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ASSEMBLY RULES COMMITTEE  
HEARING  
SCA 14

TUESDAY, JUNE 21, 2016

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ASSEMBLY RULES COMMITTEE  
HEARING  
SCA 14

SACRAMENTO, CALIFORNIA  
TUESDAY, JUNE 21, 2016

Transcript of proceedings taken on behalf of  
Redwood Pacific Public Affairs, California State Capitol,  
1315 10th Street, Hearing Room 447, Sacramento,  
California, commencing on Tuesday, June 21, 2016, at  
3:00 p.m., before Karen Challe, Certified Shorthand  
Reporter Number 8244.

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1 APPEARANCES:

2  
3 Assembly Rules Committee:

4 ASSEMBLY MEMBER RICHARD S. GORDON, Chairman

5 ASSEMBLY MEMBER LING LING CHANG

6 ASSEMBLY MEMBER CHRIS R. HOLDEN

7 ASSEMBLY MEMBER KEN COOLEY

8 ASSEMBLY MEMBER MARIE WALDRON

9 ASSEMBLY MEMBER JOAQUIN ARAMBULA

10 SENATOR JOEL ANDERSON

11 ASSEMBLY MEMBER JIMMY GOMEZ

12 ASSEMBLY MEMBER BILL QUIRK

13 ASSEMBLY MEMBER FREDDIE RODRIGUEZ

14 ASSEMBLY MEMBER WILLIAM P. BROUGH

15 ASSEMBLY MEMBER BRIAN W. JONES

16 Presenters/Speakers:

17 SENATOR LOIS WOLK

18 DR. CHARLES MUNGER

19 JIM EWERT, California Newspapers  
Publishers Association

20 TOM SCOTT, National Federation of Independent  
Business in California

21 DAVID WOLF, Howard Jarvis Taxpayers Association

22 TERRY FRANK, Californians Aware

23 PAUL SMITH, Rural Counties Association

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SACRAMENTO, CALIFORNIA  
TUESDAY, JUNE 21, 2016  
3:00 P.M.

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CHAIRMAN GORDON: Good afternoon. And welcome. This is the Assembly Committee on Rules. Today is Tuesday, June 21st. We are convened today for two items. We have a consent agenda, including some bill referrals. We will take that up when we achieve a quorum.

We are also here under a regular agenda to hear and consider SCA 14 by Senator Wolk. We do not yet have a quorum, but we can begin the procedure as essentially a subcommittee so that we do not delay those who are here, while other members of the Rules Committee are in hearings elsewhere and will be joining us shortly.

So with that, let me invite Senator Wolk to the witness table for her presentation on SCA 14.

Senator Wolk. Welcome.

SENATOR WOLK: Thank you, Mr. Chair and Members. I'm here today to present SCA 14 to you, which is a concern --

THE COURT: Senator Wolk, we do have a quorum now, so I do want to establish that first so we get to that done. Apologize.

SENATOR WOLK: Absolutely.

1 THE COURT: But better to stop you right at the  
2 beginning than --

3 Roll call, please.

4 THE SECRETARY: Gordon?

5 CHAIRMAN GORDON: Here.

6 THE SECRETARY: Chang. Arambula.

7 Here.

8 THE SECRETARY: Cooley.

9 Here.

10 THE SECRETARY: Gomez. Holden. Jones.

11 Here.

12 THE SECRETARY: Quirk.

13 ASSEMBLY MEMBER QUIRK: Here.

14 THE SECRETARY: Rodriguez. Waldron.

15 We have a quorum.

16 CHAIRMAN GORDON: A quorum's been established.

17 Senator Wolk, please continue. And again, sorry  
18 for the interruption.

19 SENATOR WOLK: It's all right. Thank you.

20 Mr. Chair and Members, I'm here to present SCA 14, which  
21 is -- concerns legislative transparency. And there is a  
22 companion measure that I'd like to mention that is  
23 authored by Assembly Member Gordon, which is the  
24 implementation measure to the SCA 14. That is AB 884.

25 I'll begin with SCA 14. Quote -- on page

1 five -- "No bill may be passed in either House until the  
2 bill in the form to be voted on has been made available to  
3 the public by publishing it on the internet for at least  
4 72 hours before the vote in that House." This is the  
5 language from SCA 14 as recently amended, and it's before  
6 you today. It is the core of the measure. It's the  
7 reason we're here. It was -- it is what I and others have  
8 been advocating for many years. It requires a full  
9 72 hours of public review before either House passes any  
10 bill. It applies to the House of origin, the second House  
11 and the concurrence vote, if there is one. It is  
12 absolutely clear and without doubt.

13           SCA 14 provides one special exception to the  
14 72-hour rule. And that has to do with an emergency that's  
15 declared by the Governor. We also provide in this bill a  
16 change to an antiquated rule in the Constitution that  
17 dates back to the horse and buggy days. That rule says  
18 that a bill must be in print 31 days after it is  
19 introduced before it can be acted upon. This was done so  
20 that bills could be delivered to all parts of the State by  
21 any means of transportation -- stagecoaches, horseback,  
22 boats and trains no doubt. That, of course, is no longer  
23 the case, and the public can instantly see the Legislation  
24 the moment it's posted online on the internet. So we made  
25 this change, a small one, but an important one, to allow

1 our committees to hear bills after just 15 days, but make  
2 no change to the 31-day rule for the House to pass the  
3 bill.

4 This change will allow the Legislature to adjust  
5 our schedule to get working on bills sooner. It will also  
6 reduce the schedule overcrowding that might result from  
7 the new 72-hour rule in the House of origin this measure  
8 creates. SCA 14 does the following in addition to the  
9 72-hour public review and the 15-day wait -- and those are  
10 understood on the page -- what I'm about to read is on  
11 page three and four. SCA 14 requires the Legislature to  
12 make audio visual recordings of all open and public  
13 Legislative proceedings in the State Capitol or anywhere  
14 else where an action or vote is taken. SCA 14 requires  
15 the Legislature to make all reasonable effort to make  
16 audio visual recordings of any other proceedings, such as  
17 informational hearings, held outside the State Capitol  
18 where no action or vote is taken. It requires all audio  
19 visual recordings to be made promptly available to the  
20 public. It requires the Legislature to make reasonable  
21 efforts to broadcast live online all proceedings of the  
22 Legislature. It guarantees the right of individuals to  
23 make their own audio visual recordings of Legislative  
24 proceedings. It requires the Legislature to provide  
25 sufficient funds to implement these provisions.

1           884, which is the companion Statute authored by  
2 Assembly Member Gordon, which is now pending action in the  
3 Senate, makes additional reforms to improve Legislative  
4 transparency. It requires Legislative Counsel to post all  
5 recordings within one business day in a retrievable and  
6 perceivable format for public use for the entire biannual  
7 session and the two following biannual sessions. It  
8 requires Legislative Counsel to archive all recordings for  
9 at least 20 years in a perceivable format and make the  
10 recordings available to the public. It repeals the  
11 prohibition on using recordings of Legislative proceedings  
12 for political or commercial purposes. Instead, the bill  
13 would allow the use of such recordings by the public  
14 without limitation or imposing a fee.

15           884 repeals the law that would allow the State  
16 to make a claim of copyright on Legislative materials.  
17 Instead, the bill will codify that all recordings and  
18 other Legislative materials are in the public domain.

