9921. *Joint Rules*

The Senate and Assembly shall adopt rules for their joint proceedings for each regular and special session by resolution adopted by an affirmative recorded vote of two thirds of the membership of each house. No joint rule so adopted may be amended except by resolution adopted by an affirmative recorded vote of two thirds of the membership of each house. The Senate and Assembly may provide for temporary suspension of a joint rule by a single house upon the affirmative recorded vote of two thirds of the members of that house; provided, that the temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond an adjournment.

§ 9922. *Standing committees*

All standing committees of both the Senate and the Assembly, except the Senate Committee on Rules and the Assembly Committee on Rules, shall be created and the size and jurisdiction thereof established through the adoption of or amendment to the rules of the respective houses by resolution, two thirds of the membership of the house in question concurring. Committee membership shall be determined in the following manner:

(a) The membership of each committee shall be proportional to the partisan composition of the house in question.

(b) Majority party members of each committee shall be selected by the majority party in a manner to be determined by the party caucus in each house.

(c) Minority party members of each committee shall be selected by the minority party or parties, in a manner to be determined by the party caucus or caucuses in each house.

(d) The Assembly Committee on Rules and the Senate Committee on Rules shall provide for the necessary and reasonable expenses of all committees of their respective houses pursuant to the provisions of Sections 9912 and 9916.

(e) The majority party in each house shall be that party with the largest number of Members in that house. Each other party with membership in the house shall be a minority party.

§ 9923. *Special and select committees; subcommittees*

No special or select committees nor any subcommittee shall be established in either the Senate or the Assembly except by affirmative vote of two thirds of the Committee on Rules of the house in question. Membership of special or select committees or subcommittees shall be determined according to the provision Section 9922. For purposes of this title, "special" and "select" committees or subcommittees include all committees or subcommittees which are not standing committees of either house or joint committees of the two houses.

§ 9924. Joint committees

No joint committee shall be established except by passage of concurrent resolution, two thirds of the membership of each house concurring. The membership of each joint committee shall be allocated equally between the Senate and the Assembly and the delegation from each house shall be chosen pursuant to the procedures set forth in Section 9922.

25. Member voting

Each house of the Legislature shall provide in its rules for appropriate voting procedures on the floor and in committees or subcommittees; provided, that no Member shall be allowed to cast a vote for another Member, nor shall any Member be allowed to change his or her vote or add a vote to the roll after the vote is announced, without the consent of four fifths of the membership of the house, nor shall any vote be taken in any committee or subcommittee of either house in the absence of a quorum, except a vote to adjourn.

§ 9926. Open and public meetings; public notice

Except as otherwise provided in this article, all meetings of the Assembly and Senate and the committees and subcommittees thereof, and of any conference committee, shall be open and public and all the proceedings shall be conducted openly so that the public may remain informed. All such meetings shall be held only after full and timely notice to the public published in the Journal at least two working days prior to the hearing unless longer notice is required by the Joint Rules of the Senate and Assembly, except notice may be dispensed with on extraordinary occasions by three fifths affirmative recorded vote of the house in question.

§ 9927. Executive sessions

Nothing contained in this article shall be construed to prevent the Assembly or the Senate or a committee or subcommittee thereof, except a conference committee, from holding executive sessions to consider matters relating to the appointment, employment or dismissal of a public officer or matters affecting the safety and security of the State Capitol or Members of the Legislature, its staff and employees. Members of the Assembly or the Senate shall not be prevented from meeting privately in caucus with members of their own political party.

§ 9928. Conference committees; reports; adoption

Notwithstanding any other provision of law, no Member of the Senate or the Assembly shall sign a conference committee report unless a full and public meeting of the conference committee has been held in accordance with the provisions of Section 9926. No report of a conference committee shall be adopted by either house of the Legislature until the same, with amendments, has been printed and made available to the public for a minimum of two days, except that a house may dispense with this requirement by rollcall vote entered in the journal, two thirds of the membership concurring. Any conference report adopted in violation of this provision shall be void.

29. Violations; misdemeanor

Each Member of the Legislature who attends a meeting of the Assembly, the Senate, or any committee or subcommittee thereof where action is taken in violation of Section 9926 with knowledge that the meeting is in violation thereof, or who signs a conference report in knowing violation of Section 9928, is guilty of a misdemeanor.

§ 9929.5. Mandamus; injunction; declaratory relief

Any interested person may commence an action by mandamus, injunction or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by Members of the Legislature or to determine the applicability of this chapter to actions or threatened future action of the Legislature.

Article 4

LEGISLATIVE FUNDS AND ADMINISTRATION

§ 9930. Legislative contingent funds

All appropriations for contingent expenses of the Legislature and committees thereof shall be deposited in and credited to the following funds, which funds are created in the State Treasury:

(a) Appropriations for the contingent expenses of the Senate and committees thereof shall be deposited in the Senate Contingent Fund, and shall be disbursed under or pursuant to the direction of the Senate Committee on Rules in accordance with the provisions of this chapter.

