

Introduced by Senator Wyland

December 3, 2012

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 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 1, 2014, that the sessions held in odd-numbered years be budget sessions, and that the 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. While the Legislature would be authorized to conduct any other business during a budget session, the measure would require the Legislature, during a budget session, to consider Budget Bills and budget implementation bills, as defined. The measure would further require the Legislature, during a budget session, to conduct oversight and review of state revenues and expenditures and, in that connection, to establish an oversight and program review process for evaluating public programs supported with state funds, as specified.

(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 law.

This measure would require, in each odd-numbered calendar year, commencing in 2015, that the Governor submit to the Legislature a proposed budget for each of the 2 subsequent fiscal years. The measure would require that the budget submitted by the Governor include a goal statement, description of outcome measures, and a historical report for each public program for which state funds are appropriated by that budget, as specified.

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 2013–14 Regular
3 Session commencing on the third day of December 2012,
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 1, 2014. This section shall*
21 *remain in effect until December 1, 2014, 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 1, 2014.*

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.

1 Each regular session of the Legislature shall adjourn sine die by
2 operation of the Constitution at midnight on November 30 of the
3 following even-numbered year.

4 (b) (1) Odd-numbered years of the biennial regular session,
5 together with the immediately preceding December upon
6 organization of each house, shall be known as budget sessions. In
7 a budget session, the Legislature shall consider budget bills and
8 budget implementation bills for the succeeding two fiscal years
9 and may conduct any other business.

10 (2) In a budget session, the Legislature shall conduct oversight
11 and review of the revenues and expenditures of the State. In
12 furtherance of that purpose, the Legislature shall establish an
13 oversight and program review process for evaluating public
14 programs that shall include, but not be limited to, periodic review
15 of each program supported with state funds at least once every
16 four years, unless each house by rollcall vote entered in the journal,
17 two-thirds of the membership concurring, determines there is no
18 public benefit to evaluating or reviewing a specific program. The
19 process shall include the establishment of a schedule to review the
20 operations and outcomes of each public program, performance
21 standards that identify the intended goals to be supported by each
22 program, and an evaluation of the impact of each program on the
23 achievement of those goals.

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

27 (d) On extraordinary occasions the Governor by proclamation
28 may cause the Legislature to assemble in special session. When
29 so assembled, the Legislature shall have power to legislate only
30 on subjects specified in the proclamation, but may provide for
31 expenses and other matters incidental to the session.

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

36 Third—That Section 12 of Article IV thereof is amended to
37 read:

38 SEC. 12. (a) Within the first 10 days of each calendar year,
39 the Governor shall submit to the Legislature, with an explanatory
40 message, a budget for the ensuing fiscal year containing itemized

1 statements for recommended state expenditures and estimated state
2 revenues. If recommended expenditures exceed estimated revenues,
3 the Governor shall recommend the sources from which the
4 additional revenues should be provided.

5 (b) The Governor and the Governor-elect may require a state
6 agency, ~~officer~~ *officer*, or employee to furnish whatever
7 information is deemed necessary to prepare the budget.

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

10 (2) The budget bill shall be introduced immediately in each
11 house by the persons chairing the committees that consider the
12 budget.

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

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

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

29 (e) (1) Notwithstanding any other provision of law or of this
30 Constitution, the budget bill and other bills providing for
31 appropriations related to the budget bill may be passed in each
32 house by rollcall vote entered in the journal, a majority of the
33 membership concurring, to take effect immediately upon being
34 signed by the Governor or upon a date specified in the legislation.
35 Nothing in this subdivision shall affect the vote requirement for
36 appropriations for the public schools contained in subdivision (d)
37 of this section and in subdivision (b) of Section 8 of this article.

38 (2) For purposes of this section, “other bills providing for
39 appropriations related to the budget bill” shall consist only of bills

1 identified as related to the budget in the budget bill passed by the
2 Legislature.

3 (f) The Legislature may control the submission, approval, and
4 enforcement of budgets and the filing of claims for all state
5 agencies.

6 (g) For the ~~2004–05 fiscal year, or any subsequent fiscal year,~~
7 ~~2004–05, 2005–06, 2006–07, 2007–08, 2008–09, 2009–10,~~
8 ~~2010–11, 2011–12, 2012–13, 2013–14, and 2014–15 fiscal years,~~
9 the Legislature may not send to the Governor for consideration,
10 nor may the Governor sign into law, a budget bill that would
11 appropriate from the General Fund, for that fiscal year, a total
12 amount that, when combined with all appropriations from the
13 General Fund for that fiscal year made as of the date of the budget
14 bill’s passage, and the amount of any General Fund moneys
15 transferred to the Budget Stabilization Account for that fiscal year
16 pursuant to Section 20 of Article XVI, exceeds General Fund
17 revenues for that fiscal year estimated as of the date of the budget
18 bill’s passage. That estimate of General Fund revenues shall be
19 set forth in the budget bill passed by the Legislature.