19           Members, I have some history on this, along with  
20 Assembly Member Olson, who has partnered with me in 2013,  
21 authoring SCA 10, and I with her on AC 1 this session,  
22 both of which focused on the 72-hour review requirement.  
23 These efforts, although supported by many, never moved  
24 past any committee. We've made great progress since then.

25           So what has changed? Well first, there's been



1 growing interest here within the Legislature from both  
2 sides of the aisle to increase transparency and to curb  
3 the practice known as gut and amend, where bills receive,  
4 as you know, very little public review before a vote.  
5 We've also moved to televise more and more of our  
6 hearings. At the same time, it's also fair to say that we  
7 wouldn't be here today were it not for the effort of  
8 Former Senator Sam Blakeslee and Dr. Charles Munger, who  
9 gathered signatures to put the ballot -- put on the ballot  
10 a measure to do most of what you have -- we have before  
11 you.

12 In fact, I introduced SCA 14 at Senator  
13 Blakeslee's request, to give us, the Legislature, one last  
14 try to correct the errors identified after the circulation  
15 of the Initiative, and to respond to public comment.  
16 Before putting in the language -- before putting language  
17 in concrete through the Initiative, I believe we have an  
18 obligation to try and get the details right in a public  
19 process. Our Leg Counsel identified ten areas of concern  
20 in the Initiative. And I believe we've done that. I  
21 believe, from a public interest perspective, responding to  
22 public comment, and with consultation, a great deal of  
23 consultation of our Legislative Counsel, the office expert  
24 in the Legislative process, and responsible for providing  
25 the public access to the Legislative information,

1 including the new requirements for AB recordings replacing  
2 with them, we've put forward, we believe, a better  
3 approach, which is more certain to provide the  
4 transparency that we are seeking, without the unintended  
5 consequences of an Initiative that might be drafted  
6 without this public discussion or consultation.

7 In total, we believe that the Legislative  
8 package, informed by -- that is -- SCA 10 and AB 8848,  
9 which is not in front of us today for discussion or  
10 action. It is in front of the Senate -- informed by the  
11 work of Legislative -- of Initiative proponents provides a  
12 stronger, more clear and more comprehensive solution to  
13 the issue, one that will survive the test of time and any  
14 legal challenges that have rendered other initiatives  
15 inoperable or ineffective.

16 We believe this merits the Committee's support,  
17 as well as the support of the Initiative proponents, and  
18 all those who have been working on this issue throughout  
19 the years. I ask for your "Aye" vote.

20 CHAIRMAN GORDON: Thank you.

21 Let me ask for witnesses in support.

22 THE COURT: Mr. Chair, Members. Jim Ewert with  
23 the California Newspapers Publishers Association. We have  
24 also been a long-time supporter of these efforts over the  
25 years, beginning with Senator Wolk's first try, and also

1 Assembly Woman Olson's. We think that this is a strong  
2 effort, and it's getting stronger each day. The most  
3 recent amendments add two critical components to the  
4 Constitutional Amendment, the first being that it makes it  
5 clearer when the 72-hour period is triggered, and also  
6 makes clearer that the bill cannot become law unless that  
7 72-hour period is recognized. And in both Houses I might  
8 add. There was some concern that, though the previous  
9 version only applied in one House, and I think it's clear  
10 now that that 72-hour period applies in both.

11 More critical, I think for us is the idea that  
12 individuals attending these hearings have a right to  
13 attend the hearings. That's going to be in the  
14 Constitution, and it also allow them to record the  
15 hearings on their own, independently, provide more  
16 accurate recordings of what they observed when they were  
17 there. And that is very critical for journalists who are  
18 at these hearings.

19 We think that SCA 14 increases public  
20 participation in the process. And it strengthens the  
21 integrity of the process in doing so. And for these  
22 reasons, we respectfully request an "Aye" vote. Thank  
23 you.

24 CHAIRMAN GORDON: Thank you.

25 MR. SMITH: Mr. Chairman and Members. Paul

1 Smith with the Rural Counties Association. We have long  
2 been supportive of Senator Wolk's efforts in the past, and  
3 we are so pleased to see that this bill looks so much more  
4 like the introduced version of SCA 14 and the previous  
5 versions she has authored. Many of you served in local  
6 government before coming into the Legislature. You're  
7 very familiar with the Brown Act, which requires 72 hours  
8 of posting, and a chill, before a Board of Supervisors or  
9 any other municipality can act on a measure or consider an  
10 item.

11 We feel that is clearly appropriate for the  
12 Legislature as well. We think the Brown Act protects and  
13 strengthens both the membership inside the Legislative  
14 body, as well as the public outside. So we are in strong  
15 support, pleased to see this bill and this measure getting  
16 stronger every day, as Mr. Ewert said. And appreciate the  
17 author for her courage in this fight over the years that  
18 she's been in this Legislature, and ask that this measure  
19 obviously make it to the ballot where the voters will have  
20 a consideration of it. Thank you.

21 CHAIRMAN GORDON: Thank you.

22 Any other witnesses in support?

23 Before I go to opposition, I'd like to take care  
24 of a small housekeeping item. We do have a Consent  
25 Agenda. There are a set of bill referrals that have

1 support on both sides.

2 ASSEMBLY MEMBER CHANG: I move.

3 CHAIRMAN GORDON: Miss Chang, Mr. Cooley, moved  
4 and seconded it. Roll call, please.

5 THE SECRETARY: Gordon?

6 CHAIRMAN GORDON: Aye.

7 THE SECRETARY: Gordon: "Aye."  
8 Chang.

9 ASSEMBLY MEMBER CHANG: Aye.

10 THE SECRETARY: Chang: "Aye."  
11 Arambula?

12 Aye.

13 THE SECRETARY: Arambula: "Aye."  
14 Brough?

15 ASSEMBLY MEMBER BROUGH: Aye.

16 THE SECRETARY: Brough: "Aye."  
17 Cooley?

18 ASSEMBLY MEMBER COOLEY: Aye.

19 THE SECRETARY: Cooley: "Aye."  
20 Gomez? Holden?

21 ASSEMBLY MEMBER HOLDEN: Here. Aye.

22 THE SECRETARY: Holden: "Aye" on the -- "Aye."  
23 Sorry.

24 Jones. Quirk. Rodriguez.

25 ASSEMBLY MEMBER RODRIGUEZ: Aye.

1 Waldron. I'm sorry. Rodriguez: "Aye."

2 Motion passes.

3 ASSEMBLY MEMBER GORDON: That motion passes.

4 And Mr. Holden, we were able to get both your  
5 attendance and your vote in one fell swoop. We appreciate  
6 that.

7 We'll now move to the opposition. Please come  
8 forward.

9 SENATOR WOLK: Mr. Chair, before he begins, I  
10 would like to make some -- at your -- whenever you think  
11 it's appropriate, the comments on the amendments that  
12 we're looking at for AB 884.

13 CHAIRMAN GORDON: I would suggest probably  
14 before we start the opposition, so if you want to make  
15 those comments now.

16 SENATOR WOLK: All right. It was conveyed to us  
17 recently, I believe late last week, that the proponents  
18 might be willing to withdraw their measure if the  
19 Legislative proposal included clearer language on the  
20 42 hours of the House of origin, the ability for  
21 individuals to record and broadcast open hearings, and  
22 more transparency by subjecting Legislative budgets to  
23 Open Records Act.

24 In addition to the amendments that you see in  
25 front of you, a set of amendments has been chaired with

1 the proponents that would add implementing language that  
2 would -- to 884 that would mirror Bagley Keene on  
3 individual recording and broadcasts. That is what we --  
4 that's what we hold ourselves to in our hearings. And  
5 again, would add Legislative budgets to the Open Records  
6 Act. So we believe that would make the proposal far  
7 superior to the Initiative, for a number of reasons.

