

AMENDED IN SENATE MAY 18, 2000

Senate Constitutional Amendment

No. 20

**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~~ *Section 2* of Article IV thereof, and by amending Section 7 of Article XX thereof, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

SCA 20, as amended, 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 four-year terms, 20 to begin every
11 two years. No Senator may serve more than three
12 consecutive terms.

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

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

18 (b) Election of Members of the Assembly shall be on
19 the first Tuesday after the first Monday in November of
20 even-numbered years unless otherwise prescribed by the



1 Legislature. Senators shall be elected at the same time
2 and places as Members of the Assembly.

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

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

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

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 the budget. The
34 Legislature shall pass the budget bill by midnight on June
35 15 of each year. Until the budget bill has been enacted,
36 the Legislature may not send to the Governor for
37 consideration any bill appropriating funds for
38 expenditure during the fiscal year for which the budget
39 bill is to be enacted, except emergency bills
40 recommended by the Governor or appropriations for the~~



1 salaries and expenses of the Legislature not including the
2 salaries 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, are void unless passed in each house by rollcall
8 vote entered in the journal, two-thirds of the membership
9 concurring.

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

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

27 ~~Third—That~~

28 ~~Second—That~~ Section 7 of Article XX is amended to
29 read:

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

38 (b) Section 2 of Article IV, as amended by the measure
39 that added this subdivision, applies, for purposes
40 including term limitations and the computation of



1 ~~consecutive terms, to any term of computing term~~
2 ~~limitations, only to terms of office as a Senator or Member~~
3 ~~of the Assembly that commences commence~~ on or after
4 ~~December 2, 2000, and December 4, 2000, but~~ also
5 includes the term of an incumbent Senator whose office
6 is not on the ballot for the November 7, 2000, general
7 election.

8 (c) The term limitations identified in this section do
9 not apply to any unexpired term to which a person is
10 elected or appointed if the remainder of the term is less
11 than half of the full term.

12 ~~And be it further resolved, That the amendments to~~
13 ~~Section 12 of Article IV of the California Constitution~~
14 ~~made by this measure shall apply to the budget bill for the~~
15 ~~2003-04 fiscal year and each subsequent fiscal year, and~~
16 ~~shall apply for all purposes commencing July 1, 2003.~~

