



TO: Mayor and Councilmembers

FROM: Michelle Greene, City Manager

SUBJECT: Proposition 53, Revenue Bonds: Statewide Voter Approval. Constitutional Amendment, and Proposition 54, the California Legislature Transparency Act of 2016

RECOMMENDATION:

- A. Consider Resolution 16-__ entitled "A Resolution of the City Council of the City of Goleta in Opposition to Proposition 53, Revenue Bonds: Statewide Voter Approval. Constitutional Amendment;" and
- B. Consider Resolution 16-__ entitled "A Resolution of the City Council of the City of Goleta in Support of Proposition 54, The California Legislature Transparency Act of 2016."

BACKGROUND:

The League of California Cities has reviewed November statewide ballot measures affecting local governments and has requested cities consider taking positions on certain propositions, including Proposition 53, Revenue Bonds: Statewide Voter Approval. Constitutional Amendment, as well as Proposition 54, the California Legislature Transparency Act of 2016.

DISCUSSION:

Proposition 53

Prop 53 would require statewide voter approval prior to the state issuing or selling any revenue bonds of \$2 billion or more for state projects that are financed, owned, operated or managed by the state or a joint agency created by or for the state..

The League opposes this measure because it interferes with local control by requiring a statewide vote to create a common funding source which could be used to finance state, regional, and local infrastructure projects. This measure would make use of this type of common funding mechanism much more difficult to pass as statewide voter approval is difficult to achieve.

The intention of Prop 53 is to control public debt by giving voters a say in all major state bond-funded projects. However, this measure would add new requirements that may delay or derail needed infrastructure improvements or repairs to local water systems, bridges, and roadways. Even regional projects which are subject to the threshold would require statewide voter approval meaning funding for regional and local projects would be subject to the control of voters in other areas of the state, even when they are neither impacted by the projects nor required to pay for them. Enactment of this measure may also set a policy precedent of having revenue bonds subject to public votes, which may lead to the further limiting of local funding flexibility. Also, Prop 53 does not contain exemptions for emergencies or natural disasters potentially delaying the rebuilding of damaged or destroyed infrastructure.

Opposing Prop 53 is consistent with the City's Legislative Platform, which in general, opposes measures that undermine local control and supports initiatives that remove barriers and enhance tools and resources for infrastructure improvements.

Proposition 54

Prop 54 would prohibit the Legislature from passing legislation until it has been in print and published online for at least 72 hours prior to the vote unless related to a public emergency. The Legislature would be required to record all proceedings (except closed sessions) and make recordings available online. It also allows individuals to create and share recordings of legislative meetings open to the public.

This measure would improve the transparency of California's legislative process and ensure proceedings are conducted fairly and openly. It would allow the public similar access at a state level to what is currently provided in local agencies through the Brown Act's open meetings requirements. A 72-hour public notice provision between the time the final version of a bill is made available to the Legislature and the public and the time that a vote is taken provides an opportunity for a thorough evaluation of a bill's strengths and weaknesses, and for members to hear from their constituents. The measure would expose and deter political favoritism and prohibit new last-minute bills and amendments that may be harmful to cities and communities. Pushing bills through without public input often results in bad legislation particularly in cases where complex bills are passed before legislators realistically have a chance to review and debate the bills. Further, posting the recordings of legislative proceedings on the internet provides the public with easy access to stay informed, participate, and make public comments.

Supporting Prop 54 is consistent with the City's Legislative Platform, which recognizes the need for transparency in conducting the public's business through provisions under the Ralph M. Brown Act.

FISCAL IMPACTS:

There is no fiscal impact associated with taking action to support or oppose these resolutions.

ALTERNATIVES:

Council may wish to take no action on one or both propositions at this time, take a neutral position on Propositions 53 and 54, or decline to oppose Proposition 53 and/or decline to support Proposition 54.