8 CHAIRMAN GORDON: And those are amendments that  
9 are -- will be moving in the Senate.

10 SENATOR WOLK: Yes, Mr. Chair.

11 CHAIRMAN GORDON: Thank you.

12 Dr. Munger.

13 DR. MUNGER: Thank you. Good morning admirable  
14 Members of this Committee. I'm Charles Munger, with the  
15 Honorable Sam Blakeslee, co-proponent of the California  
16 Legislature Transparency Act, an Initiative,  
17 Constitutional Amendment and Statute shortly to qualify  
18 for the November ballot. SCA 14 and proposed Legislative  
19 Constitutional Amendment, and its companion, Bill AB 884,  
20 Legislative Statutes that have been developed in response  
21 to the California Legislature Transparency Act.

22 If SCA 14 is amended on June 17th, put on the  
23 ballot, I will not withdraw the California Legislature  
24 Transparency Act. Both will be on the ballot. I speak in  
25 opposition to SCA 14 on three grounds. One, SCA 14, as

1 amended June 17th is an inferior measure to the California  
2 Legislature Transparency Act. In our judgment, SCA 14  
3 will not and cannot work.

4 Two, SCA 14 contains at least two completely  
5 unnecessary, quote, "poison pills," end quote. My  
6 language, provisions that make it hard to pass. So if, as  
7 this Legislature aspires to achieve, SCA 14 were the only  
8 measure on transparency in government on the November  
9 ballot, the most likely result is that it would not pass,  
10 leaving intact the present low degree of transparency in  
11 the California Legislature.

12 My third ground, a few of the things that SCA 14  
13 seeks to accomplish, which the California Legislature  
14 Transparency Act does not, do not require a Constitutional  
15 Amendment at all. And if this Legislature were really  
16 serious about those things, it would simply do them,  
17 without tying them unnecessarily first to the uncertain  
18 prospects of SCA 14 appearing on the ballot at all, and  
19 then of SCA 14 is receiving more votes in November than  
20 the California Legislature Transparency Act.

21 So let me go through my grounds. We'll start  
22 with the first one. One. The structure of SCA 14 and AB  
23 884 is Constitutionally flawed. First, no conceivable  
24 Statute, whether AB 884 or any other can bind a House of  
25 this Legislature when it exercises its right under the



1 California Constitution under Article 4, Section 7(a),  
2 which reads in relevant part, quote, "Each house shall  
3 choose its officers and adopt rules for its proceedings."  
4 End quote.

5 If the Legislature has a Constitutional right to  
6 adopt rules for its proceedings, then no mere Statute can  
7 tell the Legislature what rules to adopt. That  
8 Constitutional principle should seem obvious enough. The  
9 most recent case to address the point is People's  
10 Advocate, Incorporated, versus the California Legislature,  
11 appearing in Superior Court in 1986. It's CID Number  
12 24645, Court of Appeals, California, Third Appellate  
13 District, May 21, 1986. This case was brought because a  
14 number of Statutes were passed by popular initiative, by  
15 Proposition 21 on June 5th, 1984, titled Legislative  
16 Reform Act of 1983, to constrain how the Legislature might  
17 use its Constitutionally-granted powers. From this  
18 opinion, I quote -- quote -- "To accomplish the purposes  
19 attempted by the Act, a Constitutional Amendment is  
20 required. Only by means of an Initiative Constitutional  
21 Amendment may the people modify or impinge upon the  
22 freedom of the Legislature to exercise its  
23 Constitutional -- Constitutionally-granted powers." End  
24 quote.

25 The consequence is it doesn't matter what AB 884

1 might put into Statute. A House of the Legislature can  
2 simply pass its own rule in contradiction, a simple  
3 majority of a House suffices, and the new rule prevails  
4 over the Statute.

5 In case Honorable Members think this  
6 Constitutional principle is a dead letter, without active  
7 application, let me read a particular Statute. Government  
8 Code Section 9911, one of several established by  
9 Proposition 24, and still on the books. The Statute  
10 begins, 9911, Assembly Committee and Rules. There is  
11 hereby created in the Assembly a committee on rules which  
12 shall consist of the speaker, who shall be chairman of the  
13 committee, and six other members of the Assembly, three to  
14 be elected by the party having the largest numbers of the  
15 members in the Assembly, and three to be elected by the  
16 party having the second largest number of members. It  
17 goes on.

18 Now, here I sit before the very Assembly  
19 Committee on Rules. Now the Honorable Rendon, Speaker of  
20 the Assembly, is not its term. The Honorable Gordon is.  
21 This Committee has ten other members. Not six. Those  
22 members do not represent the parties equally, and none are  
23 elected by their parties within the caucus, but all the  
24 members of this Committee, whatever their party, are  
25 appointed by the Speaker.

1           Now, why? It's contrary to the Statute.  
2       Because though the people, by initiative, establish the  
3       Statute, this Assembly has since adopted contrary rules.  
4       End of story.

5           Now given this Constitutional structure, were  
6       this Legislature to offer me, as the proponent of the  
7       California Legislature Transparency Act, to actually write  
8       every single word in the Implementation Measure, AB 884, I  
9       would not even bother. The better my language would be  
10      for California, such a Statute could constrain the  
11      Legislature, the bigger the crash of public expectation  
12      when the public found out yet again that what would be my  
13      fine-sounding rules, constrain this Legislature not at  
14      all.

15          Now if you doubt this, you can go figure out why  
16      it is that you're meeting here in contrary to Statute.  
17      You'll find the same research that three different  
18      attorneys I've had working on this point for the last four  
19      days, researching independently, came to the same  
20      conclusion. Therefore, all we are left with to interpret  
21      the Constitutional provisions of SCA 14 is its raw text.  
22      What you may choose to pass in Statute is simply  
23      Constitutionally and functionally irrelevant, and the only  
24      question is whether SCA 14 is or is not better than the  
25      CLTA. California Legislature Transparency Act.

1           So let's take it from the top. Let's go through  
2 its provisions. As amended, SCA 14 and imposition of  
3 17.3(a), commencing January 1, 2018, the Legislature shall  
4 do all of the following with respect to its open and  
5 public proceedings. One, cause audio video recordings be  
6 made of all Floor Sessions of each House of the  
7 Legislature, the Committee Proceedings as well, at which a  
8 vote is taken or other actions recorded and the Committee  
9 proceedings thereof held in the State Capitol building,  
10 regardless of whether a vote is taken or an action is  
11 recorded. We don't accept the premise of SCA 14 the  
12 Legislature should not record all its public proceedings.  
13 Period.

14           Why, if there is a committee meeting at which a  
15 member of the public has a Constitutional right to be  
16 present, why should what that person would hear, and what  
17 that person would see not be recorded for any person to  
18 hear and see?

19           Now I've heard about informational hearings  
20 elsewhere. Why on earth are you holding them, if in  
21 addition to you finding out interesting information or  
22 presenting it, the public, who can't be there that day,  
23 should not also be allowed to do it? What are you doing  
24 in those meetings that you wish to make it hard for the  
25 people to find out about? I will return to this point

1 later.

2           Going on, SCA 14 says a Legislature shall, two,  
3 make "reasonable efforts," that's a quote, to cause audio  
4 visual recordings to be made of all committee proceedings  
5 held outside the State Capitol building of which no vote  
6 is taken and no action is recorded. Three, make  
7 reasonable efforts to broadcast to the public in real-time  
8 all proceedings of the Legislature and committees thereof  
9 that are held in the State Capitol building.

