

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1690**

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**Introduced by Assembly Member Nestande**

February 15, 2012

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An act to amend Section ~~3504~~ 13337 of the ~~Civil~~ Government Code, relating to ~~private nuisance~~ state fiscal affairs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1690, as amended, Nestande. ~~Private nuisance: remedies.~~ State Budget: key liabilities.

*Under existing law, various duties and responsibilities are imposed upon the Governor and the Department of Finance in connection with the preparation and submission of the annual State Budget to the Legislature at each regular session thereof, including, among other things, the requirement to include a complete plan of all proposed expenditures and estimated revenues for the ensuing fiscal year.*

*This bill additionally would require the Governor, or the Department of Finance acting on his or her behalf, at the same time as the Governor's Budget is submitted to the Legislature, to submit specified information to the Legislature, including a list of the state's key liabilities relating to debt, infrastructure, retirement, and other liabilities that will affect the state's financial health in the future.*

*The bill also would require the Governor's Budget to include a section that specifies the percentages and amounts of General Fund revenues that must be set aside and applied toward paying off key liabilities. The bill further would restrict the Governor from including in the budget as estimated revenues those revenues estimated to be generated from*

*laws, programs, or executive actions not in effect or effectuated at the time the budget is submitted to the Legislature.*

~~Existing law defines public nuisance as an act that affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal. Existing law defines private nuisance as any nuisance not included in the definition of public nuisance. Existing law provides a civil action or abatement as remedies against private nuisance.~~

~~This bill would make technical, nonsubstantive changes to these provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13337 of the Government Code is  
2 amended to read:

3 13337. (a) (1) The budget required by the ~~State~~ California  
4 Constitution to be submitted by the Governor at each regular  
5 session of the Legislature shall be submitted within the first 10  
6 days thereof and shall contain a complete plan and itemized  
7 statement of all proposed expenditures of the state provided by  
8 existing law or recommended by him or her, and all of its  
9 institutions, departments, boards, bureaus, commissions, officers,  
10 employees, and other agencies, and of all estimated revenues, for  
11 the ensuing fiscal year, together with a comparison, as to each item  
12 of revenues and expenditures, with the actual revenues and  
13 expenditures for the last completed fiscal year, the estimated  
14 revenues, and expenditures for the existing fiscal year and the  
15 budgeted revenue and expenditures for the next fiscal year.

16 (2) *Estimated revenues, for purposes of paragraph (1), shall*  
17 *not include revenues estimated to be generated from laws,*  
18 *programs, or executive actions not in effect or effectuated at the*  
19 *time the budget is submitted to the Legislature.*

20 (b) The budget shall, ~~in accordance~~ include the following:

21 (1) *In accordance* with Chapter 2 (commencing with Section  
22 41200) of Part 24 of Division 3 of Title 2 of the Education Code,  
23 ~~include~~ a section that specifies the percentages and amounts of  
24 General Fund revenues that must be set aside and applied for the

1 support of school districts, as defined in Section 41302.5 of the  
2 *Education Code*, and community college districts, as required by  
3 subdivision (b) of Section 8 of Article XVI of the California  
4 Constitution.

5 (2) *A section that specifies the percentages and amounts of*  
6 *General Fund revenues that must be set aside and applied toward*  
7 *paying off the key liabilities listed in paragraph (3) of subdivision*  
8 *(i).*

9 (c) The Governor, or the Department of Finance acting on his  
10 or her behalf, shall make appropriate changes in the budget request  
11 to reflect any modification in the organization or functions of state  
12 government proposed under Article 7.5 (commencing with Section  
13 12080) of Chapter 1 of Part 2 prior to the passage of the budget.

14 (d) The Governor's Budget shall be prepared in accordance with  
15 guidelines and instructions adopted by the Department of Finance.

16 (e) In order to provide meaningful comparisons, the Governor's  
17 Budget shall be prepared in such a manner that the information  
18 presented provides for such comparisons between the fiscal years.

19 (f) The Department of Finance shall submit to the committee  
20 in each house which considers appropriations and to the Joint  
21 Legislative Budget Committee copies of budget material submitted  
22 to it by agencies pursuant to the provisions of Article 2  
23 (commencing with Section 13320).

24 (g) The Governor's Budget shall also include a coding structure  
25 which indicates for each budget entity the categorization of  
26 expenditures and revenues.

27 (h) Prior to the submission of the Governor's Budget to the  
28 Legislature, the Department of Finance may conduct public  
29 hearings regarding any portion of any budget.

30 (i) The Governor, or the Department of Finance acting on his  
31 or her behalf, shall, at the same time the Governor's Budget is  
32 submitted to the Legislature, submit *the following* to the Legislature  
33 ~~copies of the material for the purposes of subdivision (j):~~

34 (1) *A list of loans made to the General Fund and a summary of*  
35 *each loan, including its balance and the due date for repayment*  
36 *of the loan.*

37 (2) *A list of General Fund obligations to pay deferred or*  
38 *suspended expenditures or to transfer funds to any special fund*  
39 *or account, and a summary of each obligation, including the*

1 amount of the obligation and the due date for the payment or  
2 transfer.

3 (3) A list and summary of the state’s key liabilities relating to  
4 debt, infrastructure, retirement, and other liabilities that will affect  
5 the state’s financial health in the future.

6 (j) The Department of Finance shall develop a fiscal information  
7 system which will provide timely and uniform fiscal data needed  
8 to formulate and monitor the budget, including, but not limited to,  
9 ~~on-line~~ online inquiry capacity and the ability to simulate budget  
10 expenditures and forecast revenues. This system may include,  
11 among other things, data on encumbrances and expenditures by  
12 line item, governmental unit, and fund source. The system shall  
13 also include expenditures and encumbrances by program, as  
14 required. This system shall also include a coding structure which  
15 indicates the categorization of expenditures and revenues. This  
16 system and the data shall be available to both the legislative and  
17 executive branches. The system may contain separate programs  
18 accessible by only one branch, designed to provide for distinct  
19 application of the data, but the basic system data shall be available  
20 on an equal basis to both the legislative and executive branches of  
21 government.

22 SECTION 1. ~~Section 3501 of the Civil Code is amended to~~  
23 ~~read:~~

24 3501. ~~The remedies against a private nuisance are either of the~~  
25 ~~following:~~

- 26 (a) ~~A civil action.~~
- 27 (b) ~~Abatement.~~