

**Introduced by Senator Wyland
(Principal coauthor: Senator Emmerson)**

December 6, 2010

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending, repealing, and adding Sections 3, 8, 10, and 12 of Article IV thereof, relating to legislative sessions.

LEGISLATIVE COUNSEL'S DIGEST

SCA 2, as introduced, Wyland. Revised biennial session.

(1) The California Constitution requires the Legislature to convene in regular biennial session at noon on the first Monday in December of each even-numbered year to consider legislation and the Budget Bill.

This measure would require the Legislature to convene in regular biennial session, but would require, commencing on December 3, 2012, that the sessions held in odd-numbered years be budget sessions, and sessions held in even-numbered years be general sessions. The measure would require the Legislature in the budget session to adopt Budget Bills for each of the 2 subsequent fiscal years. The measure would require the Legislature, during a budget session, to meet only to conduct oversight and review of the revenues and expenditures of the state and to consider Budget Bills, budget implementation bills, as defined, and related revenue bills, except the Legislature could consider urgency statutes.

(2) The California Constitution requires that a budget be submitted by the Governor, and that the Legislature pass a Budget Act on or before June 15. Funds may be expended from the State Treasury for support of the state government only through an appropriation made by the Legislature.

This measure would require, in each odd-numbered calendar year, commencing in 2013, that the Governor submit to the Legislature 2 proposed budgets for the 2 subsequent fiscal years, respectively.

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 2011–12 Regular
3 Session commencing on the sixth day of December 2010,
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 First—That Section 3 of Article IV thereof is amended to read:

8 SEC. 3. (a) The Legislature shall convene in regular session
9 at noon on the first Monday in December of each even-numbered
10 year and each house shall immediately organize. Each session of
11 the Legislature shall adjourn sine die by operation of the
12 Constitution at midnight on November 30 of the following
13 even-numbered year.

14 (b) On extraordinary occasions the Governor by proclamation
15 may cause the Legislature to assemble in special session. When
16 so assembled it has power to legislate only on subjects specified
17 in the proclamation but may provide for expenses and other matters
18 incidental to the session.

19 (c) *This section does not apply to any legislative session*
20 *commencing on or after December 3, 2012. This section shall*
21 *remain in effect until December 3, 2012, and as of that date is*
22 *repealed. Section 3 of Article IV, as added by the measure that*
23 *added this subdivision, shall apply to legislative sessions*
24 *commencing on or after December 3, 2012.*

25 Second—That Section 3 is added to Article IV thereof, to read:

26 SEC. 3. (a) The Legislature shall convene in biennial regular
27 session at noon on the first Monday in December of each
28 even-numbered year and each house shall immediately organize.
29 Each regular session of the Legislature shall adjourn sine die by
30 operation of the Constitution at midnight on November 30 of the
31 following even-numbered year.

32 (b) Odd-numbered years of the biennial regular session, together
33 with the immediately preceding December upon organization of
34 each house, shall be known as budget sessions. In a budget session,

1 the Legislature shall meet only to conduct oversight and review
2 of the revenues and expenditures of the State and to consider only
3 budget bills and budget implementation bills for the succeeding
4 two fiscal years, and revenue bills necessary therefor, except that
5 the Legislature may consider a bill to enact an urgency statute that
6 satisfies paragraphs (1) and (2) of subdivision (d) of Section 8.

7 (c) Even-numbered years of the biennial regular session shall
8 be known as general sessions, during which any legislation may
9 be considered.

10 (d) On extraordinary occasions the Governor by proclamation
11 may cause the Legislature to assemble in special session. When
12 so assembled, the Legislature shall have power to legislate only
13 on subjects specified in the proclamation, but may provide for
14 expenses and other matters incidental to the session.

15 (e) For purposes of this section, “budget implementation bill”
16 means a bill that is identified in a statute enacting a budget bill as
17 containing only changes in law necessary to implement the budget
18 bill.

19 Third—That Section 8 of Article IV thereof is amended to read:

20 SEC. 8. (a) At regular sessions no bill other than the budget
21 bill may be heard or acted on by committee or either house until
22 the 31st day after the bill is introduced unless the house dispenses
23 with this requirement by rollcall vote entered in the journal, ~~three~~
24 ~~fourths~~ *three-fourths* of the membership concurring.

25 (b) The Legislature may make no law except by statute and may
26 enact no statute except by bill. No bill may be passed unless it is
27 read by title on ~~3~~ *three* days in each house except that the house
28 may dispense with this requirement by rollcall vote entered in the
29 journal, ~~two-thirds~~ *two-thirds* of the membership concurring. No
30 bill may be passed until the bill with amendments has been printed
31 and distributed to the ~~members~~ *Members*. No bill may be passed
32 unless, by rollcall vote entered in the journal, a majority of the
33 membership of each house concurs.

