

Introduced by Senator DeSaulnier

April 13, 2009

Senate Constitutional Amendment No. 19—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 II thereof, relating to initiatives.

LEGISLATIVE COUNSEL'S DIGEST

SCA 19, as introduced, DeSaulnier. Initiative measures: fiscal impact.

The California Constitution provides that the electors may propose statutes or amendments to the California Constitution by initiative and approve or reject statutes by referendum.

This measure would permit an initiative measure that would result in a fiscal impact on the General Fund or a special fund, as determined by the Legislative Analyst, to remain in effect no longer than 15 years. The measure would require the Legislative Analyst, no later than 12 months prior to the termination date of an initiative measure, to report to the Legislature on the extent to which the objectives of the measure have been achieved, and its fiscal impact. The measure would permit the Legislature, by statute, to extend the operation of the measure for one or more additional periods up to a total of 15 years.

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 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

1 the people of the State of California that the Constitution of the
2 State be amended as follows:

3 That Section 8 of Article II thereof is amended to read:

4 SEC. 8. (a) The initiative is the power of the electors to
5 propose statutes and amendments to the Constitution and to adopt
6 or reject them.

7 (b) An initiative measure may be proposed by presenting to the
8 Secretary of State a petition that sets forth the text of the proposed
9 statute or amendment to the Constitution and is certified to have
10 been signed by electors equal in number to 5 percent in the case
11 of a statute, and 8 percent in the case of an amendment to the
12 Constitution, of the votes for all candidates for Governor at the
13 last gubernatorial election.

14 (c) The Secretary of State shall then submit the measure at the
15 next general election held at least 131 days after it qualifies or at
16 any special statewide election held prior to that general election.
17 The Governor may call a special statewide election for the measure.

18 (d) An initiative measure embracing more than one subject may
19 not be submitted to the electors or have any effect.

20 (e) An initiative measure may not include or exclude any
21 political subdivision of the State from the application or effect of
22 its provisions based upon approval or disapproval of the initiative
23 measure, or based upon the casting of a specified percentage of
24 votes in favor of the measure, by the electors of that political
25 subdivision.

26 (f) An initiative measure may not contain alternative or
27 cumulative provisions wherein one or more of those provisions
28 would become law depending upon the casting of a specified
29 percentage of votes for or against the measure.

30 (g) (1) *An initiative measure that would result in a fiscal impact*
31 *on the General Fund or a special fund in one or more fiscal years,*
32 *as determined by the Legislative Analyst, shall not remain in effect*
33 *longer than 15 years after the date it takes effect. For purposes of*
34 *this section, "fiscal impact" means an increase or decrease in*
35 *costs to the State, regardless of whether the increase or decrease*
36 *is offset by other changes made by the measure to state costs or*
37 *state revenues.*

38 (2) *Not later than 12 months prior to the termination date of an*
39 *initiative measure pursuant to paragraph (1), the Legislative*
40 *Analyst shall issue a report to the Legislature assessing the extent*

1 *to which the objectives of the measure have been achieved, and*
2 *its fiscal impact on the General Fund or a special fund.*
3 *(3) Notwithstanding paragraph (1), or subdivision (c) of Section*
4 *10, the Legislature may, by statute, extend the operation of an*
5 *initiative measure described in paragraph (1) for one or more*
6 *periods not to exceed a total of 15 years.*

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