

Introduced by Senator Huff

(Principal coauthors: Senators Anderson, Bates, Berryhill, Fuller, Gaines, Moorlach, Morrell, Nguyen, Nielsen, Runner, Stone, and Vidak)

September 11, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

SCA 10, as introduced, Huff. Legislative procedure.

The California Constitution prohibits a committee or either house of the Legislature from hearing or acting upon a bill until 31 days after it has been introduced, unless the house dispenses with this requirement by a rollcall vote with $\frac{3}{4}$ of the membership concurring. The California Constitution also prohibits either house from passing a bill until the bill with amendments has been printed and distributed to the Members of the Legislature.

This measure would authorize a committee to hear or act upon a bill before 31 days have passed following the bill's introduction if the bill, in the form to be considered by the committee, has been in print and published on the Internet for at least 15 days. This measure would also prohibit either house of the Legislature from passing a bill until it has been made available to the public, in print and on the Internet, for at least 72 hours before a vote on the measure, except for certain bills that address a state of emergency declared by the Governor.

The California Constitution provides that the Budget Bill and other bills providing for appropriations related to the Budget Bill may be

passed by a majority vote in each house of the Legislature and shall take immediate effect upon being signed by the Governor. The California Constitution defines “other bills providing for appropriations related to the budget bill” to mean bills identified as related to the budget in the Budget Bill passed by the Legislature. The California Constitution requires that the Legislature pass the Budget Bill by midnight on June 15 of each year. If the Budget Bill is not passed by the deadline, the California Constitution prohibits an appropriation from the current budget or future budget to pay any salary or reimbursement for travel or living expenses for Members of the Legislature during any regular or special session for the period from midnight on June 15 until the day that the Budget Bill is presented to the Governor.

This measure would require that the Budget Bill be enacted by midnight on June 15. The measure would require that other bills that provide for appropriations relating to the Budget Bill be necessary to implement the budget. The measure would provide that a Budget Bill or other bill providing for appropriations relating to the Budget Bill that is passed in each house by a majority vote shall not take effect if it is not enacted by midnight on June 15, thereby requiring a Budget Bill or other bill providing for appropriations relating to the Budget Bill that is enacted after midnight on June 15 to be passed by a $\frac{2}{3}$ vote. The measure would prohibit an appropriation to pay any salary or reimbursement for travel or living expenses for Members of the Legislature and the Governor from midnight on June 15 until the Budget Bill and all other bills providing for appropriations related to the Budget Bill are enacted.

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 2015–16 Regular
3 Session commencing on the first day of December 2014, two-thirds
4 of the membership of each house concurring, hereby proposes to
5 the people of the State of California that the Constitution of the
6 State be amended as follows:

7 First— This measure shall be known, and may be cited, as the
8 “Budget Accountability and Transparency Act of 2015.”

9 Second— The people of the State of California find and declare
10 all of the following:

1 (a) In 2010, the voters adopted Proposition 25, which requires
2 Members of the state Legislature to forfeit their pay in years in
3 which they fail to pass a budget by the state constitutional deadline.

4 (b) Since the enactment of Proposition 25, half of the budgets
5 passed by the Legislature by the June 15th deadline were not signed
6 into law by the Governor, and the budgets continued to be debated
7 even after the beginning of the fiscal year.

8 (c) Since the enactment of Proposition 25, dozens of budget
9 trailer bills have been drafted in secrecy, have included only token
10 \$1,000 appropriations to satisfy Proposition 25's technical
11 requirements, and have been enacted quickly with little, if any,
12 public notice.

13 (d) Since the enactment of Proposition 25, budget trailer bills
14 have been enacted after the beginning of the fiscal year and as late
15 as three months after the constitutional deadline.

16 (e) Transparency and public disclosure in the legislative process
17 are vital to a representative democracy, and the purpose of public
18 hearings is to allow Members of the Legislature to respectfully
19 hear from the public and to provide citizens the opportunity to
20 comment on proposed changes to state law.

21 (f) In order to give both the Legislature and the Governor an
22 incentive to enact the annual state budget and budget trailer bills
23 on time, legislators and the Governor should not be paid or
24 reimbursed for living expenses if they fail to enact the budget on
25 time. This measure would require legislators and the Governor to
26 permanently forfeit their salaries and expenses for each day the
27 budget and budget trailer bills are late.

28 (g) Requiring all bills to be in print and published on the Internet
29 at least 72 hours before being voted on by the Legislature will
30 ensure that the public has the opportunity to comment on the
31 proposed changes in law.

