

December 1, 2015

Hon. Kamala D. Harris
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Ashley Johansson
Initiative Coordinator

Dear Attorney General Harris:

Pursuant to Elections Code Section 9005, we have reviewed the proposed statutory and constitutional initiative related to legislative rules and responsibilities (A.G. File No. 15-0083, Amendment No. 1).

Background

Legislative Rules. The State Legislature has two houses: the State Assembly and the State Senate. The California Constitution governs the various ways in which the Legislature can pass bills. It does not include a requirement on the amount of time a bill needs to be available on the Internet before a vote by either house.

Public Proceedings. The Constitution requires the proceedings of each house to be open and public, with some exceptions. These public proceedings include floor sessions and committee hearings, some of which occur outside of the State Capitol. Both the Senate and Assembly make audio or audiovisual recordings of most, but not all, of these proceedings available to the public online. The legislative branch spends around \$1 million annually on these activities. Current law prohibits Assembly recordings from being used for political and commercial purposes.

Legislature's Budget. Proposition 140 (1990) established a cap on annual spending by the Legislature. The cap is adjusted each year for changes in per capita personal income and population.

Proposal

The measure makes three changes to Legislative rules and responsibilities. First, the measure requires the Legislature 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. Second, the measure prohibits the Legislature from voting on a bill until it has been published online in its final form for at least 72 hours. This prohibition includes exceptions for emergencies, such as natural disasters. Third, the measure allows the recordings of public proceedings to be used for any legitimate purpose.

Fiscal Effects

The measure's primary fiscal impact relates to the requirement that the Legislature provide audiovisual recordings of all proceedings. The amount of added costs would depend on how the Legislature implemented the measure. The state, however, could face: (1) one-time costs of \$1 million to \$2 million to purchase cameras and other equipment and (2) ongoing costs of about \$1 million annually for additional staff and storage for an archive of the recordings. The Legislature's costs of complying with the measure would come out of their annual spending allocation.

Summary of Fiscal Effects. The measure would have the following fiscal effect:

- Increased costs to state government of potentially \$1 million to \$2 million initially and about \$1 million annually for making additional legislative proceedings available in audiovisual form on the Internet.

Sincerely,

Mac Taylor
Legislative Analyst

Michael Cohen
Director of Finance