34 (c) (1) Except as provided in paragraphs (2) and (3) ~~of this~~
35 ~~subdivision~~, a statute enacted at a regular session shall go into
36 effect on January 1 next following a 90-day period from the date
37 of enactment of the statute and a statute enacted at a special session
38 shall go into effect on the 91st day after adjournment of the special
39 session at which the bill was passed.

1 (2) A statute, ~~other than a statute establishing or changing~~
2 ~~boundaries of any legislative, congressional, or other election~~
3 ~~district,~~ enacted by a bill passed by the Legislature on or before
4 the date the Legislature adjourns for a joint recess to reconvene in
5 the second calendar year of the biennium of the legislative session,
6 and in the possession of the Governor after that date, shall go into
7 effect on January 1 next following the enactment date of the statute
8 unless, before January 1, a copy of a referendum petition affecting
9 the statute is submitted to the Attorney General pursuant to
10 subdivision (d) of Section 10 of Article II, in which event the
11 statute shall go into effect on the 91st day after the enactment date
12 unless the petition has been presented to the Secretary of State
13 pursuant to subdivision (b) of Section 9 of Article II.

14 (3) Statutes calling elections, statutes providing for tax levies
15 or appropriations for the usual current expenses of the State, and
16 urgency statutes shall go into effect immediately upon their
17 enactment.

18 (d) Urgency statutes are those necessary for immediate
19 preservation of the public peace, health, or safety. A statement of
20 facts constituting the necessity shall be set forth in one section of
21 the bill. In each house the section and the bill shall be passed
22 separately, each by rollcall vote entered in the journal, ~~two-thirds~~
23 *two-thirds* of the membership concurring. An urgency statute may
24 not create or abolish any office or change the salary, term, or duties
25 of any office, or grant any franchise or special privilege, or create
26 any vested right or interest.

27 (e) *This section does not apply to any legislative session*
28 *commencing on or after December 3, 2012. This section shall*
29 *remain in effect until December 3, 2012, and as of that date is*
30 *repealed. Section 8 of Article IV, as added by the measure that*
31 *added this subdivision, shall apply to legislative sessions*
32 *commencing on or after December 3, 2012.*

33 Fourth—That Section 8 is added to Article IV thereof, to read:

34 SEC. 8. (a) At a general session no bill may be heard or acted
35 on by committee or either house until the 31st day after the bill is
36 introduced unless the house dispenses with this requirement by
37 rollcall vote entered in the journal, three-fourths of the membership
38 concurring.

39 (b) The Legislature may make no law except by statute and may
40 enact no statute except by bill. No bill may be passed unless it is

1 read by title on three days in each house except that the house may
2 dispense with this requirement by rollcall vote entered in the
3 journal, two-thirds of the membership concurring. No bill may be
4 passed until the bill with amendments has been printed and
5 distributed to the Members. No bill may be passed unless, by
6 rollcall vote entered in the journal, a majority of the membership
7 of each house concurs.

8 (c) (1) Except as provided in paragraph (2), a statute enacted
9 at a regular session shall go into effect on January 1 next following
10 a 90-day period from the date of enactment of the statute and a
11 statute enacted at a special session shall go into effect on the 91st
12 day after adjournment of the special session at which the bill was
13 passed.

14 (2) Statutes calling elections, statutes providing for tax levies
15 or appropriations for the usual current expenses of the State, and
16 urgency statutes shall go into effect immediately upon their
17 enactment.

18 (d) Urgency statutes are those necessary for immediate
19 preservation of the public peace, health, or safety. A statement of
20 facts constituting the necessity shall be set forth in one section of
21 the bill. In each house, the section and the bill shall be passed
22 separately, each by rollcall vote entered in the journal, two-thirds
23 of the membership concurring. An urgency statute may not create
24 or abolish any office, change the salary, term, or duties of any
25 office, grant any franchise or special privilege, or create any vested
26 right or interest.

27 Fifth—That Section 10 of Article IV thereof is amended to read:

28 SEC. 10. (a) Each bill passed by the Legislature shall be
29 presented to the Governor. It becomes a statute if it is signed by
30 the Governor. The Governor may veto it by returning it with any
31 objections to the house of origin, which shall enter the objections
32 in the journal and proceed to reconsider it. If each house then
33 passes the bill by rollcall vote entered in the journal, two-thirds of
34 the membership concurring, it becomes a statute.