Legal Review By:


Tim W. Giles
City Attorney

Approved By:


Michelle Greene
City Manager

ATTACHMENTS:

1. Resolution 16-__ “A Resolution of the City Council of the City of Goleta in Opposition to Proposition 53, Revenue Bonds: Statewide Voter Approval. Constitutional Amendment.”
2. Resolution 16-__ “A Resolution of the City Council of the City of Goleta in Support of Proposition 54, The California Legislature Transparency Act of 2016”
3. Proposition 53 Text
4. Proposition 54 Text

Attachment 1

Resolution 16-__ “A Resolution of the City Council of the City of Goleta in Opposition to Proposition 53, Revenue Bonds: Statewide Voter Approval. Constitutional Amendment.”

RESOLUTION 16-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, IN OPPOSITION TO PROPOSITION 53 REVENUE BONDS: STATEWIDE VOTER APPROVAL. CONSTITUTIONAL AMENDMENT.

WHEREAS, California and its local communities have a backlog of essential infrastructure needs, including crumbling local streets and roads, unsafe bridges and overpasses, aging water supply infrastructure, inadequate public transportation systems, and overcrowded hospitals and universities; and

WHEREAS, Proposition 53 on the November ballot would erode local control and undermine the ability of cities, counties and other local agencies and the state to form partnerships to finance the construction of some critical public infrastructure projects; and

WHEREAS, this initiative would require a statewide vote on certain local infrastructure projects financed through revenue bonds, where local governments have joined in a Joint Powers Authority (JPA) in partnership with the state or where the state was involved in the creation of the JPA; and

WHEREAS, by requiring a statewide vote on some local or regional projects, this initiative would erode local control by empowering voters in distant communities to reject projects which they do not use and do not fund; and

WHEREAS, this measure could derail and delay Goleta's ability to make improvements to critical infrastructure, including after emergencies and natural disasters; and

WHEREAS, No on 53 is a growing coalition of organizations representing local governments, water agencies, public safety leaders, businesses, labor unions, hospitals, family farmers, environmentalists and educators that have come together to officially oppose this initiative.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA, AS FOLLOWS:

SECTION 1.

The City of Goleta opposes Proposition 53 Revenue Bonds: Statewide Voter Approval. Constitutional Amendment, and will join the No on 53 coalition.

SECTION 2.

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this ___ day of _____ 2016.

JIM FARR, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

TIM W. GILES
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, Deborah S. Lopez, City Clerk of the City of Goleta, California, DO
HEREBY CERTIFY that the foregoing Resolution No. 16-__ was duly adopted by
the City Council of the City of Goleta at a regular meeting held on the 3th day of
October, 2016, by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

Attachment 2

Resolution 16-__ “A Resolution of the City Council of the City of Goleta in Support of Proposition 54, The California Legislature Transparency Act of 2016”

RESOLUTION 16-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, IN SUPPORT OF PROPOSITION 54, THE CALIFORNIA LEGISLATURE TRANSPARENCY ACT OF 2016

WHEREAS, it is essential to the maintenance of a democratic society that public business by the California Legislature be performed in an open and public manner and residents 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; and

WHEREAS, last-minute amendments to bills in the Legislature are frequently pushed through without sufficient opportunities for public comment, or advance notice, providing members of the Legislature with no realistic opportunity to review or debate them, resulting in ill-considered legislation; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, Proposition 54, the California Legislature Transparency Act, prohibits the Legislature from voting on a bill until it has been published online in its final form for at least 72 hours. In addition, Proposition 54:

- a) Allows this 72-hour notice period to be waived to address a state emergency declared by the Governor, followed by a two thirds vote of the legislative body, prior to action being taken on the measure for which the rules are being waved; and
- b) Requires the Legislature, by January 1, 2019, to ensure audiovisual recordings of all public proceedings are publicly accessible on the Internet within 24 hours and archived for at least 20 years thereafter (excludes closed session meetings), and allows all recordings of public

proceedings to be used for any legitimate purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA, AS FOLLOWS:

SECTION 1.

The City of Goleta supports Proposition 54, the California Legislature Transparency Act of 2016, and joins the Yes on 54 coalition.

SECTION 2.

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this ___ day of _____ 2016.

