

**Introduced by Senators Perata, Costa, Escutia, Johannessen,
Kelley, Monteith, Murray, Peace, and Polanco**

May 8, 2000

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 2 and 12 of Article IV thereof, and by amending Section 7 of Article XX thereof, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

SCA 20, as introduced, Perata. Legislature: term limits: budget bill.

The California Constitution establishes the California Legislature, consisting of the Senate and the Assembly. Under the California Constitution, no Senator may serve more than 2 terms of 4 years each, and no Member of the Assembly may serve more than 3 terms of 2 years each, as specified.

This measure would provide instead that a Senator may not serve more than 3 consecutive terms in that office and that a Member of the Assembly may not serve more than 6 consecutive terms in that office, commencing in 2000, as specified.

The California Constitution requires the annual Budget Bill to be introduced in each house by the chairs of the committees in each house that consider appropriations.

This measure would instead require the annual Budget Bill to be introduced in each house by the chairs of committees in each house that consider the budget.

The California Constitution requires the Legislature to pass the Budget Bill by midnight on June 15 of each year.

This measure would require, commencing with the Budget Bill for the 2003–04 fiscal year, forfeiture of the salaries of all Members of the Legislature if the Budget Bill, as defined, is not passed by the Legislature by midnight on June 30. The forfeiture would continue from midnight on June 30 until the Budget Bill is passed by the Legislature. The measure would preclude paying those salaries retroactively. The measure would also 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.

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

1 *Resolved by the Senate, the Assembly concurring,* That
 2 the Legislature of the State of California at its 1999–2000
 3 Regular Session commencing on the seventh day of
 4 December 1998, 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 Section 2 of Article IV is amended to read:

9 SEC. 2. (a) The Senate has a membership of 40
 10 Senators elected for ~~4-year~~ *four-year* terms, 20 to begin
 11 every ~~2~~ *two* years. No Senator may serve more than ~~2~~
 12 *three consecutive* terms.

13 The Assembly has a membership of 80 members
 14 elected for ~~2-year~~ *two-year* terms. No ~~member~~ *Member*
 15 of the Assembly may serve more than ~~3~~ *six consecutive*
 16 terms.

17 Their terms shall commence on the first Monday in
 18 December next following their election.

19 (b) Election of ~~members~~ *Members* of the Assembly
 20 shall be on the first Tuesday after the first Monday in
 21 November of even-numbered years unless otherwise
 22 prescribed by the Legislature. Senators shall be elected
 23 at the same time and places as ~~members~~ *Members* of the
 24 Assembly.



1 (c) A person is ineligible to be a member of the
2 Legislature unless the person is an elector and has been
3 a resident of the legislative district for one year, and a
4 citizen of the United States and a resident of California for
5 ~~3~~ three years, immediately preceding the election.

6 (d) When a vacancy occurs in the Legislature the
7 Governor immediately shall call an election to fill the
8 vacancy.

9 (e) *A Senator who has served three consecutive terms,
10 or a Member of the Assembly who has served six
11 consecutive terms, may next be reelected to that office to
12 a term that commences upon the expiration of one
13 intervening complete term of office.*

14 Second—That Section 12 of Article IV is amended to
15 read:

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

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

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



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

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

11 (f) *Notwithstanding Sections 4 and 8 of Article III, in*
12 *any year in which the budget bill is not passed by the*
13 *Legislature by midnight on June 30, each Member of the*
14 *Legislature shall forfeit any salary for the period from*
15 *midnight on June 30 until the date that the budget bill is*
16 *passed. Forfeited salary may not be paid retroactively.*
17 *The total amount of salary forfeited by Members of the*
18 *Legislature under this subdivision during any fiscal year*
19 *shall be counted as part of the total aggregate*
20 *expenditures of the Legislature for that fiscal year for*
21 *purposes of Section 7.5. For purposes of this subdivision,*
22 *the passage of a budget bill is deemed to occur when a bill*
23 *is passed that would make appropriations for the support*
24 *of the government of the State for the entire fiscal year.*

25 Third—That Section 7 of Article XX is amended to
26 read:

27 SEC. 7. (a) The limitations on the number of terms
28 prescribed by Section 2 of Article IV, *as amended*
29 *November 6, 1990*, Sections 2 and 11 of Article V, Section
30 2 of Article IX, and Section 17 of Article XIII apply only
31 to terms to which persons are elected or appointed on or
32 after November 6, 1990, except that an incumbent
33 Senator whose office is not on the ballot for the general
34 election on that date may serve only one additional term.
35 ~~Those limitations shall~~

36 (b) *Section 2 of Article IV, as amended by the measure*
37 *that added this subdivision, applies, for purposes*
38 *including term limitations and the computation of*
39 *consecutive terms, to any term of office as a Senator or*
40 *Member of the Assembly that commences on or after*



1 *December 2, 2000, and also includes the term of an*
2 *incumbent Senator whose office is not on the ballot for*
3 *the November 7, 2000, general election.*

4 *(c) The term limitations identified in this section do*
5 *not apply to any unexpired term to which a person is*
6 *elected or appointed if the remainder of the term is less*
7 *than half of the full term.*

8 *And be it further resolved, That the amendments to*
9 *Section 12 of Article IV of the California Constitution*
10 *made by this measure shall apply to the budget bill for the*
11 *2003–04 fiscal year and each subsequent fiscal year, and*
12 *shall apply for all purposes commencing July 1, 2003.*

