

Assembly Constitutional Amendment

No. 16

Introduced by Assembly Member Logue

February 10, 2011

Assembly 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

ACA 16, as introduced, Logue. State budget.

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 for this purpose be the most recent such estimate made jointly by the Controller and the Treasurer. The measure would require the Controller and the Treasurer to provide this revenue estimate to the Governor and the Legislature by January 5, and to correct or update the estimate by April 30.

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 2011–12 Regular
3 Session, commencing on the sixth day of December 2010,

1 two-thirds of the membership of each house concurring, hereby
2 proposes to the people of the State of California that the
3 Constitution of the State be amended as follows:

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

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

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

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

17 (2) The budget bill shall be introduced immediately in each
18 house by the persons chairing the committees that consider the
19 budget.

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

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

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

36 (e) (1) Notwithstanding any other provision of law or of this
37 Constitution, the budget bill and other bills providing for
38 appropriations related to the budget bill may be passed in each
39 house by rollcall vote entered in the journal, a majority of the
40 membership concurring, to take effect immediately upon being

1 signed by the Governor or upon a date specified in the legislation.
2 Nothing in this subdivision shall affect the vote requirement for
3 appropriations for the public schools contained in subdivision (d)
4 of this section and in subdivision (b) of Section 8 of this article.

5 (2) For purposes of this section, “other bills providing for
6 appropriations related to the budget bill” shall consist only of bills
7 identified as related to the budget in the budget bill passed by the
8 Legislature.

9 (f) The Legislature may control the submission, approval, and
10 enforcement of budgets and the filing of claims for all state
11 agencies.

12 (g) (1) For the 2004–05 fiscal year, or any subsequent fiscal
13 year, the Legislature may not send to the Governor for
14 consideration, nor may the Governor sign into law, a budget bill
15 that would appropriate from the General Fund, for that fiscal year,
16 a total amount that, when combined with all appropriations from
17 the General Fund for that fiscal year made as of the date of the
18 budget bill’s passage, and the amount of any General Fund moneys
19 transferred to the Budget Stabilization Account for that fiscal year
20 pursuant to Section 20 of Article XVI, exceeds General Fund
21 revenues for that fiscal year ~~estimated as of the date of the budget~~
22 ~~bill’s passage. That estimate of General Fund revenues shall be~~
23 ~~set forth in the budget bill passed by the Legislature as most~~
24 ~~recently estimated by the Controller and the Treasurer pursuant~~
25 ~~to paragraph (2).~~

26 (2) *The Controller and the Treasurer jointly shall provide to*
27 *the Governor and the Legislature, no later than January 5, an*
28 *estimate of the General Fund revenues for the ensuing fiscal year*
29 *to which the budget bill applies. The Controller and the Treasurer*
30 *shall amend this estimate of General Fund revenues no later than*
31 *April 30 to correct or update the estimate.*

32 (h) Notwithstanding any other provision of law or of this
33 Constitution, including subdivision (c) of this section, Section 4
34 of this article, and Sections 4 and 8 of Article III, in any year in
35 which the budget bill is not passed by the Legislature by midnight
36 on June 15, there shall be no appropriation from the current budget
37 or future budget to pay any salary or reimbursement for travel or
38 living expenses for Members of the Legislature during any regular
39 or special session for the period from midnight on June 15 until
40 the day that the budget bill is presented to the Governor. No salary

- 1 or reimbursement for travel or living expenses forfeited pursuant
- 2 to this subdivision shall be paid retroactively.

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