10           When the definition of what a, quote,  
11 "reasonable effort," end quote, might be defaults to what  
12 the Legislature itself considers is reasonable, by the  
13 setting of its own rules, these provisions are  
14 functionally meaningless. The Legislature will do or not,  
15 as it pleases, and not a thing would change if these  
16 provisions were simply deleted.

17           Okay. In particular, all the proceedings in the  
18 Capitol building, surely the overwhelming number of such  
19 proceedings, but in those, the Legislature shall continue  
20 to choose which, if any, will be broadcast in real-time.  
21 As it does now.

22           SCA 14 goes on. The Legislature shall, for  
23 authorized members of the public who attend the  
24 proceedings of the Legislature and the Committees thereof,  
25 to make recordings of those proceedings, subject to

1 reasonable restrictions such as those necessary to ensure  
2 public safety and prevent disruption of the proceedings,  
3 and to broadcast them.

4 Now again, when the definition of what a --  
5 re-quote -- "reasonable restriction" -- end quote, might  
6 be, defaults to what the Legislature itself will consider  
7 reasonable, this provision is, again, functionally  
8 meaningless. The Legislature will allow only what it  
9 wants to allow.

10 Yes. This provision mentions something  
11 necessary to ensure public safety is now Constitutionally  
12 recognized as being sufficient. Wonderful. But so is,  
13 quote, "preventing disruption," end quote, of the  
14 proceedings. And if a future Legislature decides, for  
15 example, that having the proceedings recorded by the  
16 public has a chilling effect on discourse, and so --  
17 quote, "disrupts," end quote -- the proceeding, there is  
18 no mechanism to overturn that judgment. This provision is  
19 simply empty as it stands.

20 Even taken seriously, the language to authorize,  
21 quote, "members of the public" to record, is not the same  
22 thing as my measure provides, Blakeslee's measure  
23 provides. Each person has the right to record. The  
24 Legislature might authorize some persons and not others.  
25 In particular, it might use its rules to classify certain

1 persons, say the Legislatures themselves, the staff,  
2 journalists and so forth, as persons not, quote, "members  
3 of the public," end quote, as the Legislature, using its  
4 rules, will later define the term. Nor through the,  
5 quote, "members of the public," end quote, who are quote,  
6 "authorized," end quote, to make a recording at a  
7 broadcast. No Constitutional freedom is given necessarily  
8 to transmit any part of them at will.

9           Next Provision, 7(b). The Legislature shall  
10 provide all of its audio visual recordings made personally  
11 to the section of the Legislative Counsel who shall make  
12 the recordings promptly available to public. The  
13 recording shall remain reasonably accessible to the public  
14 for not less than 20 years.

15           Now such recordings, if any, that the  
16 Legislative Counsel will provide to -- the Legislature  
17 provides to the Legislative Counsel -- oh, by the way,  
18 Legislative Counsel is not a Constitutionally-recognized  
19 office. There's nowhere in the California Constitution  
20 established by Statute. So one of the little details is  
21 you've a Constitutional provision which is making  
22 reference to something that is giving power to something  
23 that is outside the Constitution, which I will submit is a  
24 drafting error.

25           However, in this language, in taking it as

1 meant, it doesn't say how soon after the event the  
2 recording is made. The Legislature shall undertake the  
3 task of providing these recordings to Leg Counsel. There  
4 may be a delay. Only after the Legislative Counsel  
5 receives them, the recordings shall then be made  
6 available, quote, "promptly," end quote. Which is, of  
7 course, itself, a term of unknown duration. An hour? A  
8 day? A week? Thereafter the recordings will be, quote,  
9 "reasonably accessible," end quote, to the public. Only  
10 the Legislature will decide what accessibility is  
11 reasonable, again, by its rules. Perhaps one will have to  
12 travel to Sacramento to some office there to view and  
13 listen to a recording, but still not be free to copy or  
14 record what one hears and sees there. It will be just  
15 like going to a small movie theatre, go there and listen,  
16 and then go home.

17           Now apparently avoidance of specifying, as the  
18 California Legislature Transparency Act does, that the  
19 Legislature's record will be downloadable from the  
20 internet by anybody is a deliberate policy choice. As the  
21 word, quote, "internet," end quote, is exactly used twice  
22 elsewhere in the Constitutional language of SCA 14.  
23 Specifically, in Section 7(4)(c), Section 8(3)(a). Now,  
24 the California Legislature Transparency Act does not allow  
25 for these shenanigans. It requires access via the



1 internet to be public, and for copies to be downloadable.

2           Next provision, 7(c). The Legislature shall  
3 enact laws to implement this section, provided that  
4 notwithstanding paragraph three of Subdivision B, Section  
5 A, after 2015/16 session of the Legislature, a bill -- a  
6 bill implementing this section shall not be passed,  
7 ultimately become a Statute, unless the bill is published  
8 in its final form on the internet for at least 12 days  
9 prior to the final vote in each house. Now, we've already  
10 noted that while the Legislature can enact laws to  
11 implement these things, such laws will not bind the  
12 Legislature anyway. In any matter, the subsequent  
13 Legislature, simply by adopting its own rules, can void  
14 the effect of the Statute. Just the way the Constitution  
15 works.

16           Even assuming such laws would bind the  
17 Legislature, there is no requirement as to when the  
18 Legislature must implement these laws. The next  
19 Legislature might decide that a few years from now would  
20 be appropriate. And of course, the Legislature cannot  
21 bind a future Legislature. This Legislature cannot bind a  
22 future Legislature to enact any particular law anyway.

23           Regarding the grand 12 days notice for any  
24 possible amendment, this is actually functionally almost  
25 useless. It doesn't change the fact that two-thirds of

1 the Legislature, by itself or a simple majority with the  
2 consent of the Governor, can change the Statute to trim  
3 the public's access to the recordings of the Legislature's  
4 public proceedings to nothing.

5 Now an assistant viewing this meeting, who  
6 doesn't yet appreciate the Constitutional argument, but  
7 Statutes in question cannot bind the Legislature, can  
8 nonetheless appreciate that even if the statutes could,  
9 but the statutes are changeable by the very Legislature  
10 the statutes are meant to bind, and that little dynamic is  
11 a fatal flaw in the structure of SCA 14.

12 Now, it is to prevent just such a possibility  
13 that the California Legislature Transparency Act was  
14 written as it was. With all the provisions, it would bind  
15 the Legislature, put in the Constitution, without trying  
16 to rest them on any statutes. 7(d)(1), expenditures made  
17 in further paragraphs one through three, inclusive to  
18 Subdivision A are not subject to 7(7)(5). What does this  
19 do? This provision violates the Constitutional cap on the  
20 Legislature's budget set by the passage of Proposition 140  
21 in 1990. Whatever funds are appropriated will go under  
22 the Capitol Dome and be hopelessly mingled with the  
23 existing budget for the Legislature's operations budget,  
24 whose breakdown has never been made public. If ten  
25 million is appropriated, what should be a one million

1 expense, which is a number the Legislative analyst, and  
2 we, and I think everybody thinks is the annual amount, who  
3 is then to know? I would submit, the honest way to get  
4 the extra million dollars a year, which we do not think at  
5 all necessary, would have been just to add one million  
6 dollars to the Legislature's budget as currently set in  
7 the California Constitution, and just leave it at that.

