

**Assembly Constitutional Amendment**

**No. 1**

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**Introduced by Assembly Member Silva**

December 1, 2008

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Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article IV thereof, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

ACA 1, as introduced, Silva. Legislature.

The California Constitution generally provides that no bill may be passed unless a majority of the membership of each house concurs.

This measure would provide that no bill that would result in more than \$150,000 of annual expenditures by the state, as determined by the Department of Finance, may be passed unless, by rollcall vote entered in the journal,  $\frac{2}{3}$  of the membership of each house concurs. The Department of Finance would be required to analyze every bill introduced during a regular or special session of the Legislature and each amendment to that bill to determine whether the bill, as introduced or as amended, would result in more than \$150,000 in annual expenditures by the state, and to submit this determination to the Senate Committee on Appropriations, the Assembly Committee on Appropriations, the Secretary of the Senate, the Chief Clerk of the Assembly, and the Legislative Counsel.

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

1     *Resolved by the Assembly, the Senate concurring,* That the  
2 Legislature of the State of California at its 2009–10 Regular  
3 Session commencing on the first day of December 2008, two-thirds  
4 of the membership of each house concurring, hereby proposes to  
5 the people of the State of California, that the Constitution of the  
6 State be amended as follows:

7     That Section 8 of Article IV thereof is amended to read:

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

13     (b) (1) The Legislature may make no law except by statute and  
14 may enact no statute except by bill. No bill may be passed unless  
15 it is read by title on 3 days in each house except that the house  
16 may dispense with this requirement by rollcall vote entered in the  
17 journal, two thirds of the membership concurring. No bill may be  
18 passed until the bill with amendments has been printed and  
19 distributed to the members. No bill may be passed unless, by  
20 rollcall vote entered in the journal, a majority of the membership  
21 of each house concurs.

22     (2) *Notwithstanding the vote requirement in paragraph (1), no*  
23 *bill that would result in more than one hundred fifty thousand*  
24 *dollars (\$150,000) of annual expenditures by the State, as*  
25 *determined by the Department of Finance, or its successor, may*  
26 *be passed unless, by rollcall vote entered in the journal, two thirds*  
27 *of the membership of each house concurs.*

28     (3) *The Department of Finance, or its successor, shall analyze*  
29 *every bill introduced during a regular or special session of the*  
30 *Legislature and each amendment to that bill to determine whether*  
31 *the bill, as introduced or as amended, would result in more than*  
32 *one hundred fifty thousand dollars (\$150,000) in annual*  
33 *expenditures by the State. The Department of Finance, or its*  
34 *successor, shall submit in writing this determination to the Senate*  
35 *Committee on Appropriations, or its successor; the Assembly*  
36 *Committee on Appropriations, or its successor; the Secretary of*  
37 *the Senate, the Chief Clerk of the Assembly, and the Legislative*  
38 *Counsel as soon practicable after the bill is introduced or*  
39 *amended.*

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

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

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

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