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Introduced by Senator Maldonado

January 15, 2009

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Senate Constitutional Amendment No. 7—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 7, as introduced, Maldonado. Legislature: compensation.

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 or per diem for the period from June 16 to the date a Budget Bill is passed and sent to the Governor.

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
- 5 the people of the State of California that the Constitution of the
- 6 State be amended as follows:
- 7 That Section 12 of Article IV thereof is amended to read:

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

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

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

13 (2) The budget bill shall be introduced immediately in each  
14 house by the persons chairing the committees that consider the  
15 budget.

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

18 (4) Until the budget bill has been enacted, the Legislature shall  
19 not send to the Governor for consideration any bill appropriating  
20 funds for expenditure during the fiscal year for which the budget  
21 bill is to be enacted, except emergency bills recommended by the  
22 Governor or appropriations for the salaries and *the* expenses of  
23 the Legislature.

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

30 (e) The Legislature may control the submission, approval, and  
31 enforcement of budgets and the filing of claims for all state  
32 agencies.

33 (f) For the 2004–05 fiscal year, or any subsequent fiscal year,  
34 the Legislature may not send to the Governor for consideration,  
35 nor may the Governor sign into law, a budget bill that would  
36 appropriate from the General Fund, for that fiscal year, a total  
37 amount that, when combined with all appropriations from the  
38 General Fund for that fiscal year made as of the date of the budget  
39 bill’s passage, and the amount of any General Fund moneys  
40 transferred to the Budget Stabilization Account for that fiscal year

1 pursuant to Section 20 of Article XVI, exceeds General Fund  
2 revenues for that fiscal year estimated as of the date of the budget  
3 bill's passage. That estimate of General Fund revenues shall be  
4 set forth in the budget bill passed by the Legislature.

5 *(g) Notwithstanding Sections 4 and 8 of Article III and*  
6 *subdivision (b) of Section 4 of this article, in any year in which*  
7 *the budget bill is not passed by midnight on June 15, each Member*  
8 *of the Legislature shall forfeit his or her salary and any payment*  
9 *of travel and living expenses to which the Member would otherwise*  
10 *be entitled for the period from June 16 until the date the budget*  
11 *bill is passed and sent to the Governor. Salary and payment of*  
12 *expenses forfeited pursuant to this subdivision shall not be paid*  
13 *retroactively. For purposes of this subdivision, "budget bill" means*  
14 *a bill that makes appropriations for the support of the government*  
15 *of the State for the entire ensuing fiscal year.*