

Hi. This is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law.

Today's podcast is a brief look at "The Legislature's Organization and Structure." Basically, the organization and structure of the California Legislature is established in the California Constitution, specifically Article IV which deals with the legislative branch of government. Half a dozen sections contained in Article IV, relate to the organization and structure of the Legislature.

The first is Section 1. As you can probably imagine, it specifically provides that the legislative power of the state is vested in the California Legislature, which consists of the Senate and Assembly, and then goes on.

Section 2 provides for the actual composition of the Legislature in which the Senate has a membership of 40 Senators elected to four-year terms. 20 of those 40 seats begin anew every two years. The Assembly has a membership of 80 members all of whom are elected for two-year terms. These terms commence on the first Monday in December next following their election.

There is in Section 2 a lifetime term limit, which is no more than 12 years in the Senate, in the Assembly, or a combination of both lifetime maximum.

Section 2 also specifies the qualifications to serve in the Legislature, including that the person is an elector, meaning that he/she is registered to vote and has been a resident of the legislative district for one year, and is a citizen of the United States, as well as a resident of California for three years immediately preceding the election.

Also, in Section 2 is that when a vacancy occurs in the Legislature, the Governor must "immediately call an election to fill that vacancy."

Next is Section 3, which deals with the convening of the Legislature. Basically, both the Senate and Assembly convene in regular session at noon on the first Monday in December of each even-numbered year.

By the Constitution, both the Senate and Assembly must immediately organize themselves, thereafter each session of the Legislature which is a full two years, adjourn sine die at midnight on November 30th of the following even-numbered year.

In addition, Section 3 provides for special sessions which they call extraordinary sessions, which the Governor issues a proclamation to require the Legislature to assemble in special session.

When the Legislature creates or organize an extraordinary session, it has the power to legislate only on the subject/subjects that's specified in the gubernatorial proclamation, but they may provide for expenses and other matters that are incidental to that special session.

Jumping ahead to Section 7 of Article IV. It specifies how the Legislature will conduct its official duties, such as each house has to choose its officers and adopt rules for its proceedings.

Also, each house must keep and publish a daily journal of its proceedings. Generally, those proceedings of both the floors -- the houses and the committees -- they're under are open and the public.

Also, due to amendment by the people, the Legislature must have an audio-visual recording to be made of every proceeding in their entirety. Those recordings, once made, have to be available to the public through the Internet within 24 hours after those per tier proceedings had recessed or adjourned.

In addition, Section 7 permits closed sessions of both houses to be held for certain specified purposes.

Also, a caucus of the members of the Senate, the Assembly, or both houses, which is a composition of members of the same political party, specifically may meet in closed session.

Finally, in Section 7 is a provision that says, "Neither House of the Legislature without the consent of the other is permitted to recess for more than 10 days or to any other particular place beyond the State Capitol in Sacramento."

Jumping ahead now to Section 11 of Article IV. It permits the Legislature to specify how it will conduct its business that needs to be done by resolution. That includes providing for the selection of committees to conduct its business, including additional committees to ascertain facts and make recommendations to the Legislature.

Then jumping further ahead to Section 22. It sets forth the right of the people to hold their legislators accountable. At the convening of each regular session, the Legislature, the President pro tempore of the Senate, and the Speaker of the Assembly, as well as the minority leaders of each house must report to the entire house the goals and objectives from their vantage point for the upcoming session.

Then at the close of each regular session, those four leaders must make a report to their respective houses on the progress made toward meeting those goals and objectives.

Legislators have personal and committee staff to assist them in performing the duties of their office.

The Legislature is served by professional staff including the Data Center, the Legislative Counsel Bureau who provide legal advice and drafts all bills and amendments, the Legislative Analyst who provides independent budget advice and consultation to the Legislature, and the Bureau of State Audits that conduct audits, primarily of the executive branch on behalf of the Legislature or at the direction of the Legislature really.

Finally, legislators are regulated in their official conduct per the Constitution, including that they may not accept honoraria, which is a fee for speaking. They can't accept a payment for making appearances or writing articles.

They are bound by conflict of the interest laws. For example, legislators may not introduce or vote upon legislation that is particular to them that will create a conflict.

They can't use their official position to influence state governmental decisions that they know or would have a reasonable ability to know that they have a financial interest in that particular decision.

That's an overview, again, of the organization and structure of the California Legislature as set forth in the Constitution of the great State of California. Thanks for joining today's podcast. I hope you found it insightful.