

Assembly Constitutional Amendment

No. 25

Introduced by Assembly Member Mansoor
(Coauthors: Assembly Members Cook, Donnelly, and Nielsen)
(Coauthors: Senators Gaines, Strickland, and Walters)

February 24, 2012

Assembly Constitutional Amendment No. 25—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 25, as introduced, Mansoor. State budget.

(1) Existing provisions of the California Constitution generally require a bill containing a General Fund appropriation to be passed by a $\frac{2}{3}$ vote of both houses of the Legislature. The Budget Bill and other bills providing for appropriations related to the Budget Bill, as defined, are exempt from this requirement and may be passed by a majority vote, to take effect immediately upon being signed by the Governor or upon a date specified in the legislation.

This measure would repeal both those provisions exempting the Budget Bill and other bills providing for appropriations related to the Budget Bill from the $\frac{2}{3}$ -vote requirement, and the provisions specifying that those bills take effect immediately.

(2) Existing provisions of the California Constitution prohibit the Legislature from sending to the Governor for consideration, and prohibit the Governor from signing, a Budget Bill that would appropriate from the General Fund a total amount that, when combined with specified

appropriations and transfers, exceeds General Fund revenues for that fiscal year estimated as of the date of the Budget Bill's passage.

This measure would require that the estimate of General Fund revenues described above be made by the Legislative Analyst. The measure would require the Legislative Analyst, within 3 days after a Budget Bill is submitted to the Governor, to certify whether the Budget Bill meets the above requirement regarding appropriations from the General Fund. The Governor would be prohibited from signing a Budget Bill that the Legislative Analyst certifies as not meeting that requirement unless the Governor reduces or eliminates items of appropriation in the bill and the Legislative Analyst certifies that the bill, as adjusted, meets that requirement.

This measure would prohibit either house of the Legislature from adjourning for more than 10 days after sending a Budget Bill to the Governor until the Legislative Analyst has provided the certification described above.

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 2011–12 Regular
3 Session, commencing on the sixth day of December 2010,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the 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.

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

4 (3) The Legislature shall pass the budget bill by midnight on
5 June 15 of each year.

6 (4) Until the budget bill has been enacted, the Legislature shall
7 not send to the Governor for consideration any bill appropriating
8 funds for expenditure during the fiscal year for which the budget
9 bill is to be enacted, except emergency bills recommended by the
10 Governor or appropriations for the salaries and expenses of the
11 Legislature.

12 (d) No bill except the budget bill may contain more than one
13 item of appropriation, and that for one certain, expressed purpose.
14 Appropriations from the General Fund of the State, except
15 appropriations for the public schools ~~and appropriations in the~~
16 ~~budget bill and in other bills providing for appropriations related~~
17 ~~to the budget bill~~, are void unless passed in each house by rollcall
18 vote entered in the journal, two-thirds of the membership
19 concurring.

20 ~~(e) (1) Notwithstanding any other provision of law or of this~~
21 ~~Constitution, the budget bill and other bills providing for~~
22 ~~appropriations related to the budget bill may be passed in each~~
23 ~~house by rolleall vote entered in the journal, a majority of the~~
24 ~~membership concurring, to take effect immediately upon being~~
25 ~~signed by the Governor or upon a date specified in the legislation.~~
26 ~~Nothing in this subdivision shall affect the vote requirement for~~
27 ~~appropriations for the public schools contained in subdivision (d)~~
28 ~~of this section and in subdivision (b) of Section 8 of this article.~~

29 ~~(2) For purposes of this section, “other bills providing for~~
30 ~~appropriations related to the budget bill” shall consist only of bills~~
31 ~~identified as related to the budget in the budget bill passed by the~~
32 ~~Legislature.~~

33 (f)

34 (e) The Legislature may control the submission, approval, and
35 enforcement of budgets and the filing of claims for all state
36 agencies.

37 (g)

38 (f) (1) For the 2004–05 fiscal year, or any subsequent fiscal
39 year, the Legislature may not send to the Governor for
40 consideration, nor may the Governor sign into law, a budget bill

1 that would appropriate from the General Fund, for that fiscal year,
2 a total amount that, when combined with all appropriations from
3 the General Fund for that fiscal year made as of the date of the
4 budget bill's passage, and the amount of any General Fund moneys
5 transferred to the Budget Stabilization Account for that fiscal year
6 pursuant to Section 20 of Article XVI, exceeds General Fund
7 revenues for that fiscal year ~~estimated as of the date of the budget~~
8 ~~bill's passage. That estimate of General Fund revenues shall be~~
9 ~~set forth in the budget bill passed by the Legislature.~~

10 (2) *The Legislative Analyst shall provide to the Legislature, no*
11 *later than the preceding June 1, or earlier upon request by the*
12 *Legislature, an estimate of General Fund revenues for the fiscal*
13 *year to which the budget bill applies. The Legislative Analyst's*
14 *estimate of General Fund revenues shall be set forth in the budget*
15 *bill passed by the Legislature.*

16 (3) *The Legislative Analyst shall, within three days after a*
17 *budget bill is sent to the Governor for consideration, certify*
18 *whether the bill would, as of the date of that certification, satisfy*
19 *the requirements of paragraph (1). The Governor shall not sign a*
20 *budget bill into law prior to receiving that certification.*

21 (4) *In the event that the Legislative Analyst certifies that the*
22 *budget bill sent to him or her for consideration does not satisfy*
23 *the requirements of paragraph (1), the Governor may sign the*
24 *budget bill only if all of the following have occurred:*

25 (A) *The Governor reduces or eliminates one or more items of*
26 *appropriation pursuant to subdivision (e) of Section 10 so that the*
27 *bill will satisfy the requirements of paragraph (1).*

28 (B) *The Governor submits the budget bill with those adjustments*
29 *to the Legislative Analyst, who shall certify, within three days of*
30 *that submission, whether the budget bill, as adjusted, satisfies the*
31 *requirements of paragraph (1).*

32 (C) *The Legislative Analyst certifies that the budget bill, as*
33 *proposed to be adjusted, satisfies the requirements of paragraph*
34 *(1).*

35 (5) *After sending a budget bill to the Governor for consideration,*
36 *neither house of the Legislature shall adjourn for more than 10*
37 *days before the date the Legislative Analyst certifies, pursuant to*
38 *paragraph (3) or (4), that the budget bill, or a budget bill for the*
39 *same fiscal year sent to the Governor thereafter, satisfies the*
40 *requirements of paragraph (1).*

1 ~~(h)~~
2 (g) Notwithstanding any other provision of law or of this
3 Constitution, including subdivision (c) of this section, Section 4
4 of this article, and Sections 4 and 8 of Article III, in any year in
5 which the budget bill is not passed by the Legislature by midnight
6 on June 15, there shall be no appropriation from the current budget
7 or future budget to pay any salary or reimbursement for travel or
8 living expenses for Members of the Legislature during any regular
9 or special session for the period from midnight on June 15 until
10 the day that the budget bill is presented to the Governor. No salary
11 or reimbursement for travel or living expenses forfeited pursuant
12 to this subdivision shall be paid retroactively.

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