

**Introduced by Senator Wyland**

December 6, 2010

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Senate Constitutional Amendment No. 3—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 Legislature.

LEGISLATIVE COUNSEL'S DIGEST

SCA 3, as introduced, Wyland. Legislature: Budget Bill: passage requirements.

Existing constitutional provisions require that the Budget Bill be introduced in each house immediately after the Governor submits his or her budget to the Legislature. Existing constitutional provisions also require the Legislature to pass the Budget Bill by midnight on June 15 of each year.

This measure would require that the Budget Bill and any budget implementation bill, as defined, be printed and distributed to the members of a house considering either bill and made available to the public at least 21 calendar days before a vote in that house on the passage of either bill. The measure would provide that its requirements could be satisfied by electronic publication and distribution of the bills.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
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

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

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

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

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

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

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

19 (3) *At least 21 calendar days before a house votes on either the*  
20 *budget bill or a budget implementation bill, the bill under*  
21 *consideration shall be printed and distributed to the members of*  
22 *that house and made available to the public for review. For*  
23 *purposes of this section, a “budget implementation bill” is a bill*  
24 *containing changes in law necessary to implement the budget bill,*  
25 *“printed and distributed” includes electronic publication and*  
26 *distribution, and a bill may be “made available to the public”*  
27 *through electronic publication and distribution.*

28 ~~(3)~~

29 (4) The Legislature shall pass the budget bill by midnight on  
30 June 15 of each year.

31 ~~(4)~~

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

38 (d) No bill except the budget bill may contain more than one  
39 item of appropriation, and that for one certain, expressed purpose.  
40 Appropriations from the General Fund of the State, except

1 appropriations for the public schools; and appropriations in the  
2 budget bill and in other bills providing for appropriations related  
3 to the budget bill, are void unless passed in each house by rollcall  
4 vote entered in the journal, two-thirds of the membership  
5 concurring.

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

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

19 (f) The Legislature may control the submission, approval, and  
20 enforcement of budgets and the filing of claims for all state  
21 agencies.

22 (g) For the 2004–05 fiscal year, or any subsequent fiscal year,  
23 the Legislature may not send to the Governor for consideration,  
24 nor may the Governor sign into law, a budget bill that would  
25 appropriate from the General Fund, for that fiscal year, a total  
26 amount that, when combined with all appropriations from the  
27 General Fund for that fiscal year made as of the date of the budget  
28 bill’s passage, and the amount of any General Fund moneys  
29 transferred to the Budget Stabilization Account for that fiscal year  
30 pursuant to Section 20 of Article XVI, exceeds General Fund  
31 revenues for that fiscal year estimated as of the date of the budget  
32 bill’s passage. That estimate of General Fund revenues shall be  
33 set forth in the budget bill passed by the Legislature.

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

- 1 or special session for the period from midnight on June 15 until
- 2 the day that the budget bill is presented to the Governor. No salary
- 3 or reimbursement for travel or living expenses forfeited pursuant
- 4 to this subdivision shall be paid retroactively.