35 (b) (1) Any bill, other than a bill which would establish or
36 change boundaries of any legislative, congressional, or other
37 election district, passed by the Legislature on or before the date
38 the Legislature adjourns for a joint recess to reconvene in the
39 second calendar year of the biennium of the legislative session,

1 and in the possession of the Governor after that date, that is not
2 returned within 30 days after that date becomes a statute.

3 (2) Any bill passed by the Legislature before September 1 of
4 the second calendar year of the biennium of the legislative session
5 and in the possession of the Governor on or after September 1 that
6 is not returned on or before September 30 of that year becomes a
7 statute.

8 (3) Any other bill presented to the Governor that is not returned
9 within 12 days becomes a statute.

10 (4) If the Legislature by adjournment of a special session
11 prevents the return of a bill with the veto message, the bill becomes
12 a statute unless the Governor vetoes the bill within 12 days after
13 it is presented by depositing it and the veto message in the office
14 of the Secretary of State.

15 (5) If the 12th day of the period within which the Governor is
16 required to perform an act pursuant to paragraph (3) or (4) ~~of this~~
17 ~~subdivision~~ is a Saturday, Sunday, or holiday, the period is
18 extended to the next day that is not a Saturday, Sunday, or holiday.

19 (c) Any bill introduced during the first year of the biennium of
20 the legislative session that has not been passed by the house of
21 origin by January 31 of the second calendar year of the biennium
22 may no longer be acted on by the house. No bill may be passed
23 by either house on or after September 1 of an even-numbered year
24 except statutes calling elections, statutes providing for tax levies
25 or appropriations for the usual current expenses of the State, and
26 urgency statutes, and bills passed after being vetoed by the
27 Governor.

28 (d) The Legislature may not present any bill to the Governor
29 after November 15 of the second calendar year of the biennium of
30 the legislative session.

31 (e) The Governor may reduce or eliminate one or more items
32 of appropriation while approving other portions of a bill. The
33 Governor shall append to the bill a statement of the items reduced
34 or eliminated with the reasons for the action. The Governor shall
35 transmit to the house originating the bill a copy of the statement
36 and reasons. Items reduced or eliminated shall be separately
37 reconsidered and may be passed over the Governor's veto in the
38 same manner as bills.

39 (f) (1) If, following the enactment of the budget bill for the
40 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, 2009–10,

1 2010–11, 2011–12, or 2012–13 fiscal year ~~or any subsequent fiscal~~
2 ~~year~~, the Governor determines that, for that fiscal year, General
3 Fund revenues will decline substantially below the estimate of
4 General Fund revenues upon which the budget bill for that fiscal
5 year, as enacted, was based, or General Fund expenditures will
6 increase substantially above that estimate of General Fund
7 revenues, or both, the Governor may issue a proclamation declaring
8 a fiscal emergency and shall thereupon cause the Legislature to
9 assemble in special session for this purpose. The proclamation
10 shall identify the nature of the fiscal emergency and shall be
11 submitted by the Governor to the Legislature, accompanied by
12 proposed legislation to address the fiscal emergency.

13 (2) If the Legislature fails to pass and send to the Governor a
14 bill or bills to address the fiscal emergency by the 45th day
15 following the issuance of the proclamation, the Legislature may
16 not act on any other bill, nor may the Legislature adjourn for a
17 joint recess, until that bill or those bills have been passed and sent
18 to the Governor.

19 (3) A bill addressing the fiscal emergency declared pursuant to
20 this section shall contain a statement to that effect.

21 (g) (1) *This section does not apply to any legislative session*
22 *commencing on or after December 3, 2012. This section shall no*
23 *longer be operative as of December 3, 2012, and as of July 1,*
24 *2013, is repealed. Section 10 of Article IV, as added by the measure*
25 *that added this subdivision, shall apply to legislative sessions*
26 *commencing on or after December 3, 2012.*

27 (2) *Notwithstanding paragraph (1), subdivision (f) shall remain*
28 *in effect until July 1, 2013.*

29 Sixth—That Section 10 is added to Article IV thereof, to read:

30 SEC. 10. (a) Each bill passed by the Legislature shall be
31 presented to the Governor. It becomes a statute if it is signed by
32 the Governor. The Governor may veto it by returning it with any
33 objections to the house of origin, which shall enter the objections
34 in the journal and proceed to reconsider it. If each house then
35 passes the bill by rollcall vote entered in the journal, two-thirds of
36 the membership concurring, it becomes a statute.