20 (h) Notwithstanding any other provision of law or of this
21 Constitution, including subdivision (c) of this section, Section 4
22 of this article, and Sections 4 and 8 of Article III, in any year in
23 which the budget bill is not passed by the Legislature by midnight
24 on June 15, there shall be no appropriation from the current budget
25 or future budget to pay any salary or reimbursement for travel or
26 living expenses for Members of the Legislature during any regular
27 or special session for the period from midnight on June 15 until
28 the day that the budget bill is presented to the Governor. No salary
29 or reimbursement for travel or living expenses forfeited pursuant
30 to this subdivision shall be paid retroactively.

31 *(I) This section does not apply to the budget or budget bill for*
32 *any fiscal period commencing on or after July 1, 2015. This section*
33 *shall remain in effect until July 1, 2015, and as of that date is*
34 *repealed. Section 12 of Article IV, as added by the measure that*
35 *added this subdivision, shall apply to the budget and budget bill*
36 *for fiscal periods commencing on or after July 1, 2015.*

37 Fourth—That Section 12 is added to Article IV thereof, to read:

38 SEC. 12. (a) (1) Within the first 10 days of each
39 odd-numbered calendar year, the Governor shall submit to the
40 Legislature, with an explanatory message, a separate budget for

1 each of the two subsequent fiscal years thereafter commencing on
2 July 1, containing itemized statements for recommended state
3 expenditures and estimated state revenues. If recommended
4 expenditures exceed estimated revenues, the Governor shall
5 recommend the sources from which the additional revenues should
6 be provided.

7 (2) The budget submitted by the Governor shall include all of
8 the following:

9 (A) A goal statement for each public program that receives state
10 funds in the budget.

11 (B) A description of the outcome measures or other information
12 that may be used to determine whether progress is being made in
13 accomplishing goals identified pursuant to subparagraph (A), and
14 the impact of each program supported by state funds in supporting
15 that progress.

16 (C) A historical report tracking the progress in meeting goals
17 identified pursuant to subparagraph (A) and informing whether
18 the state's impact on goals is improving over time.

19 (3) The budget submitted by the Governor, including related
20 information regarding goals, outcomes, and performance required
21 by paragraph (2), shall be made available to the public in text form
22 in an open, electronic format that is machine readable, or in another
23 format that is more readily accessible to the public.

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

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

29 (2) The budget bills shall be introduced immediately in each
30 house by the persons chairing the committees that consider the
31 budget.

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

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

1 (d) No bill except a budget bill may contain more than one item
2 of appropriation, and that for one certain, expressed purpose.
3 Appropriations from the General Fund of the State, except
4 appropriations for the public schools and appropriations in the
5 budget bill and in other bills providing for appropriations related
6 to the budget bill, are void unless passed in each house by rollcall
7 vote entered in the journal, two-thirds of the membership
8 concurring.

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

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

22 (f) The Legislature may control the submission, approval, and
23 enforcement of budgets and the filing of claims for all state
24 agencies.

25 (g) For the fiscal year beginning July 1, 2015, and every July 1
26 thereafter, the Legislature shall not send to the Governor for
27 consideration, nor may the Governor sign into law, a budget bill
28 that would appropriate from the General Fund, for that fiscal year,
29 a total amount that, when combined with all appropriations from
30 the General Fund for that fiscal year made as of the date of the
31 budget bill’s passage and with the amount of any General Fund
32 moneys transferred to the Budget Stabilization Account for that
33 fiscal year pursuant to Section 20 of Article XVI, exceeds General
34 Fund revenues for that fiscal year estimated as of the date of the
35 budget bill’s passage. That estimate of General Fund revenues
36 shall be set forth in the budget bill passed by the Legislature.

37 (h) Notwithstanding any other provision of law or of this
38 Constitution, including subdivision (c) of this section, Section 4
39 of this article, and Sections 4 and 8 of Article III, in any year in
40 which the budget bill is not passed by the Legislature by midnight

1 on June 15, there shall be no appropriation from the current budget
2 or future budget to pay any salary or reimbursement for travel or
3 living expenses for Members of the Legislature during any regular
4 or special session for the period from midnight on June 15 until
5 the day that the budget bill is presented to the Governor. No salary
6 or reimbursement for travel or living expenses forfeited pursuant
7 to this subdivision shall be paid retroactively.

O