32 Third— It is the intent of the people of the State of California
33 that this measure do all of the following:

34 (a) End budget delays and ensure that the annual budget bill
35 and budget trailer bills are signed into law by the beginning of the
36 fiscal year by requiring legislators and the Governor to forfeit their
37 pay for each day after June 15 that the budget and budget trailer
38 bills are not enacted.

1 (b) Leave Proposition 13’s property tax limitations intact and
 2 not change the two-thirds vote requirement for the Legislature to
 3 raise taxes.

4 (c) Require the Legislature to provide adequate notice before
 5 public hearings or votes on legislative measures so that citizens
 6 are able to participate in the legislative process in a meaningful
 7 way.

8 Fourth— That Section 8 of Article IV thereof is amended to
 9 read:

10 SEC. 8. (a) At regular sessions, no bill other than the budget
 11 bill may be heard or acted on by a committee or either house until
 12 the 31st day after the bill is introduced unless the house dispenses
 13 with this requirement by rollcall vote entered in the journal, three
 14 fourths of the membership concurring; introduced, except in either
 15 of the following circumstances:

16 (1) A committee or either house may hear or act on a bill if the
 17 house dispenses with this requirement by rollcall vote entered in
 18 the journal, three-fourths of the membership concurring.

19 (2) A committee may hear or act on a bill if the bill, in the form
 20 to be considered by the committee, has been in print and published
 21 on the Internet for at least 15 days.

22 (b) (1) The Legislature may make no law except by statute and
 23 may enact no statute except by bill. No bill may be passed unless
 24 it is read by title on ~~3~~ three days in each house except that ~~the~~ a
 25 house may dispense with this requirement by rollcall vote entered
 26 in the journal, ~~two-thirds~~ two-thirds of the membership concurring.
 27 No bill may be passed until the bill with amendments has been
 28 printed and distributed to the ~~members~~ Members. No bill may be
 29 passed unless, by rollcall vote entered in the journal, a majority of
 30 the membership of each house concurs.

31 (2) (A) No bill may be passed in either house until the bill, in
 32 the form to be voted on, has been made available to the public, in
 33 print and published on the Internet, for at least 72 hours before
 34 the vote.

35 (B) This paragraph does not apply to a bill that contains an
 36 urgency clause if the Governor submits to the Legislature a written
 37 statement, for that bill, that dispensing with the requirements of
 38 subparagraph (A) is necessary to address a state of emergency
 39 declared by the Governor. “Emergency,” for purposes of this
 40 subparagraph, has the same meaning as in paragraph (2) of

1 *subdivision (c) of Section 3 of Article XIII B and does not include*
2 *a fiscal emergency declared pursuant to Section 10 of this article.*

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

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

22 (3) Statutes calling elections, statutes providing for tax levies
23 or appropriations for the usual current expenses of the State, and
24 urgency statutes shall go into effect immediately upon their
25 enactment.

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

35 Fifth— That Section 12 of Article IV thereof is amended to
36 read:

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

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

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

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

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

12 (3) ~~The Legislature shall pass the budget bill~~ *shall be enacted*
13 by midnight on June 15 of each year.

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

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

28 (e) (1) (A) Notwithstanding any other provision of law or of
29 this Constitution, *except as provided in subparagraph (B)*, the
30 budget bill and other bills providing for appropriations related to
31 the budget bill may be passed in each house by rollcall vote entered
32 in the journal, a majority of the membership concurring, to take
33 effect immediately upon being signed by the Governor, or upon a
34 date specified in the legislation.

35 (B) *A budget bill or other bill providing for appropriations*
36 *related to the budget bill that is passed in each house by a majority*
37 *vote pursuant to this subdivision shall not take effect if it is not*
38 *enacted by midnight on June 15.*

39 (C) Nothing in this subdivision shall affect the vote requirement
40 for appropriations for the public schools contained in subdivision

1 (d) of this section and in subdivision (b) of Section ~~8 of this article.~~
2 8.

3 (2) For purposes of this section, “other bills providing for
4 appropriations related to the budget bill” ~~shall consist only of~~
5 *means* bills identified as related to the budget in the budget bill
6 passed by the ~~Legislature.~~ *Legislature and that are necessary to*
7 *implement the budget.*

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

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

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

38 Sixth— Severability.

39 If any of the provisions of this measure or the applicability of
40 any provision of this measure to any person or circumstance is

- 1 found to be unconstitutional or otherwise invalid, the finding shall
- 2 not affect the remaining provisions or applications of this measure
- 3 to other persons or circumstances, and to that extent the provision
- 4 of this measure are deemed to be severable.