

CHIEF DEPUTIES

STANLEY M. LOURINHOPE
FRANK F. HOWAK
EDWARD K. BURCELL

SEYMOUR L. DECHAMBEAU
GARVEY J. FOSTER
ERNEST H. KUNZI
HERBERT C. MACKENZIE, JR.
JOHN M. MACKAY
JACQUELINE POWELL, II
ROBERT L. SPARLING
PRINCIPAL DEPUTIES

1001 STATE CAPITOL
SACRAMENTO 95814
(916) 445-3057

1011 STATE BUILDING
97 SOUTH BROADWAY
LOS ANGELES 90012
(213) 620-2550

SEP 14 10 05 AM '78
Legislative Counsel
of California

BION M. GREGORY

legislature may conduct hearings
& do research concerning ballot
propositions.

Sacramento, California
March 1, 1978

Honorable Leo T. McCarthy
Assembly Chamber

Legislature; Initiative Measures - #3619

Dear Mr. McCarthy:

QUESTION

May the Legislature, committees thereof, or individual Members, use staff and resources of the Legislature to investigate and analyze possible effects of an initiative measure, to respond to inquiries from the public concerning such measure, or to engage in any other legislative activity which may be related to such measure or its effects?

OPINION

The Legislature, committees thereof, and individual Members may use staff and resources of the Legislature to investigate and analyze possible effects of an initiative measure, to respond to inquiries from the public concerning such measure, or to engage in any other legislative activity which may be related to such measure or its effects.

ANALYSIS

The Legislature has all the powers necessary and incident to a free and unobstructed exercise of its legislative functions and, unless restrained by the Constitution, may deal with any subject that is within the scope of civil government (Dean v. Kuchel, 37 Cal. 2d 97). In the course of legislative activities, the Legislature, its committees, and individual members may investigate and analyze matters involving civil government, may respond to inquiries from the public concerning such matters, and may engage in any other legislative activity which may be related to such matters.

DAVID D. ALVES
MARTIN L. ANDERSON
PAUL ANTILLA
JEFFREY D. ARTHUR
CHARLES C. ASBILL
JERRY L. ASHFORD
JOHN CORZINE
BEN E. DALE
CLINTON J. DEWITT
C. DAVID DICKERSON
FRANCES S. DORBIN
ROBERT COLLEN DU
CARL ELDER
LAWRENCE H. FEIN
JOHN FOSSLETTE
CLAY FULLER
ALVIN D. GRESS
ROBERT D. GRONKE
JAMES W. HEINZER
THOMAS R. HEUER
EILEEN K. JENKINS
MICHAEL J. KERSTEN
L. DOUGLAS KINNEY
VICTOR KOZIELSKI
JAMES A. MARSALA
DAVID R. MEEKER
PETER F. MELNICOE
ROBERT G. MILLER
JOHN A. MOGER
VERNE L. OLIVER
EUGENE L. PAINE
MARGUERITE ROTH
MARY SHAW
WILLIAM K. STARK
JOHN T. STUEBBAKER
DANIEL A. WEITMAN
THOMAS D. WHELAN
JIMMIE WING
CHRISTOPHER ZIEKLE
DEPUTIES

A-78-312

Funds appropriated to the Legislature may be used, of course, only for legislative purposes (see Secs. 9126-9130.5, Gov. C.; Items 4, 8, and 11, Budget Act of 1977, Ch. 219, Stats. 1977).

The power of the initiative is expressly reserved to the people (Sec. 1, Art. IV, Cal. Const.). This does not mean, however, that the Legislature is prohibited from taking any proper legislative action with respect to the effect or subject matter of a proposed initiative measure.

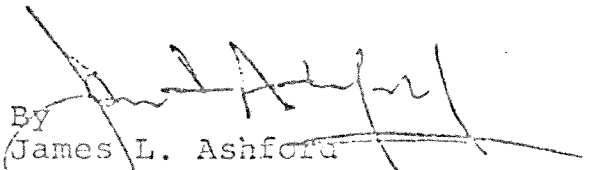
Thus, for instance, while the Legislature, its committees, or individual Members could not expend legislative funds or resources to promote the approval or rejection by the people of an initiative measure (see Stanson v. Mott, 17 Cal. 3d 206), the mere existence of such a measure does not insulate from legislative attention and activity the subject matter of the measure or the matter of the measure's effect upon civil government in the state. Stated otherwise, the qualification of an initiative measure does not render the Legislature powerless with respect to anything which such measure concerns.

Whether any given activity by the Legislature, its committees, or individual Members, with respect to an initiative measure, constitutes promotion of the approval or rejection of such measure is, of course, a question of fact to be determined from all of the circumstances surrounding the activity.

Subject only to such factual question, however, the Legislature, its committees, and individual Members may lawfully use legislative staff and resources to investigate and analyze possible effects of an initiative measure, to respond to inquiries from the public concerning such measure, or to engage in any other legislative activity which may be related to such measure or its effects.

Very truly yours,

Bion M. Gregory
Legislative Counsel

By 
James L. Ashford
Deputy Legislative Counsel