JIM FARR, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

TIM W. GILES
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, Deborah S. Lopez, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 16-__ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 3th day of October, 2016, by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

Attachment 3

Proposition 53 Text

January 7, 2015

RECEIVED
JAN 07 2015

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

VIA PERSONAL DELIVERY

The Honorable Kamala D. Harris
Attorney General
1300 I Street, 17th Floor, P.O. Box 944255
Sacramento, CA 95814

Attention: Ashley Johansson, Initiative Coordinator

Re: Request for Title and Summary for Proposed Initiative Constitutional
Amendment

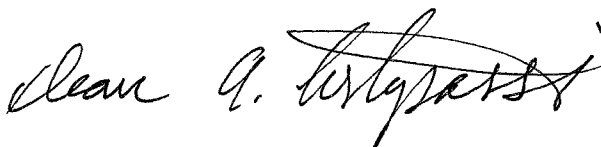
Dear Ms. Harris:

Pursuant to Article II, Section 10(d) of the California Constitution, I hereby submit the attached proposed Initiative Constitutional Amendment, entitled the "No Blank Checks Initiative," to your office and request that you prepare a title and summary of the measure as provided by law. Included with this submission is the required proponent affidavit signed by the proponent of this measure pursuant to Section 9608 of the California Elections Code. My address as a registered voter is attached to this letter, along with a check for \$200.00.

All inquires or correspondence relative to this initiative should be directed to Nielsen, Merksamer, Parrinello, Gross & Leoni, LLP, 1415 L Street, Suite 1200, Sacramento, CA 95814, (916) 446-6752, Attention: Kurt Oneto (telephone: 916/446-6752).

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, reading "Dean A. Cortopassi". The signature is written in a cursive style with a large, sweeping flourish over the last name.

Dean Cortopassi, Proponent

Enclosure: Proposed Initiative Constitutional Amendment

Section 1. Title.

This Act shall be known and may be cited as the No Blank Checks Initiative.

Section 2. Findings and Declarations.

The People of the State of California find and declare as follows:

(a) The politicians in Sacramento have mortgaged our future with long-term bond debt obligations that will take taxpayers, our children, and future generations decades to pay off.

(b) Under current rules, the sale of state bonds only needs to be approved by voters if they will be repaid out of the state's general revenues. But state politicians can sell billions of dollars of additional bond debt without ever getting the voters' approval if the bonds will be repaid with specific revenue streams or charges imposed directly on Californians like taxes, fees, rates, tolls, or rents. The politicians should not be allowed to issue blank checks Californians have to pay for. Voters must provide prior approval for all major state bond sale decisions, because voters are the ones who ultimately pay the bill.

(c) According to a 2014 report from California's independent, nonpartisan Legislative Analyst's Office, the State of California is carrying \$340 billion in public debt. (*Legislative Analyst's Office*, "Addressing California's Key Liabilities," Mar. 7, 2014.) Interest and principal payments on our long-term debt obligations will cripple the state if we keep spending the way we do now—reducing cash available for public safety, schools, and other vital state programs.

(d) Moreover, voters are rarely told the true costs of bond-funded projects. We were originally told that the bullet train would cost \$9 billion. But now the estimated cost has ballooned to nearly \$70 billion. (*Los Angeles Times*, "The Hazy Future of California's Bullet Train," Jan. 14, 2014.)

(e) This measure puts the brakes on our state's public debt crisis by giving the voters a say in all major state bond debt proposals that must be repaid through specific revenue streams or charges imposed directly on Californians like taxes, fees, rates, tolls, or rents.

Section 3. Statement of Purpose.

The purpose of this measure is to bring the state's public debt crisis under control by giving the voters a say in all major state bond-funded projects that will be paid off through specific revenues streams or higher taxes, fees, rates, tolls, or rents collected from Californians, their children, and future generations.

Section 4. Section 1.6 is added to Article XVI of the California Constitution, to read:

Section 1.6. (a) Notwithstanding any other provision of law, all revenue bonds issued or sold by the State in an amount either singly or in the aggregate over two billion dollars (\$2,000,000,000) for any single project financed, owned, operated, or managed by the State must first be approved by the voters at a statewide election. "State" means the State of California, any agency or department thereof, and any joint powers agency or similar body created by the State or in which the State is a member. "State" as used herein does not include a city, county, city and county, school district, community college district, or special district. For purposes of this section, "special district" refers only to public entities formed for the performance of local governmental functions within limited boundaries.

