09-0012
Amdt. #2NS

June 24, 2009

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

California Attorney General
The Honorable Edmund G. Brown Jr.
Attn: Initiative Coordinator
1300 I St.
Sacramento, CA 35814

RE: Honor in Office Act

Dear Initiative Coordinator:

Pursuant to Elections Code section 9004, I am submitting technical, non-substantive edits to the enclosed "Honor In Office Act" (Initiative #09-0012 Amdt. #1S).

For your ease, these changes can be found at:
Section 1, point 1: in the first line.
Section 1, point 4: a comma was inserted after "TARP program"
Sec. 8. (b)(2): last line of first paragraph was changed to be more grammatically correct.

Please direct correspondence to:

Jerrol LeBaron
6708 Foothill Blvd. Suite 106
Tujunga, CA 91042
(818) 273-8164
info@honorinoffice.org

Sincerely,

Jerrol LeBaron
Proponent

09-0012
Amdt. #2NS

Honor In Office Act:

SECTION 1. Title.

This measure shall be known and may be cited as the "Honor in Office Act."

SECTION 2. Findings and Declarations.

The people of the State of California hereby find and declare all of the following:

1. The decisions that our leaders make can affect thousands or millions of lives for generations to come. By simply voting "yea" or "nay," our legislators have tremendous power to either increase or decrease our quality of life, including power to either strengthen or weaken our civil rights. Carelessly passed, relaxed or repealed laws can do significant damage by, for example, causing or contributing to economic bubbles, recessions, and/or depressions.

2. Many legislators vote in favor of bills without ever having read the text of the bills or having understood what they are voting on. Instead, they excessively rely on their political party, unelected staff, consultants, and lobbyists to inform them regarding the content of the bills upon which they are voting.

3. The state is currently in a fiscal crisis, with a multi-billion dollar budget deficit. The adoption of laws, which have not been properly considered leads to irresponsible spending, thus contributing to such deficits.

4. The adoption of laws by a legislature which has not taken the time to read or understand the laws it is enacting leads to badly drafted laws which have unintended consequences. A recent example at the Federal level is Congress's 2008 adoption of the "bailout bill" which established the Troubled Asset Relief Program (TARP) to provide billions of dollars of taxpayer money to financial institutions. What was originally a 3 page proposal ballooned into an extremely complex bill of more than 400 pages, yet that bill was passed by Congress and signed by the President within a matter of days. Many members of Congress voted for the bill without reading or understanding it, and were later surprised to discover it did not function as they had supposed. For example, the bill did not require the financial institutions, which received funds under the TARP program, to free up the credit market by using such funds to make loans. Instead, some of these financial institutions bought out other institutions. Additionally, the bill did not restrict the ability of the failing financial institutions from using taxpayer funds to pay extravagant bonuses to their executives and other employees. Firms that received bailout money thus turned around and paid out millions of dollars in bonuses to their executives and employees.

5. California Penal Code section 86 prohibits members of the Legislature from soliciting or accepting bribes and from trading votes with other members of the Legislature or other legislative bodies. California Penal Code section 85 and section 15 of Article IV of the California Constitution prohibit others from corruptly influencing legislators. While the vast majority of the legislators would not consider taking a bribe, it is not clear that the prohibition on trading votes, and that the improper influencing of legislators is as strictly adhered to.

6. Trading votes generally occurs when a bill is not good enough to be passed on merit alone, resulting in reciprocal voting arrangements, and thus leading to the adoption of bad laws. Ensuring that legislators comply with California law prohibiting trading votes is necessary so that each bill is considered and voted upon based upon its own merits.

7. Our Legislature is given considerable power, income, perks, and privileges not afforded others, and therefore should be held to the highest ethical standard.

SECTION 3. Statement of Purposes and Intents.

The people hereby declare that the intents and purposes of this initiative measure are to:

1. Increase the accountability of our elected representatives by requiring members of the state legislature to take personal responsibility for reading and understanding the content of proposed laws.

2. Encourage members of the Legislature to more carefully study and consider proposed legislation before enacting new laws.

3. Increase compliance with the prohibition against vote trading contained in Penal Code section 86, by requiring members of the state legislature to consider whether they have taken any act in violation of Penal Code section 86 prior to voting on bills.

4. Promote greater awareness of Penal Code section 85 and section 15 of Article IV of the California Constitution in order to prevent improper influence of our legislators.