37 (b) (1) Any bill passed by the Legislature in a budget session
38 or general session before September 1 and in the possession of the
39 Governor on or after September 1 that is not returned on or before
40 September 30 of that year becomes a statute.

1 (2) Any other bill presented to the Governor that is not returned
2 within 12 days becomes a statute.

3 (3) If the Legislature by adjournment of a special session
4 prevents the return of a bill with the veto message, the bill becomes
5 a statute unless the Governor vetoes the bill within 12 days after
6 it is presented by depositing it and the veto message in the office
7 of the Secretary of State.

8 (4) If the 12th day of the period within which the Governor is
9 required to perform an act pursuant to paragraph (2) or (3) is a
10 Saturday, Sunday, or holiday, the period is extended to the next
11 day that is not a Saturday, Sunday, or holiday.

12 (c) No bill may be passed by either house on or after September
13 1 of a general session except statutes calling elections, statutes
14 providing for tax levies or appropriations for the usual current
15 expenses of the State, and urgency statutes, and bills passed after
16 being vetoed by the Governor.

17 (d) The Legislature shall not present to the Governor any bill
18 passed in a budget session or general session after November 15.

19 (e) The Governor may reduce or eliminate one or more items
20 of appropriation while approving other portions of a bill. The
21 Governor shall append to the bill a statement of the items reduced
22 or eliminated with the reasons for the action. The Governor shall
23 transmit to the house originating the bill a copy of the statement
24 and reasons. Items reduced or eliminated shall be separately
25 reconsidered and may be passed over the Governor's veto in the
26 same manner as bills.

27 (f) (1) If, following the enactment of a budget bill for 2013–14
28 fiscal year or any subsequent fiscal year, the Governor determines
29 that, for that fiscal year, General Fund revenues will decline
30 substantially below the estimate of General Fund revenues upon
31 which the budget bill for that fiscal year, as enacted, was based,
32 or General Fund expenditures will increase substantially above
33 that estimate of General Fund revenues, or both, the Governor may
34 issue a proclamation declaring a fiscal emergency and shall
35 thereupon cause the Legislature to assemble in special session for
36 this purpose. The proclamation shall identify the nature of the
37 fiscal emergency and shall be submitted by the Governor to the
38 Legislature, accompanied by proposed legislation to address the
39 fiscal emergency.

1 (2) If the Legislature fails to pass and send to the Governor a
2 bill or bills to address the fiscal emergency by the 45th day
3 following the issuance of the proclamation, the Legislature may
4 not act on any other bill, nor may the Legislature adjourn for a
5 joint recess, until that bill or those bills have been passed and sent
6 to the Governor.

7 (3) A bill addressing the fiscal emergency declared pursuant to
8 this subdivision shall contain a statement to that effect.

9 Seventh—That Section 12 of Article IV thereof is amended to
10 read:

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

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

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

23 (2) The budget bill shall be introduced immediately in each
24 house by the persons chairing the committees that consider the
25 budget.

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

28 (4) Until the budget bill has been enacted, the Legislature shall
29 not send to the Governor for consideration any bill appropriating
30 funds for expenditure during the fiscal year for which the budget
31 bill is to be enacted, except emergency bills recommended by the
32 Governor or appropriations for the salaries and expenses of the
33 Legislature.

34 (d) No bill except the budget bill may contain more than one
35 item of appropriation, and that for one certain, expressed purpose.
36 Appropriations from the General Fund of the State, except
37 appropriations for the public schools; and appropriations in the
38 budget bill and in other bills providing for appropriations related
39 to the budget bill, are void unless passed in each house by rollcall

1 vote entered in the journal, two-thirds of the membership
2 concurring.

3 (e) (1) Notwithstanding any other provision of law or of this
4 Constitution, the budget bill and other bills providing for
5 appropriations related to the budget bill may be passed in each
6 house by rollcall vote entered in the journal, a majority of the
7 membership concurring, to take effect immediately upon being
8 signed by the Governor or upon a date specified in the legislation.
9 Nothing in this subdivision shall affect the vote requirement for
10 appropriations for the public schools contained in subdivision (d)
11 of this section and in subdivision (b) of Section 8 of this article.

12 (2) For purposes of this section, “other bills providing for
13 appropriations related to the budget bill” shall consist only of bills
14 identified as related to the budget in the budget bill passed by the
15 Legislature.

16 (f) The Legislature may control the submission, approval, and
17 enforcement of budgets and the filing of claims for all state
18 agencies.