(b) A single project for which state revenue bonds are issued or sold in an amount over two billion dollars (\$2,000,000,000) may not be divided into, or deemed to be, multiple separate projects in order to avoid the voter approval requirements contained in this section. For purposes of this section, multiple allegedly separate projects shall be deemed to constitute a single project including, but not limited to, in the following circumstances: (1) where the allegedly separate projects will be physically or geographically proximate to each other; or (2) where the allegedly separate projects will be physically joined or connected to each other; or (3) where one allegedly separate project cannot accomplish its stated purpose without the completion of another allegedly separate project.

(c) The two billion dollar (\$2,000,000,000) threshold contained in this section shall be adjusted annually to reflect any increase or decrease in inflation as measured by the Consumer Price Index for All Urban Consumers (CPI-U) published by the United States Bureau of Labor Statistics. The Treasurer's Office shall calculate and publish the adjustments required by this subdivision.

Section 5. Liberal Construction.

This act shall be liberally construed in order to effectuate its purposes.

Section 6. Conflicting Measures.

(a) In the event that this measure and another measure or measures relating to voter approval requirements for state bonds shall appear on the same statewide election ballot, the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void.

(b) If this measure is approved by the voters but superseded in whole or in part by any other conflicting initiative approved by the voters at the same election, and such conflicting initiative is later held invalid, this measure shall be self-executing and given full force and effect.

Section 7. Severability.

The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

Section 8. Legal Defense.

If this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge alleging a violation of federal law, and both the Governor and Attorney General refuse to defend this Act, then the following actions shall be taken:

(a) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint

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

(b) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act. The written affirmation shall be made publicly available upon request.

(c) A continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

Attachment 4

Proposition 54 Text

Hold Politicians Accountable

November 16, 2015

Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

RECEIVED

NOV 16 2015

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Amendments: Proposed Initiative 15-0083

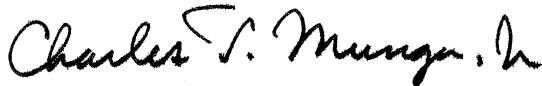
Dear Initiative Coordinator:

In accordance with subdivision (b) of Section 9002 of the Elections Code and in connection with the proposed statewide ballot measure ("California Legislature Transparency Act") filed with your office on October 12, 2015, the undersigned proponents submit the enclosed amended text.

Please proceed to prepare the Circulating Title and Summary, in light of these amendments.

Thank you for your time and attention to this important matter.

SUBMITTED BY:



CHARLES T. MUNGER, JR.

SAM BLAKESLEE

Enclosures

Hold Politicians Accountable

November 16, 2015

Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

Re: Amendments: Proposed Initiative 15-0083

Dear Initiative Coordinator:

In accordance with subdivision (b) of Section 9002 of the Elections Code and in connection with the proposed statewide ballot measure ("California Legislature Transparency Act") filed with your office on October 12, 2015, the undersigned proponents submit the enclosed amended text.

Please proceed to prepare the Circulating Title and Summary, in light of these amendments.

Thank you for your time and attention to this important matter.

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Sam Blakeslee", with a long horizontal stroke extending to the right.

CHARLES T. MUNGER, JR.

SAM BLAKESLEE

Enclosures

Initiative Measure to Be Submitted Directly to the Voters

SECTION 1. Title.

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

SECTION 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 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 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.

SECTION 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.

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

Section 4.1. Section 7 of Article IV of the 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 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.

(42) 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.

(53) 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 (31), ~~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.

Section 4.2. Section 8 of Article IV of the 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.

SECTION 5. Amendments of the Government Code

Section 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~~~~Television signal of Assembly;~~
~~prohibited use; violation~~

(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.~~

Section 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. 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.

SECTION 6. Defense of Initiative Measure.

Section 6.1. Section 12511.5 is added to the Government Code to read as follows:

Section 12511.5. 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.

SECTION 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 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.

SECTION 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, (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.

SECTION 9. Amendments.

The statutory provisions of this act shall not be amended except upon approval of the voters, except that the Legislature may amend Government Code section 10248, subdivision (a)(6) 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.

SECTION 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.