



SIDE-BY-SIDE COMPARISON: VOTERS' INITIATIVE v. SCA 14/AB 884

The bills SCA 14 and AB 884 (as amended June 1, 2016) would put a lesser, and in some ways obviously inferior, measure on the ballot in direct competition with the California Legislature Transparency Act (CLTA), under conditions when only one measure can be made law, and so no support should be offered to SCA 14 and AB 884.

The following is a comparison of CLTA and those bills. The provisions of CLTA are set in the State Constitution or in a statute that the initiative provides shall not be changed but by a vote of the people. The provisions of SCA 14 are also set in the Constitution, but the provisions of AB 884 can be changed by the Legislature. There is therefore a large difference in the security of the provisions in AB 884 compared with related provisions in CLTA.

72 hours' notice for bills

CLTA: No bill may pass out of the Assembly or Senate unless it has been posted on the Internet for at least 72 hours.

SCA 14: A bill may pass out of the Assembly or Senate with no posting or notice whatsoever. Only for the second house to act is a bill required to be posted for 72 hours.

Consequence of a violation of 72 hours' notice

CLTA: Bill in question "shall not become a statute."

SCA 14: No penalty.

Exception to 72 hours' notice in case of emergency

CLTA: 72 hours' notice must be expressly waived by a separate 2/3 roll call vote in both the Assembly and the Senate (plus requiring the governor to declare an emergency and ask for notice to be waived).

SCA 14: A bill may pass out of the Assembly or Senate with no posting or notice whatsoever. Only for the second house to act is a 2/3 vote required, and there is no bar to that vote being combined with a vote on the bill itself (actions required of the governor are the same as required by the CLTA).

Audiovisual recordings made by the Legislature

CLTA: Requires all public proceedings of the Legislature, as already defined in the Constitution, to be audiovisual-recorded and the recordings to be posted within 24 hours.

SCA 14: Requires recording only of floor sessions and “standing committees.” Definition of a “standing” committee is left to the Legislature’s own rules.

Availability of audiovisual recordings made by the Legislature

CLTA: Requires the recordings to be posted on the Internet within 24 hours, accessible on the Internet and downloadable.

SCA 14: No specifications of *if, how, or when* recordings must be available.

AB 884: (by statute, and so changeable without a vote of the people). Posting “within one business day.” Grants no permission to make a copy (posts are to be in a “perceivable format”).

Use of audiovisual recordings made by the Legislature

CLTA: Grants the public a right to broadcast or transmit all or part of the recordings

SCA 14: Grants no such right.

AB 884: (a statute, and changeable without a vote of the people) Posts are required only in a “perceivable format.” Grants no permission to copy or transmit.

CLTA: Recordings may be used for any “legitimate” purpose and without fee. Set in statute but not changeable except by a vote of the people.

SCA 14: No right given.

AB 884: (a statute, and changeable without the vote of the people). Recordings may be used for any “legal” purpose and without a fee. Legislature reserves to itself which purposes to make legal and which not.

CLTA: Recordings made by the Legislature posted on the Internet for a minimum of 20 years.

SCA 14: Recording made by the legislature posted only for the duration of the current and following biennial sessions.

AB 884: (a statute, changeable without a vote of the people). Recording thereafter to be archived for not less than 20 years. “Archive recording shall be reasonably available for use by the public in the medium in which the recording was originally made”

Audiovisual recordings made by persons

CLTA: Grants right of any person to record a public proceeding and broadcast or otherwise transmit it (which includes immediately). Allow Legislature to minimize any disruption.

SCA 14: Grants no such right.

AB 884: (a statute, changeable without a vote of the people). Grants no such permission.

Funding of the Legislature's recordings and postings

CLTA: Costs to be taken from the existing budget for the Legislature's operations as set by Article IV, Sec. 7.6, a cap established by initiative (Proposition 140). Set in statute, but not changeable except by a vote of the people.

SCA 14: Allows the Legislature to evade Proposition 140 cap using expenditures the Legislature need on deem "necessary in furtherance of this section" [concerns the making of recordings.]

AB 884: (a statute, changeable without a vote of the people) Makes responsibility for posting and archiving recordings the responsibility of the office of Legislative Counsel [and so costs are drawn from the office's budget].

Competing measures

CLTA: Measure receiving the most votes prevails and the competing measure is voided.

SCA 14: Same.