5. Encourage the creation of a legislative environment, which is conducive to passing good laws and rejecting poorly written and wasteful bills.

SECTION 4. Section 8 of Article IV of the California Constitution is amended to read as set forth below. Text to be added is indicated in ***boldface italics***.

Sec. 8. (a) At regular sessions no bill other than the budget bill may be heard or acted on by committee or either house until the 31st day after the bill is introduced unless the house dispenses with this requirement by rollcall vote entered in the journal, three fourths of the membership concurring.

(b)***(1)*** The Legislature may make no law except by statute and may enact no statute except by bill. No bill may be passed unless it is read by title on 3 days in each house except that the house may dispense with this requirement by rollcall vote entered in the journal, two thirds of the membership concurring. No bill may be passed until the bill with amendments has been printed and distributed to the members. No bill may be passed unless, by rollcall vote entered in the journal, a majority of the membership of each house concur***, subject to the requirements set forth in paragraphs (2) and (3) of this subdivision.***

(2) No member of the Legislature shall vote in favor of the passage of any bill by either house unless such member certifies that he or she has fully read and understood the contents of such bill. Prior to voting in favor of the passage of any bill, each member of the Legislature who intends to vote in favor of such bill shall execute a writing containing the following two-part statement (the first part does not require a signature and is a non-binding, heartfelt request from the People):

"The people of the State of California have entrusted you with a tremendous responsibility, a power granted only to a select few. With this honor and privilege, the People have certain requests to make of you:

"The people of the State of California specifically desire practical, down-to-earth, real world, common sense solutions, which have a track record of proven uniform success, which don't violate or encroach upon the Constitution of the United States, and which don't infringe upon their rights as citizens. Therefore, for any bill or funding you plan to vote in favor of, please research the ramifications that such a bill or funding would have upon the people of the State of California.

"As there are so many lives that your decisions affect, the People would like you to consider that the People come first; that personal integrity, honesty, and honor, as a legislator of the State of California, are more important than any personal interest, vested interest, other political pressures or your political career, and the People would like you to exercise the authority and duty of this office in order to benefit the people of the State of California, not other interests.

"Thank you,

"The People of the State of California.

"I hereby certify under penalty of perjury that I have read [INSERT BILL NUMBER AND TITLE] in its entirety and understand its contents."

A vote in favor of the passage of a bill shall not be counted unless it is determined that the member casting such vote has executed this writing. This certification requirement shall not apply to committee votes.

(3) Prior to voting on any bill, each member of the Legislature shall execute a writing containing the following statement:

"I hereby certify under penalty of perjury that I have not committed any act in violation of Penal Code section 86, in connection with [INSERT BILL NUMBER AND TITLE]. I further certify under penalty of perjury that, to the best of my knowledge, my vote on [INSERT BILL NUMBER AND TITLE] has not been influenced by any act taken by any person in violation of Penal Code section 85 and/or section 15 of Article IV of the California Constitution."

A vote shall not be counted unless it is determined that the member casting such vote has executed this writing. This certification requirement shall not apply to committee votes.

(c)(1) Except as provided in paragraphs (2) and (3) of this subdivision, a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute and a statute enacted at a special session shall go into effect on the 91st day after adjournment of the special session at which the bill was passed.

(2) A statute, other than a statute establishing or changing boundaries of any legislative, congressional, or other election district, enacted by a bill passed by the Legislature on or before the date the Legislature adjourns for a joint recess to reconvene in the second calendar year of the biennium of the legislative session, and in the possession of the Governor after that date, shall go into effect on January 1 next following the enactment date of the statute unless, before January 1, a copy of a referendum petition affecting the statute is submitted to the Attorney General pursuant to subdivision (d) of Section 10 of Article II, in which event the statute shall go into effect on the 91st day after the enactment date unless the petition has been presented to the Secretary of State pursuant to subdivision (b) of Section 9 of Article II.

(3) Statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the state, and urgency statutes shall go into effect immediately upon their enactment.

(d) Urgency statutes are those necessary for immediate preservation of the public peace, health, or safety. A statement of facts constituting the necessity shall be set forth in one section of the bill. In each house the section and the bill shall be passed separately, each by rollcall vote entered in the journal, two thirds of the membership concurring. An urgency statute may not create or abolish any office or change the salary, term, or duties of any office, or grant any franchise or special privilege, or create any vested right or interest.

SECTION 5. Severability.

The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.