8 Bottom line, after being amended four times, SCA  
9 14 has at last accomplished the goal, one goal, of writing  
10 in the Constitution that a bill is prohibited from being  
11 passed in either House until the bill, in the form being  
12 voted on, has been made available to the public by  
13 publishing it on the internet for at least 72 hours before  
14 the vote.

15 Okay. In our opinion, it makes a totally  
16 unnecessary deletion, relative to what the California  
17 Legislature Transparency Act provides, of the existing  
18 requirement that a bill has to be printed and distributed  
19 to the Members for 72 hours before the vote. But let us  
20 concede that, as I said, it's at least gotten that far.  
21 What they have not succeeded in doing is requiring the  
22 Legislature to make recordings of all the public meetings  
23 and allowing any person to do so. And we will argue the  
24 72-hour notice period is therefore effectively  
25 unenforceable, because there will not be sufficient

1 evidence to accord, in practice, ultimately the Supreme  
2 Court to enforce it.

3           What do I mean? Plausible scenario. A certain  
4 bill is supposed to be impossible to pass out of, say, the  
5 Senate, because of the 72-hour notice provision before  
6 10:00 a.m. on Sunday. The bill is in fact passed at 9:45.  
7 Why? Precisely to having a noted opponent of the bill,  
8 Democrat, Republican, doesn't matter, who is not yet  
9 present, speak against it. Well, after it's out of the  
10 Senate, the Assembly passes it. The Governor signs it,  
11 this opponent sues to keep the bill from becoming a  
12 Statute. Now, on what evidence is the California Supreme  
13 Court supposed to act? Evidence so compelling that the  
14 Court will now overrule both the Legislative and the  
15 Executive Branches of State Government that have approved  
16 this bill. What standard of evidence are we going to  
17 appeal to?

18           Now, if there is a recording of a Floor Session,  
19 which is complete and entire, we presume that will be  
20 enough. But it is, after all, not impossible that by an  
21 eery coincidence, on that critical moment, a cable will  
22 pulled or a computer file corrupted at the critical  
23 interval, or even that in the official recording, the  
24 camera was directed resolutely to fail to record the  
25 crucial information or any other little technical failure.

1 You want a technical failure, go look at the clock at the  
2 back of this room. I believe it is fixed at something  
3 like quarter to seven, because the battery is run down.  
4 If someone is recording this proceeding, and that's the  
5 only clock they see, there's not a lot of information  
6 about when you would actually take a vote. These little  
7 things happen.

8           However, the California Legislature Transparency  
9 Act, by providing that any person may record what their  
10 eyes see and what their ears hear, can pull out their cell  
11 phones or have a camcorder, and there will be abundant  
12 extra evidence for the Court in which to act, and very  
13 notably, since these will be recorded on individual  
14 person's own devices, never subject to this Legislature's  
15 control, never subject to their editing or manipulation,  
16 or frankly, human error. Those recordings will actually  
17 be there when they're needed. And that makes the 72 hours  
18 enforceable, even if some funny business or human error  
19 overtakes the official recording. So as I said, SCA 14  
20 cannot and will not work.

21           My second point. There are poison pills -- my  
22 second grounds for objection, there are poison pills in  
23 SCA 14 that are unrelated to its essential mission and  
24 just make it hard to pass. One poison pill put forward is  
25 the change of the time interval between when a bill is

1 originally submitted and when it may be heard in the  
2 Committee, from the present 30 days, down to 16. Whether  
3 this is desirable public policy or not, the author should  
4 beware that in 2012, opponents of Proposition 31, which  
5 included among its thousand lines, both the 72-hour notice  
6 provision, and this change from 30 to 16 days, was  
7 attacked, whether rightly or not -- but certainly  
8 effectively -- on the grounds of lowering this interval  
9 for the public to read the original form of a bill,  
10 diminished transparency, rather than enhanced it. It is  
11 frankly a known political liability, which, in my opinion,  
12 no comparable public policy gain.

13           The second poison pill is the funding source.  
14 And as I said, Proposition 140 of 1990, established a  
15 Constitutional cap on the Legislature's own budget. As  
16 written, SCA 14 breaks that cap by allowing the  
17 Legislature to appropriate unlimited funds, but  
18 essentially to run the cameras, the cameraman, so forth,  
19 funds that, since the amount of disclosure was spending  
20 for the Legislature to decide can be inexplicably and  
21 irrevocably intermingled with the rest of the  
22 Legislature's own budget.

23           We disagree, firstly, adamantly on the policy.  
24 The Legislature's own budget grows, in real terms, five  
25 percent last year, five percent this year, and we project

1 it will rise another two percent next year, a 15 percent  
2 permanent increase over three years. And the cost of SCA  
3 14 are about 0.3 percent. 0.3, or about two percent of  
4 that permanent increase.

5 Now, the Legislature already records and  
6 live-streams about half its proceedings, I presume,  
7 including this one, using its present budget. We think it  
8 entirely appropriate for the Legislature to devote some of  
9 that increase to improving the information it makes  
10 available to the public as part of whatever improvements  
11 it may elect to make on its own with the remaining 98  
12 percent.

13 However, policy or no, clearly setting the  
14 precedent of breaking a Constitutional cap meant to impose  
15 fiscal discipline on the Legislature, to cover a mere 0.3  
16 increase in the Legislature's budget, is accepting a big  
17 political liability for, in my view, a nugatory gain.  
18 C'mon, people. You've just passed 170 billion dollar  
19 budget. Here you are, ulcerating over a mere one million  
20 dollars, and not even whether or not it should be spent,  
21 but over -- from which -- of which pocket the people  
22 should choose to pay it. The Legislature's own budget or  
23 the General Fund. This is a silly thing to do.

24 I now go to the third of my three main points.  
25 You'll be relieved to know I don't have another one.

1 There are two good policy ideas lurking in the general  
2 wreck of SCA 14 and AB 884 that can in fact be implemented  
3 once, and require no Constitutional Amendment at all. The  
4 first is from AB 884, to dismiss any State copyrights of  
5 its recordings of its public proceedings. Instead, put  
6 those recordings in the public domain. We applaud that  
7 policy. We call it to be implemented at once. By an  
8 ordinary Statute. An effective date of next year.  
9 Whether or not any measure, SCA 14, or the California  
10 Legislature Transparency Act passes, or even this very  
11 year, by emergency statute. The Legislature has all of  
12 the imminent July recess to draft language, six weeks of  
13 the session, from August 1 to September 15th, to run the  
14 bill to the Committees for comment, et cetera. We note  
15 this would not only affect the recordings sooner, but  
16 without any uncertainty whether SCA 14 will or will not  
17 pass the Legislature or will or will not be approved by  
18 voters in November. That is, if the Legislature is really  
19 serious about the policy.

20 The other idea is from SCA 14. It's for the  
21 Legislature to live-stream its recordings. A marvelous  
22 idea. We suggest that the same super majority required to  
23 pass SCA 14 in the first place, simply at once, change the  
24 assembly, and send to Joint Rules to do this. You have  
25 the recordings. You're recording the meetings as they go.



1 Live-stream them. It's particularly easy to make these  
2 rule changes since I believe a mere majority of the body  
3 suffices.

4 Now, while it's true that each House currently  
5 lacks the hardware and control systems to record more than  
6 two committees' working at a time, fixing this is in part  
7 why there is a one to two million initial cost to  
8 implement either SCA 14 or the California Legislature  
9 Transparency Act. It can certainly change its rules at  
10 once to provide that whatever meetings you're currently  
11 recording, they must be live-streamed.

