

## Assembly Constitutional Amendment

No. 26

**Introduced by Assembly Members Torlakson and Scott  
(Principal coauthors: Assembly Members Cardoza, Thomson,  
Bowen, Keeley, Lempert, Strom-Martin, and Wayne)**

July 21, 1997

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Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivision (c) of Section 8 of, and by amending Section 12 of, Article IV thereof, relating to the state budget.

### LEGISLATIVE COUNSEL'S DIGEST

ACA 26, as introduced, Torlakson. Budget Bill: passage.

(1) The California Constitution requires the Legislature to pass the Budget Bill for the ensuing fiscal year by midnight on June 15.

This measure would amend the California Constitution to require that if the Budget Bill is not passed before midnight on June 30, any salary or reimbursement for travel or living expenses for each Member of the Legislature shall be forfeited for the period from midnight on June 30 until the date that the Budget Bill is passed. The measure also would include the amount of that forfeiture in the maximum amount permitted under the California Constitution for that fiscal year for the total aggregate expenditures of the Legislature, as specified.

(2) Existing provisions of the California Constitution provide that statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of

the state, and urgency statutes shall go into effect immediately upon their enactment.

This measure would also provide that a statute enacting a budget bill shall go into effect immediately upon its enactment.

(3) Existing provisions of the California Constitution provide that appropriations from the General Fund, except appropriations for the public schools, are void unless passed in each house by rollcall vote entered in the journal,  $\frac{2}{3}$  of the membership concurring.

This measure would additionally exempt appropriations in the Budget Bill from that  $\frac{2}{3}$  vote requirement.

(4) This measure would specify that the changes to the California Constitution made by this measure would apply to the budget and the Budget Bill for the 1999–2000 fiscal year and each subsequent fiscal year.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring, That*  
2 *the Legislature of the State of California at its 1997–98*  
3 *Regular Session commencing on the second day of*  
4 *December, 1996, two-thirds of the membership of each*  
5 *house concurring, hereby proposes to the people of the*  
6 *State of California that the Constitution of the State be*  
7 *amended as follows:*

8 *First—That subdivision (c) of Section 8 of Article IV is*  
9 *amended to read:*

10 *(c) (1) Except as provided in paragraphs (2) and (3)*  
11 *of this subdivision, a statute enacted at a regular session*  
12 *shall go into effect on January 1 next following a 90-day*  
13 *period from the date of enactment of the statute and a*  
14 *statute enacted at a special session shall go into effect on*  
15 *the 91st day after adjournment of the special session at*  
16 *which the bill was passed.*

17 *(2) A statute, other than a statute establishing or*  
18 *changing boundaries of any legislative, congressional, or*  
19 *other election district, enacted by a bill passed by the*  
20 *Legislature on or before the date the Legislature adjourns*  
21 *for a joint recess to reconvene in the second calendar year*



1 of the biennium of the legislative session, and in the  
2 possession of the Governor after that date, shall go into  
3 effect on January 1 next following the enactment date of  
4 the statute unless, before January 1, a copy of a  
5 referendum petition affecting the statute is submitted to  
6 the Attorney General pursuant to subdivision (d) of  
7 Section 10 of Article II, in which event the statute shall go  
8 into effect on the 91st day after the enactment date unless  
9 the petition has been presented to the Secretary of State  
10 pursuant to subdivision (b) of Section 9 of Article II.

11 (3) Statutes calling elections, statutes providing for tax  
12 levies or appropriations for the usual current expenses of  
13 the State, *statutes enacting a budget bill*, and urgency  
14 statutes shall go into effect immediately upon their  
15 enactment.

16 Second—That Section 12 of Article IV is amended to  
17 read:

18 SEC. 12. (a) Within the first 10 days of each calendar  
19 year, the Governor shall submit to the Legislature, with  
20 an explanatory message, a budget for the ensuing fiscal  
21 year containing itemized statements for recommended  
22 state expenditures and estimated state revenues. If  
23 recommended expenditures exceed estimated revenues,  
24 the Governor shall recommend the sources from which  
25 the additional revenues should be provided.

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

30 (c) The budget shall be accompanied by a budget bill  
31 itemizing recommended expenditures. The bill shall be  
32 introduced immediately in each house by the persons  
33 chairing the committees that consider appropriations.  
34 The Legislature shall pass the budget bill by midnight on  
35 June 15 of each year. Until the budget bill has been  
36 enacted, the Legislature ~~shall~~ may not send to the  
37 Governor for consideration any bill appropriating funds  
38 for expenditure during the fiscal year for which the  
39 budget bill is to be enacted, except emergency bills  
40 recommended by the Governor or appropriations for the



1 expenses of the Legislature, *not including salaries, or*  
2 *travel or living expenses, of Members of the Legislature.*

3 (d) No bill except the budget bill may contain more  
4 than one item of appropriation, and that for one certain,  
5 expressed purpose. Appropriations from the General  
6 Fund of the State, except appropriations for the public  
7 schools *or appropriations made in the budget bill*, are void  
8 unless passed in each house by rollcall vote entered in the  
9 journal, ~~two-thirds~~ *two-thirds* of the membership  
10 concurring.

11 (e) The Legislature may control the submission,  
12 approval, and enforcement of budgets and the filing of  
13 claims for all state agencies.

14 (f) *Notwithstanding Sections 4 and 8 of Article III and*  
15 *Section 4 of this article, in any year in which the budget*  
16 *bill is not passed by midnight on June 30, each Member*  
17 *of the Legislature shall forfeit any salary or*  
18 *reimbursement for travel or living expenses for the*  
19 *period from midnight on June 30 until the date that the*  
20 *budget bill is passed. No forfeited salary or travel and*  
21 *living expenses may be paid retroactively. The total*  
22 *amount of salary and travel and living expenses forfeited*  
23 *under this subdivision during any fiscal year shall be*  
24 *counted as part of the total aggregate expenditures of the*  
25 *Legislature for that fiscal year for purposes of Section 7.5.*  
26 *For purposes of this subdivision, the passage of a budget*  
27 *bill is deemed to occur when a bill is passed that would*  
28 *make appropriations for the support of the government*  
29 *of the State for the entire fiscal year.*

30 Third—That the amendments to the California  
31 Constitution made by this measure shall apply to the  
32 budget bill for the 1999–2000 fiscal year and each  
33 subsequent fiscal year, and shall apply for all purposes  
34 commencing July 1, 1999.