

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

Thanks for joining today's podcast that provides an overview of Proposition 54 and its impact on California government. As you may recall, Prop 54 was enacted by the voters at the November 2016 general election and adopted two constitutional and two statutory changes dealing with public access to legislative proceedings, recordings of those legislative proceedings and a bill amendments and voting on those amended bills. So according to the attorney general's ballot summary of Prop 54, the AG said, prohibits the Legislature from passing any bill unless published on internet for 72 hours before vote. Requires the Legislature to record its proceedings and post on internet. Authorizes use of recordings. Fiscal impact one time cost of a million to 2 million and ongoing costs of about a million annually to record legislative meetings and make videos of those meetings available on the internet.

Prop 54 had an original title called the California Legislature Transparency Act. And before the text of the measure, in terms of the changes to our state constitution and Government Code statutes, it included a quite a number of findings and declarations. For example, some of those findings included the statement that 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 has passed. The proponents of Prop 54 were specifically concerned with what we call in the business gut and amend bills, that as they explained in the findings and declarations contained last minute amendments to bills that are frequently used to push through political favors without comment, or with a little advanced notice. 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.

Now, as a result of these findings Prop 54 also made a number of declarations. One of which included that the measure Prop 54 is to foster disclosure, deliberation, debate and decorum in our legislative proceedings. To 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. Now, in addition, Prop 54 declared that the legislature shall, itself should also be required to make and post audio visual 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. California should also follow the lead of other states that require a 72 hour advanced 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.

Now, after all of these findings and declarations in Prop 54, the measure then adopted amendments to the California constitution followed by amendments to the government code. The first amendment to the constitution is to Article IV, dealing with the Legislature, Section 7, and here it added a whole two provisions, extensive ones, dealing with the public's right to attend open and public proceedings and to audio and video tape them. And imposing the requirement on the Legislature to make audio visual recordings of every legislative proceeding to be available within 24 hours of those proceedings and to keep an archive of at least 20 years worth of those materials.

The second constitutional amendment also to Article IV was to section eight and here they added a whole new section dealing with amendments and the final form to bills before they could be voted upon. And essentially it says that any amendments to a bill have to be in their final form for at least 72 hours before they can be voted upon by the legislature, except in one rare instance where the governor has declared that there is a specific state of emergency that needs to be addressed And therefore this

72 hour rule doesn't have to be complied with. And then it also requires a two thirds vote of both houses of the legislature.

The next change is actually to the government code section 9026.5, which adds in a whole new two clauses dealing with televised and audio visual recordings of all public proceedings of the legislature. And then the last addition is to the California government code as well in section 10248, and this two deals with the audio visual recordings and the requirements that they be posted on the internet, available for a minimum of 20 years on the legislative website.

So as a result of the voters enactment of Prop 54, the public has a right to record legislative proceedings that they attend. They can utilize things like their cell phone or a laptop computer, an iPad. Also, again, the legislature is required to record and promptly make available all video and audio recordings of official legislative proceedings. And then last but not least is the final form requirement for bills to be in print in that final form for at least 72 hours before they can be voted upon by legislators on the floors of either the state assembly or the state senate.

That is our look at Prop 54 and how it impacts California state government.