12 Regarding the live-streaming, it should be  
13 pointed out we did not ignore the virtues of this when we  
14 crafted the California Legislature Transparency Act. We  
15 provided for it. We provided any person, including a news  
16 organization or a person with an upload capability to  
17 YouTube can make their own recording which they can use as  
18 they wish, including broadcasting or otherwise  
19 transmitting it. Critically, including immediately.  
20 Those persons can live-stream at once.

21 Indeed, starting this year, when the California  
22 Legislature Transparency Act passes, without any need for  
23 the public to wait until January 1 of 2018, and for the  
24 Legislature to live-stream any of its own recordings.  
25 Though we laid on the Legislature only the responsibility

1 of posting the recordings within 24 hours, I doubt this  
2 body will let their recordings lag 24 hours from the news  
3 cycle for very long. In our view, competition can be  
4 effective as law in changing behavior.

5 To conclude. The structure of SCA 14 and AB 884  
6 is Constitutionally flawed, and the pair cannot work as  
7 intended, because of the fallacy in believing a statute  
8 can constrain the Legislature whenever the Legislature  
9 exercises its own Constitutional right. This specific  
10 language in SCA 14 too often defaults the Legislature's  
11 own opinion about what it ought and ought not to do about  
12 transparency, and what ought and what ought not be  
13 available to the public to know. If such were adequate,  
14 we would have had transparency from the Legislature long  
15 before now.

16 SCA 14 contains unnecessary poison pills that  
17 make it hard to pass and such ideas as SCA 14 and AB 884  
18 puts forward that are beyond what the California  
19 Legislature Transparency Act would achieve. The  
20 Legislature, one, they could implement immediately anyway,  
21 and two, they could be implemented without any  
22 Constitutional Amendment, either SCA 14 or the California  
23 Legislature Transparency Act, if the Legislature were  
24 serious about them.

25 Now, whether SCA 14 would or would not be an

1 improvement on the present state of the Legislature's  
2 current operations is an irrelevant consideration. The  
3 only question is whether it's an improvement on the  
4 California Legislature Transparency Act, and the answer  
5 manifestly is no. If this Legislature puts this Act, as  
6 amended June 17th, on the ballot, that question will be  
7 for the voters, because I will not withdraw the California  
8 Legislature Transparency Act from the ballot.

9 Now, I will continue to appear at every Assembly  
10 or Senate hearing on SCA 14 or its successors, but make no  
11 mistake. Right now, SCA 14 and the California Legislature  
12 Transparency Act are miles apart, and there is no imminent  
13 prospect of any happy joining of this bill and this Act.  
14 You're asking for a head-to-head battle on the ballot.  
15 It's that bad.

16 And with that, I will open for questions.

17 CHAIRMAN GORDON: Thank you.

18 We'll -- others in opposition?

19 MR. SCOTT: I will be quick. My name is Tom  
20 Scott, State Executive Director of the National Federation  
21 of Independent Business for California, representing  
22 22,000 dues-paying members across the State. I am here  
23 today to speak in opposition to SCA 14. And really, in  
24 doing so, speak in support of true transparency through  
25 real reform with the initiative we already have, which is

1 close to being qualified for the ballot.

2 Transparency matters. And transparency from  
3 this building is a top concern for my small business  
4 members. Regardless of the policy debate surrounding the  
5 \$15 minimum wage, what we witnessed in Senate Bill 3 in  
6 terms of process was a disgrace to the voters and all of  
7 Californians. There was no public input. There was no  
8 analysis. There was no transparency.

9 Now we have an opportunity for real reform with  
10 the California Legislature Transparency Act brought  
11 forward by Dr. Munger and State Senator Sam Blakeslee.  
12 This initiative will qualify for the ballot, since over  
13 one million voters have asked for it to be on the ballot.

14 This initiative has taken several months to be  
15 carefully crafted. Now, there are individuals trying to  
16 undermine that effort in a few hearings. And I cannot  
17 ignore the fact that the established position of my  
18 organization and the 22,000 members I represent were  
19 omitted from the latest committee analysis. We've been on  
20 this, in opposition, from the beginning. And the fact  
21 that it was dropped or omitted was, you know, very  
22 concerning.

23 NFIB has been opposed to this measure for a long  
24 list of reasons. A few amendments taken on a Friday  
25 evening would not change many, you know -- my or many

1 other organizations' opposition to this proposal. And to  
2 add insult to injury on this point, even if the amendments  
3 did alleviate some concerns, how would we be able to know,  
4 since the latest version hasn't even been in print for 72  
5 hours?

6 The very process by which this watered-down  
7 transparency proposal has been crafted perfectly  
8 illustrates why Sacramento cannot regulate itself on this  
9 matter. Over one million Californians, one million  
10 Californians agree the State Capitol needs transparency  
11 from the outside, and not from self-regulation. Now is  
12 the time to let the people vote. NFIB remains opposed to  
13 SCA 14 and AB 884.

14 MR. WOLF: Mr. Chairman, Members. Good  
15 afternoon. David Wolf of the Howard Jarvis Taxpayers  
16 Association, also opposed to SCA 14 here today.

17 Members, let's be clear. 72 hours means  
18 72 hours. Not 72 hours in the Second House. 72 hours in  
19 both Houses. Both. CLTA makes this expressly clear. SCA  
20 14 does not. Allowing individuals to come in and record  
21 hearings. CLTA makes this provision very clear. SCA 14  
22 does not. Those are just two examples of many where these  
23 two measures are fundamentally different.

24 Members, in closing, just again, briefly, let me  
25 provide a little bit of a history lesson. In 1978 there

1 were two propositions on the ballot for voters to  
2 consider. One was Proposition 13 and the other was  
3 Proposition 8, which also provided tax, surely, probably  
4 to a lesser extent than this Proposition 13. Proposition  
5 8 was put on the ballot by the California Legislature.  
6 Voters saw through this deception. Proposition 13 passed,  
7 with its one percent property tax cap. Proposition 8 did  
8 not pass.

9           38 years later or so, here we are. The point  
10 being, Members, these decisions have consequences that  
11 could last for decades. It is fundamentally important  
12 that we do honor, as Mr. Scott said, the will of a million  
13 people who have put the CLTA on the ballot, and we do away  
14 with the half measure before us, SCA 14, so that true  
15 transparency can be in the Constitution, and can be in  
16 place for decades. I'd ask for a "No" vote.

17           MR. FRANK: Good afternoon, Mr. Chair and  
18 Members. My name's Terry Frank. I'm with Californians  
19 Aware, and we pledged our support for CLTA before it was  
20 in its final form, in principle, in other words. The  
21 analysis -- today's analysis notes that previously there  
22 were four pieces of legislation that had substantially  
23 similar provisions, as does SCA, and indeed the CLTA. If  
24 you look at what happened to them, the answer is nothing.  
25 These bills were duly introduced, but never got a hearing.

1 In fact, I can't find that they were ever assigned to  
2 Committee.

3 So to say that this is not a moment inspired by  
4 a sudden openness to this kind of idea insults the  
5 intelligence of the voters. The voters are not going to  
6 put down the two measures that will end up on the ballot  
7 if you insist, and compare -- make a side-by-side  
8 comparison with them, anymore than any of you, I suspect,  
9 is going to do that. They're going to be struck by the  
10 fact that there are two very, very similar-looking  
11 measures, at least similar from the 30,000-foot level, and  
12 they probably will decline to support either one.

