

Assembly Constitutional Amendment

No. 19

Introduced by Assembly Member Blakeslee

March 26, 2009

Assembly Constitutional Amendment No. 19—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 state budget.

LEGISLATIVE COUNSEL'S DIGEST

ACA 19, as introduced, Blakeslee. State budget.

The California Constitution requires the Legislature to pass the Budget Bill by midnight on June 15 of each year. The Constitution further provides that money may be drawn from the Treasury only through an appropriation made by law.

This measure would provide that, if the Budget Bill has not been enacted by July 1, funds would be appropriated from the General Fund and other funds and sources to the Controller for allocation by the Department of Finance to pay current expenses for essential state functions, as determined by the Department of Finance, during the period from July 1 until the Budget Bill is enacted, at amounts equal to appropriations for those state functions in the immediately preceding fiscal year. The measure would further provide that if total revenues in the current fiscal year from the funds and sources that support those functions are estimated by the Department of Finance to be less than those revenues in the immediately preceding fiscal year, the amount appropriated for those state functions would be reduced uniformly for all of those state functions by a percentage that equals the percentage decline in revenue.

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

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2009–10 Regular
3 Session commencing on the first day of December 2008, 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 That Section 12 of Article IV thereof is amended to read:

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

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

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

20 (2) The budget bill shall be introduced immediately in each
21 house by the persons chairing the committees that consider the
22 budget.

23 (3) (A) The Legislature shall pass the budget bill by midnight
24 on June 15 of each year. *For any fiscal year for which the budget*
25 *bill has not been enacted as of July 1 of that fiscal year, for the*
26 *period from July 1 until the date of enactment of the budget bill*
27 *for that fiscal year, inclusive, funds are hereby appropriated from*
28 *the funds and sources described in subparagraph (B), to be*
29 *allocated by the Director of Finance for the exclusive purpose of*
30 *the payment of current expenses for essential state functions, in*
31 *amounts equal to the amounts appropriated from those funds and*
32 *sources for those expenses for the immediately preceding fiscal*
33 *year. If the Director of Finance estimates that the total amount of*
34 *revenues from the funds and sources described in subparagraph*
35 *(B) in the current fiscal year will be less than the total amount of*
36 *revenues from those funds and sources in the immediately*
37 *preceding fiscal year, the amounts appropriated under this*

1 *subparagraph shall be reduced uniformly for all essential state*
2 *functions by a percentage equal to the percentage of that estimated*
3 *decline in those revenue amounts. The Department of Finance*
4 *shall identify essential state functions for purposes of this*
5 *subparagraph to include, but not be limited to, state functions for*
6 *which funding is necessary to avoid or mitigate one or more of the*
7 *following:*

8 (i) *The imposition of significant fines or sanctions against the*
9 *State.*

10 (ii) *Negative impact to the physical infrastructure of the State.*

11 (iii) *Environmental damage to the State.*

12 (iv) *Negative impact to the safety of the public.*

13 (v) *Negative impact to the economic interests of the State.*

14 (B) *The Department of Finance shall allocate the funds*
15 *appropriated in subparagraph (A) from, as applicable, the General*
16 *Fund, special funds, bond funds, federal funds, and*
17 *reimbursements.*

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

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

30 (e) *The Legislature may control the submission, approval, and*
31 *enforcement of budgets and the filing of claims for all state*
32 *agencies.*

33 (f) *For the 2004–05 fiscal year, or any subsequent fiscal year,*
34 *the Legislature may not send to the Governor for consideration,*
35 *nor may the Governor sign into law, a budget bill that would*
36 *appropriate from the General Fund, for that fiscal year, a total*
37 *amount that, when combined with all appropriations from the*
38 *General Fund for that fiscal year made as of the date of the budget*
39 *bill’s passage, and the amount of any General Fund moneys*
40 *transferred to the Budget Stabilization Account for that fiscal year*

1 pursuant to Section 20 of Article XVI, exceeds General Fund
2 revenues for that fiscal year estimated as of the date of the budget
3 bill's passage. That estimate of General Fund revenues shall be
4 set forth in the budget bill passed by the Legislature.

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