

AMENDED IN SENATE MARCH 25, 2008

Senate Constitutional Amendment

No. 16

Introduced by Senator Denham

(Coauthor: Senator Wyland)

*(Coauthors: Assembly Members Benoit, Gaines, Garrick, Huff, and
La Malfa)*

January 9, 2008

Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 12 of Article IV thereof, relating to the state budget.

LEGISLATIVE COUNSEL'S DIGEST

SCA 16, as amended, Denham. Legislature: compensation.

(1) Existing provisions of the California Constitution require the Legislature to pass a Budget Bill by June 15 of each year. Existing provisions of the California Constitution also provide that the salaries of elected officials, including Members of the Legislature, may not be reduced during the term of office.

This measure instead would provide that, if a Budget Bill is not passed by June 15, Members of the Legislature may not be paid any salary from June 16 to the date a Budget Bill is passed and sent to the Governor. It would provide that once a Budget Bill is passed and sent to the Governor, a Member of the Legislature may not be paid any salary due for that period of time.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring,* That the
2 Legislature of the State of California at its 2007–08 Regular
3 Session commencing on the fourth day of December 2006,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 That Section 12 of Article IV thereof is amended to read:

8 SEC. 12. (a) Within the first 10 days of each calendar year,
9 the Governor shall submit to the Legislature, with an explanatory
10 message, a budget for the ensuing fiscal year containing itemized
11 statements for recommended state expenditures and estimated state
12 revenues. If recommended expenditures exceed estimated revenues,
13 the Governor shall recommend the sources from which the
14 additional revenues should be provided.

15 (b) The Governor and the Governor-elect may require a state
16 agency, officer, or employee to furnish whatever information is
17 deemed necessary to prepare the budget.

18 (c) (1) The budget shall be accompanied by a budget bill
19 itemizing recommended expenditures.

20 (2) The budget bill shall be introduced immediately in each
21 house by the persons chairing the committees that consider the
22 budget.

23 (3) The Legislature shall pass the budget bill by midnight on
24 June 15 of each year.

25 (4) Until the budget bill has been enacted, the Legislature shall
26 not send to the Governor for consideration any bill appropriating
27 funds for expenditure during the fiscal year for which the budget
28 bill is to be enacted, except emergency bills recommended by the
29 Governor or appropriations for the salaries and *the* expenses of
30 the Legislature.

31 (d) No bill except the budget bill may contain more than one
32 item of appropriation, and that for one certain, expressed purpose.
33 Appropriations from the General Fund of the State, except
34 appropriations for the public schools, are void unless passed in
35 each house by rollcall vote entered in the journal, two-thirds of
36 the membership concurring.

37 (e) The Legislature may control the submission, approval, and
38 enforcement of budgets and the filing of claims for all state
39 agencies.

1 (f) For the 2004–05 fiscal year, or any subsequent fiscal year,
 2 the Legislature may not send to the Governor for consideration,
 3 nor may the Governor sign into law, a budget bill that would
 4 appropriate from the General Fund, for that fiscal year, a total
 5 amount that, when combined with all appropriations from the
 6 General Fund for that fiscal year made as of the date of the budget
 7 bill’s passage, and the amount of any General Fund moneys
 8 transferred to the Budget Stabilization Account for that fiscal year
 9 pursuant to Section 20 of Article XVI, exceeds General Fund
 10 revenues for that fiscal year estimated as of the date of the budget
 11 bill’s passage. That estimate of General Fund revenues shall be
 12 set forth in the budget bill passed by the Legislature.

13 (g) Notwithstanding Sections 4 and 8 of Article III, in any year
 14 in which the budget bill is not passed by midnight on June 15, each
 15 Member of the Legislature shall forfeit his or her salary for the
 16 period from June 16 until the date the budget bill is passed.
 17 Forfeited salary may not be paid retroactively. For purposes of
 18 this subdivision, “budget bill” means a bill that makes
 19 appropriations for the support of the government of the State for
 20 the entire ensuing fiscal year.

21
 22
 23 **CORRECTIONS:** _____
 24 **Heading—Authors.**
 25 _____