13 And I have to believe that that is the  
14 not-so-buried intent of this legislation, since the  
15 Legislature had no taste, no stomach for any of this kind  
16 of thing in the four opportunities to take it up before.  
17 And for that reason, we must oppose this legislation.

18 CHAIRMAN GORDON: Thank you.

19 Anyone else in opposition?

20 If not, let me see if there are questions,  
21 comments from Committee Members, and then we'll allow Ms.  
22 Wolk to respond, and close.

23 Miss Chang.

24 ASSEMBLY MEMBER CHANG: Thank you, Mr. Chair.

25 You know, this issue of transparency is actually

1 a very important issue for me. When I first got elected  
2 into the Legislature, I -- one of my first bills was to  
3 require certain State agencies to live-stream their board  
4 meetings and archive those recordings. And that bill  
5 wasn't able to get approved by this Legislature. And you  
6 know, there's been similar legislation that has been  
7 introduced that either died in committee, or wasn't even  
8 referred. AB 27, 2011. Bill died with a "No" vote in the  
9 Assembly Budget Committee. SB 17, Blakeslee, 2011. Died  
10 awaiting referral in Rules Committee. AB 1685, Burrell,  
11 2011. The bill died in the Assembly Budget Committee  
12 without a vote. AB 70, Burrell, 2013, held on the  
13 Assembly Budget's suspend file without a vote. ACLA 11,  
14 Burrell, 2013, held on Assembly Budget suspense file  
15 without a vote. SCA 10, Wolk, 2013, never referred to a  
16 committee and never granted a vote. ACA 4 and ACA 1, by  
17 Olson, held on Assembly Budget suspense file without a  
18 vote.

19 So historically, this Legislature has not been  
20 open to the idea of transparency. But today, we have a  
21 very unique situation, because the question for us is do  
22 we support this bill and allow it to compete on the ballot  
23 with the existing ballot measure, or do we reject this  
24 measure and let the other measure stand alone.

25 And you know, there are good things with this



1 bill. But I gotta tell you, there's been a ballot measure  
2 moving forward for quite some time, and has been signed by  
3 a million Californians in support of the California  
4 Legislative Transparency Act. But the bigger question  
5 that we should all ask ourselves is how does this bill  
6 improve upon the California Legislative Transparency Act?  
7 Because it's going to be on the ballot. And we have a  
8 comprehensive act that we can support that is finally  
9 going to address the transparency issues. Are we going to  
10 have a half-baked ballot measure in the form of this piece  
11 of legislation? So that's my question, is how does  
12 this -- how does SCA 14 improve upon the CLTA?

13 CHAIRMAN GORDON: Allow you to deal with that in  
14 your close, I think.

15 Any other questions or comments?

16 Miss Waldron.

17 ASSEMBLY MEMBER WALDRON: Thank you, Mr. Chair.

18 A lot was brought up obviously, in the  
19 opposition. Some of the issues I think that make it sort  
20 of vague is, you know, requiring audio visual recording of  
21 floor sessions, committee meetings, broadcasts -- by what  
22 date does SCA 14 require these to be done?

23 SENATOR WOLK: By the next business day. And  
24 that would be spelled out in 884.

25 ASSEMBLY MEMBER WALDRON: But what -- but why?

1 What date would all of that be up and running? I mean,  
2 would it start the day after the election, or would it be  
3 implemented by 2018?

4 SENATOR WOLK: After the action is taken.

5 ASSEMBLY MEMBER WALDRON: Okay. And would it be  
6 available just in closed circuit TV, or by internet as  
7 well?

8 SENATOR WOLK: By internet.

9 ASSEMBLY MEMBER WALDRON: Okay. I think the  
10 trouble I have is that we have an initiative that's  
11 already on the ballot. It's gone through the process.  
12 It'll be voted on, and I don't really see an overriding  
13 reason to bring another one that could be confusing to  
14 voters, using similar language, not quite the same. I  
15 think the one that's on there now is strong and should  
16 stand alone. So I would not be supporting this today.

17 CHAIRMAN GORDON: Thank you.

18 Any other questions, comments from Members of  
19 the Committee?

20 Mr. Arambula.

21 ASSEMBLY MEMBER ARAMBULA: Permission to read,  
22 Mr. Chair?

23 CHAIRMAN GORDON: Sure.

24 ASSEMBLY MEMBER ARAMBULA: "Luke 8:16. No one  
25 lights a lamp and then covers it with a bowl or hides it

1 under a bed. A lamp is placed on a stand where it's light  
2 can be seen by those who enter the house. For all that is  
3 secret will eventually be brought out to the open, and  
4 everything that is concealed will be brought to light and  
5 made known by all."

6 I want to take a moment to thank Dr. Munger and  
7 Senator Blakeslee for bringing this bill up, for taking  
8 the energy and the efforts to do CTLA. I think it's  
9 important for us to be held accountable by the people. I  
10 think it's important for the people to hear and see what  
11 we do in their stead each and every day.

12 I think the question that's in front of us right  
13 now is whether or not the Legislature has some ability to  
14 self-moderate and dictate our terms as well. I would like  
15 to see where that process takes us. I don't want to take  
16 away, though, the fact that I think you have been a  
17 champion and have really brought something out for us that  
18 has really helped to move that agenda forward.

19 Having a private citizen who is challenging us  
20 and bringing the best out from us is something that we  
21 should all aspire to. We get the government we deserve,  
22 and I am glad that there are public who's challenging us  
23 and moving us forward as well. So thank you for the  
24 efforts you have had.

25 CHAIRMAN GORDON: Okay. If there's no other

1 questions, comments from committee members --

2 DR. MUNGER: Can I comment?

3 CHAIRMAN GORDON: -- Senator Wolk, we'll allow  
4 you to close.

5 SENATOR WOLK: I will. Thank you, Mr. Gordon.

6 And I want to thank Dr. Munger as well for his  
7 energy and effort. That's what has brought us here. I  
8 think I was pretty clear about that in the beginning.

9 He's been -- he suggested that this -- our  
10 attempt here has been inferior, that there are poison  
11 pills. That is unnecessary. And actually over the course  
12 of the hearings, you've gotten angrier and angrier. And I  
13 appreciate that. I think we're on the right path,  
14 frankly.

15 My name is on this. And I believe this is a  
16 good faith effort, which was begun at the request of  
17 Senator Blakeslee, to take a look at this, in the light of  
18 the fact that this was a very serious effort by Dr.  
19 Munger to put something on the ballot. We did a good  
20 faith effort, particularly with respect to the 72-hour  
21 rule. And the reason -- you know, the fact was it -- it  
22 always is at the last minute. But that doesn't take away  
23 from the content or the process by which it is put  
24 together, and by the fact that there are flaws in yours  
25 that we believe are corrected in ours, and we believe that

1 SCA goes further.

2 I just wanted to tell you about the effort.  
3 That's why it takes so long to make sausage, to make good  
4 sausage. Involved in this effort and putting together the  
5 language and responding to the concerns that were raised  
6 by Dr. Munger and others, the Legislative Counsel, the  
7 Legislative Data Center, Assembly Rules, the Secretary of  
8 the Senate -- again, not single people, but themselves  
9 plus their staffs, many eyes in the CAO, in the Assembly,  
10 certainly Assembly Member Gordon and myself. The  
11 Speaker's Office, as well as the Pro Tem's office.  
12 Proponents, representatives of the proponents,  
13 stakeholders in this common cause, League of Women Voters,  
14 California Forward, the newspaper publishers, all of whom  
15 looked very carefully at the California Legislative  
16 Transparency Act and what we're attempting to do with SCA  
17 14, and it's implementing Statute, AB 884.

