A PLEA FOR AN OPEN LEGISLATURE

Any believer in democracy should be appalled at the idea of a legislature passing last minute legislation without giving all members of the legislature and the public a chance to comment on (or even to read) the bills. This scenario occurs annually in the California Legislature as a session draws to a close. It is accomplished by gutting the provisions of a bill and substituting new content while retaining the bill number. This year, to remedy the evil, a constitutional amendment has been proposed by a Democratic state senator (Lois Wolk) and a Republican state assemblywoman (Kristin Olsen). The identical bill is ACA4 in the Assembly and SCA10 in the Senate. The proposed constitutional amendment would prohibit either house of the Legislature from passing a bill until it has been made available to the public, in print and published on the net, for at least 72 hours preceding the vote. Bills to address a state of public emergency would be excepted. Enacting the proposed constitutional amendment will require a two-thirds vote of both houses and then a majority vote on the public ballot.

Considering the merits of the bill and its rare bipartisan authorship, one would think it would advance rapidly in the Legislature. But no, as with similar bills in past years, it languishes in Committee in both the Assembly and Senate and probably will remain there. Legislative leaders are not supporting it. They are not anxious to give up the power to act in secret behind closed doors to ram through last minute legislation.

Environmentalists have as much at stake as any other group in wanting full disclosure of and public input in the legislative process. ACA4 and SCA10 merit our support. Among other concerns, we certainly do not want the basic, but controversial, updating of the California Environmental Quality Act now under consideration to be given the last minute, closed door treatment.

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