

Senate Constitutional Amendment No. 17

RESOLUTION CHAPTER 127

Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 5 of Article IV thereof, relating to the Legislature.

[Filed with Secretary of State August 25, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SCA 17, Steinberg. Members of the Legislature: suspension.

The California Constitution provides that each house of the Legislature shall judge the qualifications and elections of its Members and may expel a Member by a vote of $\frac{2}{3}$ of the membership of the house. The California Constitution further charges the California Citizens Compensation Commission with the responsibility to establish the annual salary and benefits of all state officers, and provides that the salary of an elected state officer may not be reduced during his or her term of office.

This measure would require that, to suspend a Member of either house of the Legislature, a motion or resolution to that effect shall be adopted by a vote of $\frac{2}{3}$ of the membership of the house, as specified. The measure would prohibit a suspended Member from exercising any of the rights, privileges, duties, or powers of his or her office, or from utilizing any resources of the Legislature, while the suspension is in effect. If the motion or resolution imposing the suspension does not specify the date upon which the suspension ends, this measure would require a vote of $\frac{2}{3}$ of the membership of the house to remove the suspension. The measure also would authorize the salary and benefits of the Member to be forfeited for all or part of the period of the suspension by express provision of the motion or resolution.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 2013–14 Regular Session commencing on the third day of December 2012, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows:

That Section 5 of Article IV thereof is amended to read:

SEC. 5. (a) (1) Each house of the Legislature shall judge the qualifications and elections of its Members and, by rollcall vote entered in the journal, two-thirds of the membership concurring, may expel a Member.

(2) (A) Each house may suspend a Member by motion or resolution adopted by rollcall vote entered in the journal, two-thirds of the membership concurring. The motion or resolution shall contain findings and declarations

setting forth the basis for the suspension. Notwithstanding any other provision of this Constitution, the house may deem the salary and benefits of the Member to be forfeited for all or part of the period of the suspension by express provision of the motion or resolution.

(B) A Member suspended pursuant to this paragraph shall not exercise any of the rights, privileges, duties, or powers of his or her office, or utilize any resources of the Legislature, during the period the suspension is in effect.

(C) The suspension of a Member pursuant to this paragraph shall remain in effect until the date specified in the motion or resolution or, if no date is specified, the date a subsequent motion or resolution terminating the suspension is adopted by rollcall vote entered in the journal, two-thirds of the membership of the house concurring.

(b) No Member of the Legislature may accept any honorarium. The Legislature shall enact laws that implement this subdivision.

(c) The Legislature shall enact laws that ban or strictly limit the acceptance of a gift by a Member of the Legislature from any source if the acceptance of the gift might create a conflict of interest.

(d) No Member of the Legislature may knowingly accept any compensation for appearing, agreeing to appear, or taking any other action on behalf of another person before any state government board or agency. If a Member knowingly accepts any compensation for appearing, agreeing to appear, or taking any other action on behalf of another person before any local government board or agency, the Member may not, for a period of one year following the acceptance of the compensation, vote upon or make, participate in making, or in any way attempt to use his or her official position to influence an action or decision before the Legislature, other than an action or decision involving a bill described in subdivision (c) of Section 12, which he or she knows, or has reason to know, would have a direct and significant financial impact on that person and would not impact the public generally or a significant segment of the public in a similar manner. As used in this subdivision, "public generally" includes an industry, trade, or profession. However, a Member may engage in activities involving a board or agency which are strictly on his or her own behalf, appear in the capacity of an attorney before any court or the Workers' Compensation Appeals Board, or act as an advocate without compensation or make an inquiry for information on behalf of a person before a board or agency. This subdivision does not prohibit any action of a partnership or firm of which the Member is a member if the Member does not share directly or indirectly in the fee, less any expenses attributable to that fee, resulting from that action.

(e) The Legislature shall enact laws that prohibit a Member of the Legislature whose term of office commences on or after December 3, 1990, from lobbying, for compensation, as governed by the Political Reform Act of 1974, before the Legislature for 12 months after leaving office.

(f) The Legislature shall enact new laws, and strengthen the enforcement of existing laws, prohibiting Members of the Legislature from engaging in activities or having interests which conflict with the proper discharge of

their duties and responsibilities. However, the people reserve to themselves the power to implement this requirement pursuant to Article II.

O