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SCR-38 Recording legislative meetings. (2017-2018)

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Senate Concurrent Resolution No. 38

CHAPTER 163

Relative to recording legislative meetings.

[Filed with Secretary of State August 24, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SCR 38, Atkins. Recording legislative meetings.

The California Constitution, as amended by the California Legislature Transparency Act, guarantees to the public the right to record by audio or video means any and all parts of open and public legislative meetings and to broadcast or otherwise transmit them, subject to reasonable rules regulating the placement and use of equipment for recording or broadcasting for the sole purpose of minimizing disruption. The California Constitution requires that those rules be adopted by the Legislature by concurrent resolution passed by a rollcall vote entered in the journal, $\frac{2}{3}$ of the membership of each house concurring, or by statute.

This measure would adopt rules regulating the placement and use of equipment for recording or broadcasting legislative meetings that are open and public.

Fiscal Committee: no

WHEREAS, The California Constitution and state statute have long required that legislative meetings be open and public, except in specified circumstances; and

WHEREAS, The voters enacted the "California Legislature Transparency Act" by adopting Proposition 54 at the November 8, 2016, statewide general election; and

WHEREAS, Among its provisions, the act guaranteed to any person, in addition to the right to attend open and public legislative meetings, the right to record any and all parts of those meetings by audio or video means and to broadcast or otherwise transmit them; and

WHEREAS, It is the policy of the California State Senate and Assembly to ensure that all persons have access to open and public legislative meetings and the opportunity to exercise their constitutional right to record and broadcast those meetings; and

WHEREAS, Under the act, the right to record legislative meetings is subject to reasonable rules regulating the placement and use of equipment for recording or broadcasting for the sole purpose of minimizing disruption; and

WHEREAS, The act requires that those rules be adopted by the Legislature by concurrent resolution passed by a rollcall vote entered in the journal, two-thirds of the membership of each house concurring, or by statute; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, two-thirds of the membership of each house concurring, That, pursuant to paragraphs (1) and (5) of subdivision (c) of Section 7 of Article IV of the California Constitution, the Senate and the Assembly hereby adopt the following rules regulating the placement and use of equipment for recording or broadcasting legislative meetings:

(a) Access to, and the opportunity to record or broadcast, legislative meetings shall be provided for those meetings that are open and public within the meaning of Section 7 of Article IV of the California Constitution and Article 2.2 (commencing with Section 9027) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code.

(b) (1) Press representatives accredited pursuant to Joint Rule 32 shall be provided the opportunity to record on the Floor of the Senate and Assembly Chambers in accordance with the rules of the house.

(2) The opportunity to record legislative meetings in the Senate and Assembly Chambers from the public Galleries above the Senate and Assembly Floors shall be provided to all persons. Recording devices shall not extend beyond the Gallery railing.

(3) Access to the Senate and Assembly Floors shall be granted in accordance with the rules of each house.

(c) (1) In committee hearing rooms, the opportunity to record legislative meetings shall be provided to all persons in the public seating area of the hearing room. Members of the public other than accredited press representatives shall not record on the dais or in the witness testimony area of the hearing room.

(2) Recordings in committee hearing rooms may be made with hand-held devices or with larger equipment, as space and safety permit. Recording equipment shall not obstruct points or paths of entry or exit.

(3) If recording requires setting up equipment, every effort shall be made to set up the equipment before the meeting begins. The chairperson of the committee may give direction to the Sergeant at Arms as to where equipment may be set up in order to minimize disruption of the meeting.

(4) In the event space in a committee hearing room is limited for recording purposes, every effort shall be made to accommodate all persons who wish to record the meeting. In order to minimize disruption, the chairperson or presiding officer of the committee may designate specific space in the committee hearing room for placement and use of equipment by accredited press representatives for recording or broadcasting the proceedings.

(5) As used herein, "committee hearing room" means a committee hearing room in the State Capitol or any facility at which a committee meeting convenes outside the State Capitol.

(d) Recording equipment used by a person other than Senate or Assembly personnel shall not interfere with recording equipment operated by the Senate or the Assembly in the Senate and Assembly Chambers and committee hearing rooms.

(e) Recording equipment used in the Senate and Assembly Chambers or in committee hearing rooms may employ additional lighting while recording if the lighting is not disruptive, but meetings shall be recorded without additional lighting when possible.

(f) If recording activity or equipment is disruptive of a legislative meeting, poses a safety risk to attendees of the meeting, or interferes with the ability of other attendees to see and hear the meeting, as determined by the chairperson of the committee, the presiding Member, or a person designated by the Committee on Rules of the respective houses as a representative of the Senate Committee on Rules or the Assembly Committee on Rules, the Sergeant at Arms shall direct the individual to cease the disruptive activity or cease recording altogether. If the individual fails to comply, he or she may be removed from the Chamber or committee hearing room.

(g) Rules adopted in this resolution shall be posted on the Internet Web sites of the Senate and Assembly. Physical copies of the rules shall be made available in the offices of the Senate Committee on Rules and the Assembly Committee on Rules.