

Assembly Constitutional Amendment

No. 28

Introduced by Assembly Member Nestande

January 12, 2010

Assembly Constitutional Amendment No. 28—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

ACA 28, as introduced, Nestande. State budget: certification.

Existing provisions of the California Constitution prohibit the Legislature from sending to the Governor for consideration, and prohibit the Governor from signing, a budget bill that would appropriate from the General Fund a total amount that, when combined with specified appropriations and transfers, exceeds General Fund revenues for that fiscal year estimated as of the date of the budget bill's passage.

This measure would require that the estimate of the General Fund revenues described above be made by the Treasurer. The measure would require the Treasurer, within 3 days after a budget bill is submitted to the Governor, to certify whether the budget bill meets the above requirement regarding appropriations from the General Fund. The Governor would be prohibited from signing a bill that the Treasurer certifies as not meeting that requirement unless the Governor adjusts appropriations in the bill and the Treasurer certifies that the bill, as adjusted, does in fact meet that requirement.

This measure would prohibit either house of the Legislature from adjourning for a recess after sending a budget bill to the Governor until

the Treasurer has certified that the budget bill meets the above requirement regarding appropriations from the General Fund.

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,
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 expenses of the
30 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

1 each house by rollcall vote entered in the journal, two-thirds of
2 the membership concurring.

3 (e) The Legislature may control the submission, approval, and
4 enforcement of budgets and the filing of claims for all state
5 agencies.

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

18 (2) *The Treasurer shall provide to the Legislature, upon request,*
19 *an estimate of the General Fund revenues for the fiscal year to*
20 *which the budget bill applies. The Treasurer’s estimate of General*
21 *Fund revenues shall be set forth in the budget bill passed by the*
22 *Legislature.*

23 (3) *The Treasurer shall, within 3 days after a budget bill is sent*
24 *to the Governor for consideration, certify whether the bill would,*
25 *as of the date of that certification, satisfy the requirements of*
26 *paragraph (1).*

27 (4) (A) *Except as provided in subparagraph (B), the Governor*
28 *shall not sign into law a budget bill that has been certified by the*
29 *Treasurer as not satisfying the requirements of paragraph (1).*

30 (B) *In the event that the Treasurer certifies that the budget bill*
31 *sent to him or her for consideration does not satisfy the*
32 *requirements of paragraph (1), the Governor may sign the budget*
33 *bill only if all of the following have occurred:*

34 (i) *The Governor proposes to reduce or eliminate one or more*
35 *items of appropriation pursuant to subdivision (e) of Section 10*
36 *so that the bill will satisfy the requirements of paragraph (1).*

37 (ii) *The Governor submits the budget bill with those proposed*
38 *adjustments to the Treasurer, who shall certify, within 3 days of*
39 *that submission, whether the budget bill, as adjusted, satisfies the*
40 *requirements of paragraph (1).*

1 (iii) *The Treasurer certifies that the budget bill, as proposed to*
2 *be adjusted, satisfies the requirements of paragraph (1).*
3 (5) *After sending a budget bill to the Governor for consideration,*
4 *neither house of the Legislature shall adjourn for more than 10*
5 *days before the date the Treasurer certifies that that budget bill,*
6 *or a budget bill for the same fiscal year sent to the Governor*
7 *thereafter, satisfies the requirements of paragraph (1).*