18 The ambiguities in the 72-hour CLTA is serious.  
19 And I am not an attorney, but I certainly listen carefully  
20 to our Legislative Counsel. The language involving  
21 72 hours before a vote in its final form, this is coming  
22 out of the initiative, or for any legitimate purpose  
23 according to our Legislative Counsel, is -- or at least  
24 three of the areas that raise serious concerns. There are  
25 seven others that raise serious concerns.

1 I am a proponent of the 72-hour notice. I have  
2 that history. I'm putting my name on this. It is clearly  
3 spelled out. Clearly spelled out. No bill may be passed  
4 in either House until the bill in the form to be voted on  
5 has been made available to the public by publishing it on  
6 the internet for at least 72 hours before the vote in that  
7 House. Only exception. Emergency. By the Governor. And  
8 no bill, it goes on, that fails to comply with these  
9 requirements, shall become a Statute. We're clear about  
10 that. We're also clear -- again, this is a Constitutional  
11 Amendment. Once it goes in there, it only is changed  
12 by -- again, by a vote of the people. And that's what  
13 we're trying to do.

14 We believe that we've gone further than Dr.  
15 Munger's initiative and provided other things. We have  
16 gone further in terms of legislative transparency, in  
17 terms of all our committees anywhere. The commitment is  
18 to make certain that they are available to the public.  
19 The other things we added, this -this very good government  
20 change from 31 days before a committee can entertain a new  
21 piece of legislation, to 16, should have been done many  
22 years ago. It is a Constitutional change. We're going to  
23 do that.

24 And the reason we're going to do that is that it  
25 makes sense. How many times have we been here? After

1 we've introduced our bills, and we sit around for a month.  
2 It's not that people can't see what bills have been  
3 introduced, with the internet and our Leg Info system.  
4 No. It's because we've never changed that. We should  
5 change it, and get to work. We should get to work right  
6 away, in my view. But I agree there should be a period of  
7 time that people can see the legislation. So I think  
8 that's a very good government change.

9 As I said about the 72-hour, we believe, with  
10 our Legislative Counsel, and the various input that has  
11 been given to us and consultation, that our 72-hour cannot  
12 be gotten around. And if there's an attempt to do that,  
13 the bill does not fly. Does not go.

14 You heard from the newspaper publishers. We've  
15 added this issue of whether the material that the  
16 Legislature, whether our material is in the public domain.  
17 There have been issues that the newspaper publishers and  
18 others have felt prohibit, or not prohibit, but just  
19 create barriers to access to our materials. So that  
20 copyright issue and the public domain is really an  
21 important thing that is not listed in the Legislature --  
22 in the Initiative.

23 It is the Steinberg bill that gives us the  
24 opportunity to try to come to an agreement. We have  
25 tried. This is our -- our good faith effort to do that.

1 And I reject unequivocally on behalf of all those that  
2 have been involved in this very difficult effort, I reject  
3 that SCA 14 is flawed, unnecessary, has any poison pills  
4 in it or is inferior. I think it is the superior  
5 document, and I would ask that we move this forward. And  
6 thank you very much for your attention and questions.

7 CHAIRMAN GORDON: The chair would entertain a  
8 motion to do pass to --

9 ASSEMBLY MEMBER QUIRK: So moved.

10 CHAIRMAN GORDON: Moved by Mr. Quirk.

11 A second by Mr. Holden.

12 We'll take a roll call, please.

13 THE SECRETARY: Gordon.

14 CHAIRMAN GORDON: Aye.

15 THE SECRETARY: Gordon: "Aye."

16 Chang?

17 ASSEMBLY MEMBER CHANG: Not voting.

18 THE SECRETARY: Chang: Not voting.

19 Arambula?

20 ASSEMBLY MEMBER ARAMBULA: Aye.

21 THE SECRETARY: Arambula: "Aye."

22 Brough?

23 ASSEMBLY MEMBER BROUGH: Not voting.

24 THE SECRETARY: Brough: Not voting.

25 Cooley?



1 ASSEMBLY MEMBER COOLEY: Aye.  
2 THE SECRETARY: Cooley: "Aye."  
3 Gomez? Holden?  
4 ASSEMBLY MEMBER HOLDEN: Aye.  
5 THE SECRETARY: Holden: "Aye."  
6 Jones?  
7 ASSEMBLY MEMBER JONES: No.  
8 THE SECRETARY: Jones: "No."  
9 Quirk.  
10 ASSEMBLY MEMBER QUIRK: Aye.  
11 THE SECRETARY: Quirk: "Aye."  
12 Rodriguez?  
13 ASSEMBLY MEMBER RODRIGUEZ: Aye.  
14 THE SECRETARY: Rodriguez: "Aye."  
15 Waldron?  
16 ASSEMBLY MEMBER WALDRON: No.  
17 THE SECRETARY: Waldron: "No."  
18 CHAIRMAN GORDON: That motion passes. And  
19 we'll -- I'm going to hold the roll open for just a couple  
20 minutes and see if Mr. Gomez will arrive.  
21 SENATOR WOLK: Thank you, Mr. Chair, and  
22 Members.  
23 CHAIRMAN GORDON: With that, we can certainly  
24 dismiss Committee Members and if anyone need to add onto  
25 consent calendar --

1 ASSEMBLY MEMBER JONES: Aye.

2 CHAIRMAN GORDON: -- earlier. Mr. Jones: "Aye"  
3 on the consent calendar.

4 ASSEMBLY MEMBER QUIRK: Aye.

5 CHAIRMAN GORDON: Mr. Quirk, "Aye" on the  
6 consent calendar.

7 So Mr. Gomez, we have a consent calendar. Miss  
8 Waldron, you wanted to add onto that an "Aye"?

9 ASSEMBLY MEMBER WALDRON: Aye.

10 CHAIRMAN GORDON: Motion due, pass on SCA 14,  
11 due pass on appropriations, the current vote: Six "Ayes."  
12 Two "Nos." Two not voting.

13 ASSEMBLY MEMBER GOMEZ: Which one is this?

14 CHAIRMAN GORDON: SCA 14.

15 ASSEMBLY MEMBER GOMEZ: Aye.

16 Mr. Gomez: "Aye."

17 THE SECRETARY: Okay. Gomez: "Aye." Okay.

18 CHAIRMAN GORDON: All right. Thank you all very  
19 much. We will be adjourned.

20 (The proceeding was concluded at 4:13 p.m.)  
21  
22  
23  
24  
25

REPORTER'S CERTIFICATE

1  
2  
3  
4 I, KAREN S. CHALLE, CSR No. 8244, Certified Shorthand  
5 Reporter, certify:

6 That the foregoing proceedings, pages 1 through 50,  
7 were taken before me at the time and place therein set  
8 forth;

9 That the proceedings and all statements made at the  
10 time of the hearing were recorded stenographically by me  
11 and were thereafter transcribed;

12 That the foregoing is a true and correct transcript  
13 of my shorthand notes so taken.

14 I further certify that I am not a relative or  
15 employee of any attorney of the parties, nor financially  
16 interested in the action.

17 I declare under penalty of perjury under the laws of  
18 California that the foregoing is true and correct.

19 Dated this 30th day of June, 2016.  
20  
21

22 \_\_\_\_\_  
23 KAREN S. CHALLE, CSR NO. 8244  
24  
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