(b) Appropriations for the contingent expenses of the Assembly and committees thereof shall be deposited in the Assembly Contingent Fund, and shall be disbursed under or pursuant to the direction of the Assembly Committee on Rules in accordance with the provisions of this chapter.

(c) Appropriations for the contingent and joint expenses of the Senate and Assembly and committees thereof shall be deposited in the Contingent Funds of the Senate and Assembly, and shall be disbursed under or pursuant to the direction of the Joint Rules Committee in accordance with the provisions of this chapter.

§ 9931. Disbursements from Senate Contingent Fund and Assembly Contingent Fund

Except as provided by affirmative recorded vote of two thirds of the membership of the rules committee having powers of direction under Section 9930, all disburse-

ments from the Senate Contingent Fund and the Assembly Contingent Fund shall be divided proportionately according to the partisan composition of the house in question.

§ 9932. Disbursements from Contingent Funds of the Senate and Assembly

No disbursements shall be made from the Contingent Funds of the Senate and Assembly except as provided by vote of the Joint Rules Committee, two thirds of the total membership thereof concurring.

§ 9933. Disbursement of money appropriated for legislative printing

Any money appropriated for legislative printing shall be disbursed under or pursuant to the direction of the Senate or Assembly as provided in the rules of the Senate or Assembly or their joint rules, in accordance with the provisions of Sections 9931 and 9932.

§ 9934. Limits upon public expenditure

Notwithstanding any other provision of law, within 30 days following the enactment of this chapter, the total amount of monies appropriated for the support of the Legislature, including but not limited to all monies appropriated to the Senate Contingent Fund, the Assembly Contingent Fund, the Contingent Funds of the Senate and Assembly, for legislative printing, and for aids to the Legislature as described in Part 2 of this title, shall be reduced by an amount equal to thirty percent of the total amount of monies appropriated for support of the Legislature for the 1983-84 fiscal year, and the amount so reduced shall revert to the General Fund. For each fiscal year thereafter, the total amount of monies appropriated for support of the Legislature shall not exceed an amount equal to that expended for support in the preceding fiscal year, adjusted and compounded by an amount equal to the percentage increase or decrease in state General Fund spending for that fiscal year.

§ 9935. Continuous availability of funds; special accounts

Except as described in Section 9934 and this Section, appropriations deposited in and credited to the Senate Contingent Fund, the Assembly Contingent Fund, or the Contingent Funds of the Senate and Assembly, shall be continuously available without regard to fiscal years. Appropriations made at extraordinary or special sessions for the expenses of said sessions shall be maintained as separate accounts within the particular funds and shall be available for expenditure for such purpose for the duration of said sessions, and the unexpended balance of any such appropriation shall revert to the General Fund upon the adjournment sine die of the special session or sessions for which it was appropriated.

§ 9936. Reports to public on expenditures made from contingent funds; contents

(a) For the periods beginning December 1, March 1, June 1, and September 1 of each year, the Assembly Committee on Rules, Senate Committee on Rules, and the Joint Rules Committee shall quarterly issue a report to the public on the expenditures made from the contingent fund subject to their direction and control. The report shall include, but need not be limited to, a listing of total expenditures for each Member and committee of the Legislature in the following categories:

- (1) Out-of-state travel and living expense reimbursement and in-state travel and living expense reimbursement.
- (2) Automotive expenses.
- (3) Rent
- (4) Telephone.
- (5) Postage.
- (6) Printing.
- (7) Office supplies.
- (8) Newsletters.
- (9) Per diem for attendance at legislative sessions.
- (10) Staff salaries and expenses.
- (11) Contracts entered into with any other party.

(b) Each report shall be completed, published, and made available to the public within 30 calendar days following the completion of the reporting period.

(c) For the period ending on November 30 of each year, the Assembly Committee on Rules, Senate Committee on Rules, and the Joint Rules Committee shall annually issue a report to the public on the expenditures made from the contingent fund subject to their direction and control. The report shall include, but need not be limited to, a listing of total expenditures for each Member and committee of the Legislature in the categories described in subdivision (a). Each report shall be completed, published, and made available to the public within 90 calendar days following the completion of the reporting period.

§ 9937. Independent audit of contingent funds

The Joint Rules Committee shall annually contract for an independent audit of the revenues and expenditures, for each fiscal year, from the Assembly Contingent Fund, Senate Contingent Fund, and the Contingent Funds of the Assembly and Senate. The organization performing the audit shall be subject to approval by the Fair Political Practices Commission. The audit shall include, but need not be limited to, an evaluation of the accuracy of the expenditures described in Section 9936 and an evaluation of the effectiveness of the internal auditing procedures of the individual rules committees.

The audit shall be completed and made available to the public within 180 calendar days following the completion of the fiscal year for which the audit is performed.