

HISTORICAL AND COMPARATIVE ANALYSIS OF THE CALIFORNIA LEGISLATURE

Since statehood, California has experimented with how frequently and for what periods of time the Legislature should meet in session. Sessions have been one year or two years, limited and unlimited in duration, with and without mandatory intervening recesses, and limited to certain legislative matters during specific types of legislative sessions.

The biggest change came in 1966 when California voters enacted a sweeping revision of the State Constitution, including a provision providing for a full-time Legislature with no limitation on the duration of a legislative session. The following summarizes the significant historical changes to the Legislature and its processes approved by California's voters¹ and a comparison to legislative process in the other 49 states.

HISTORICAL ANALYSIS

From 1849 until 1862, California's Constitution provided for annual legislative sessions commencing on the first Monday in January. The 16 Senators served two year terms and the 36 Assemblymembers served 1 year terms. There was no limit on the duration of a legislative session since the newly formed state would require a significant amount of legislation.

In 1862, the Constitution was amended to provide for biennial sessions, with the Legislature convening on the first Monday in December following the election of its members. Sessions were limited to 120 days. The terms of office for Senators were extended to four years, and the terms for Assemblymembers were extended to two years.

In 1879, the Constitution was again amended. The amendment retained the biennial session, but changed the meeting date to the first Monday after the first day of January in the odd-numbered years, and removed the 120 day limitation on the length of session. The number of Senators was fixed at 40 and Assemblymembers at 80.

In 1911, the Constitution was amended to provide that the biennial sessions commenced on the first Monday after the first day of January in the odd-numbered years, and to continue for a period not to exceed 30 calendar days when bills were introduced, at which point a recess not less than 30 calendar days was required to be taken, known as the constitutional recess. When the recess concluded, the Legislature reconvened, but no bill could be introduced without consent of three-fourths of the members of the house, nor more than 2 bills introduced by any single member.

In 1946, the voters approved an amendment to the Constitution which provided for annual, instead of biennial, sessions of the Legislature. Annual sessions in odd-numbered years were known as general sessions, and annual sessions in even-numbered years were known as budget sessions. The odd-numbered general sessions functioned the same as the bifurcated sessions under the prior scheme, with an initial 30 day bill introduction period, followed by a

¹ Historical analysis summarized from: *California's Legislature*, Chap. 6, pp. 63-68; and *The California State Constitution A Reference Guide*, Grodin & Massey, Part II, pg. 87.

mandatory 30 day recess before reconvening to consider the legislation previously introduced and limitations on the introduction of new legislation. The even-numbered budget sessions convened on the first Monday in March, and beginning in 1956 convened on the first Monday in February. In 1949, the budget sessions were limited to 30 calendar days. In 1958, the voters again amended the Constitutional provision on the Legislature's session, by abolishing the 30 day recess period and imposing a 120 day limit on the length of the general session, excluding weekends.

The next major amendment altering the operation of the Legislature occurred in 1966. The voters adopted a constitutional amendment that dramatically altered Article IV. Pursuant to the amendment, the Legislature was to convene on the first Monday after January 1, and did not impose any limit on the length or any restriction on the type of bills that could be introduced, and did not make any distinction between a general session and a budget session. When the Legislature concluded its business, it would recess for at least 30 days, then reconvene to reconsider any bills vetoed by the Governor.

In 1972, a two-year biennial session was adopted over the annual session system. Presently, the Legislature meets for two-year sessions beginning on the first Monday in December of an even-numbered year and must adjourn by midnight on November 30 of the following even-numbered year. However, a different section of the Constitution limits the Legislature to the consideration of the Governor's vetoes and urgency statutes, statutes calling elections, appropriations for the usual and current expenses of the state and statutes levying taxes after August 31st of the even-numbered year, so the Legislature typically adjourns session by September 1st.

COMPARATIVE ANALYSIS

Only 6 states are considered to have "full-time" Legislatures (California, Massachusetts, Michigan, New York, Ohio, and Pennsylvania). That is, there legislative sessions are not limited in duration by law, and the members are typically paid an amount that provides an adequate standard of living. Every other state limits the length of time that the Legislature can remain in session during an annual or biennial session. Many also limit the subject matter of some sessions to the state budget.² The following summarizes the main characteristics of several comparable states or states in the same region as California.

A. Populous States

FLORIDA

Population: 18 million
60 day annual legislative sessions
Annual pay: \$38,556*
*\$30,996/yr + \$126/day in session

² Comparative analysis summarized from *National Conference of State Legislatures*, www.ncsl.org/programs/press/2004/background_era_fulland_part.htm.

The Florida Legislature is a part-time body, meeting in 60 day regular sessions annually with the possibility of special sessions as needed. The Florida Constitution mandates a bicameral state legislature with an upper house Florida Senate of 40 members and a lower Florida House of Representatives of 120 members. Due to term limits, House members may be elected for up to four terms (eight years), while State Senators can be elected for up to two terms (eight years).