19 (g) For the 2004–05, 2005–06, 2006–07, 2007–08, 2008–09,
20 2009–10, 2010–11, 2011–12, and 2012–13 fiscal-year years, ~~or~~
21 ~~any subsequent fiscal year~~, the Legislature may not send to the
22 Governor for consideration, nor may the Governor sign into law,
23 a budget bill that would appropriate from the General Fund, for
24 that fiscal year, a total amount that, when combined with all
25 appropriations from the General Fund for that fiscal year made as
26 of the date of the budget bill’s passage, and the amount of any
27 General Fund moneys transferred to the Budget Stabilization
28 Account for that fiscal year pursuant to Section 20 of Article XVI,
29 exceeds General Fund revenues for that fiscal year estimated as
30 of the date of the budget bill’s passage. That estimate of General
31 Fund revenues shall be set forth in the budget bill passed by the
32 Legislature.

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

1 the day that the budget bill is presented to the Governor. No salary
2 or reimbursement for travel or living expenses forfeited pursuant
3 to this subdivision shall be paid retroactively.

4 *(i) This section does not apply to the budget or budget bill for*
5 *any fiscal period commencing on or after July 1, 2013. This section*
6 *shall remain in effect until July 1, 2013, and as of that date is*
7 *repealed. Section 12 of Article IV, as added by the measure that*
8 *added this subdivision, shall apply to the budget and budget bill*
9 *for fiscal periods commencing on or after July 1, 2013.*

10 Eighth—That Section 12 is added to Article IV thereof, to read:

11 SEC. 12. (a) Within the first 10 days of each odd-numbered
12 calendar year, the Governor shall submit to the Legislature, with
13 an explanatory message, a separate budget for each of the two
14 subsequent fiscal years thereafter commencing on July 1,
15 containing itemized statements for recommended state expenditures
16 and estimated state revenues. If recommended expenditures exceed
17 estimated revenues, the Governor shall recommend the sources
18 from which the additional revenues should be provided.

19 (b) The Governor and the Governor-elect may require a state
20 agency, officer, or employee to furnish any information that is
21 deemed necessary to prepare each budget.

22 (c) (1) Each budget shall be accompanied by a budget bill
23 itemizing recommended expenditures for the applicable fiscal year.

24 (2) The budget bills shall be introduced immediately in each
25 house by the persons chairing the committees that consider the
26 budget.

27 (3) The Legislature shall pass the budget bills by midnight on
28 June 15 of the odd-numbered calendar year.

29 (4) Until the budget bills are enacted, the Legislature shall not
30 send to the Governor for consideration any bill appropriating funds
31 for expenditure during either of the two subsequent fiscal years
32 for which the budget bills are to be enacted, except emergency
33 bills recommended by the Governor or appropriations for the
34 salaries and expenses of the Legislature.

35 (d) No bill except a budget bill may contain more than one item
36 of appropriation, and that for one certain, expressed purpose.
37 Appropriations from the General Fund of the State, except
38 appropriations for the public schools and appropriations in the
39 budget bill and in other bills providing for appropriations related
40 to the budget bill, are void unless passed in each house by rollcall

1 vote entered in the journal, two-thirds of the membership
2 concurring.

3 (e) (1) Notwithstanding any other provision of law or of this
4 Constitution, the budget bill and other bills providing for
5 appropriations related to the budget bill may be passed in each
6 house by rollcall vote entered in the journal, a majority of the
7 membership concurring, to take effect immediately upon being
8 signed by the Governor or upon a date specified in the legislation.
9 Nothing in this subdivision shall affect the vote requirement for
10 appropriations for the public schools contained in subdivision (d)
11 of this section and in subdivision (b) of Section 8 of this article.

12 (2) For purposes of this section, “other bills providing for
13 appropriations related to the budget bill” shall consist only of bills
14 identified as related to the budget in the budget bill passed by the
15 Legislature.

16 (f) The Legislature may control the submission, approval, and
17 enforcement of budgets and the filing of claims for all state
18 agencies.

19 (g) For the fiscal year beginning July 1, 2013, and every July 1
20 thereafter, the Legislature shall not send to the Governor for
21 consideration, nor may the Governor sign into law, a budget bill
22 that would appropriate from the General Fund, for that fiscal year,
23 a total amount that, when combined with all appropriations from
24 the General Fund for that fiscal year made as of the date of the
25 budget bill’s passage and with the amount of any General Fund
26 moneys transferred to the Budget Stabilization Account for that
27 fiscal year pursuant to Section 20 of Article XVI, exceeds General
28 Fund revenues for that fiscal year estimated as of the date of the
29 budget bill’s passage. That estimate of General Fund revenues
30 shall be set forth in the budget bill passed by the Legislature.