GEORGIA

Population: 9.5 million
40-day annual legislative sessions
Annual pay: \$24,262*
*\$17,342/yr + \$173/day in session

Each of the 236 members of the General Assembly serve for two year terms and are directly elected by their districts. The Georgia State Constitution vests all legislative power with the General Assembly. The General Assembly meets in regular session on the second Monday in January for no longer than 40 days each year. Neither the House nor the Senate can adjourn during a regular session for longer than three days or meet in any place other than the state capitol without the other house's consent.

ILLINOIS

Population: 13 million
Six month legislative session each year
Annual pay: ~\$70,119/yr*
*\$57,619/yr + \$125/day in session

The General Assembly's first official working day is the second Wednesday of January each year, with the Secretary of State convening the House, and the Governor convening the Senate. Illinois has 59 legislative districts, with two representatives and one senator from each correspondent district.

NORTH CAROLINA

Population: 19.5 million
6-month legislative session in even-numbered years; 6-week session in odd-numbered years
Annual pay: ~\$23,951/yr*
*\$13,951/yr + \$104/day in session

The North Carolina General Assembly is a bicameral legislature. The House has 120 members, while the Senate has 50. The General Assembly meets in regular session (or the "long session") beginning in January of each odd-numbered year, and adjourns to reconvene the following even-numbered year for what is called the "Short Session." Though there is no limit on the length of any session, the "long session" typically lasts for 6 months and the "short session" typically lasts for 6 weeks. Legislators in both chambers serve two-year terms.

TEXAS

Population: 23 million
140 day Legislative Session every odd-numbered year
Annual pay: \$16,930*
*\$7,200/yr + \$139/day in session

Pursuant to the Texas Constitution, the legislature meets in a regular legislative session in Austin every two years. By statute, the legislature convenes in a regular session on the second Tuesday in January of every odd-numbered year. These biennial sessions are limited to 140 days' duration. The constitution also allows the governor to call additional special sessions as necessary. During a called session, which cannot exceed 30 days, the legislature may consider legislation only on matters specified in proclamations issued by the governor.

VIRGINIA

Population: 7.5 million
60 day legislative session in even-numbered years; 30 day session in odd-numbered years
Average Annual pay: \$24,300/year (Senate); \$23,715/year (House)*
*\$18,000/year+ \$140/day (Senate); \$17,640/year+ \$135/day (House)

The Virginia General Assembly has 140 legislators - 40 Senators and 100 Delegates. Senators serve four-year terms and Delegates serve two-year terms. The General Assembly convenes each year on the second Wednesday in January. In even-numbered years, the session is held for 60 days. In odd-numbered years, the session is held for 30 days. The General Assembly reconvenes on the sixth Wednesday after adjournment of the regular session for the purpose of considering the Governor's recommendations and vetoed legislation.

B. Regional States

ARIZONA

Population: 6.5 million
100 day Annual Legislative Session
Annual pay: \$30,000*
*\$24,000/yr+ \$60/day in session

The Arizona Legislature meets for only one regular session each year, beginning in January and typically lasting 100 days, although there are provisions for limited extensions of time. An unlimited number of special sessions may be called by the governor or (more rarely) initiated by the legislature itself. If the session is called by the governor the legislature can only address the specific matters identified in the governor's call. It is customary for the governor to call a special session during a regular session when the state's general appropriations bill is ready for consideration. This compels the legislature to table all other business and focus exclusively on the budget.

NEVADA

Population: 2.5 million

120 day Legislative Session in odd-numbered years only.

Annual pay: ~\$16,548 (in odd-numbered years only)*

*\$137.90/day

The Nevada Legislature is a bicameral body, consisting of the lower house Nevada Assembly, with 42 members, and the upper house Nevada Senate, with 21 members. All 63 members of the Legislature are elected from an equal amount of constituent districts across the state. The Legislature's first official working day is the first Monday of February following the election. Sessions of the Legislature are biennial, occurring during odd number years. The Legislature must adjourn *sine die* each regular session not later than 120 calendar days following its commencement. The governor is obligated to submit the proposed executive budget to the Legislature not later than 14 calendar days before the commencement of each regular session.

OREGON

Population: 3.5 million

Legislative Sessions in odd-numbered years only

Annual pay: Varies

* \$18,408/yr+ \$99/day.

The State of Oregon has a Citizen Legislature consisting of the Senate, whose 30 members are elected to serve four-year terms, and the House of Representatives, which has 60 members elected for two-year terms. The assembly convenes every two years in regular session on the second Monday in January during odd-numbered years, a date set by statute. The Oregon Constitution does not specify a limitation on session length, however most sessions last approximately six months. During the interim, legislators serve on interim committees and task forces that study issues likely to be faced during the next legislative session.

WASHINGTON

Population: 6.5 million

105 day Legislative Session in odd-numbered years; 60 day Session in even-numbered years

Annual pay: Odd-numbered years=\$45,761; Even-numbered years=\$41,711*

*\$36,311/year+ \$90/day

Washington's legislative session begins annually on the second Monday in January. In odd-numbered years, when the state's budget is debated, the State Legislature meets for 105 days, and in even-numbered years for 60 days. The Governor of Washington, if necessary, can call legislators in for a special session for a 30-day period at any time in the year. Legislators also can call themselves into special session by a two-thirds vote by both the House of Representatives and the State Senate.