

AMENDED IN ASSEMBLY JULY 11, 2011

AMENDED IN ASSEMBLY JULY 1, 2011

AMENDED IN ASSEMBLY MAY 19, 2011

AMENDED IN ASSEMBLY MAY 10, 2011

AMENDED IN ASSEMBLY APRIL 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

Assembly Constitutional Amendment

No. 6

Introduced by Assembly Members Gatto and Feuer

(Principal coauthor: Senator Pavley)

(Coauthors: Assembly Members Blumenfield, Gordon, Gorell, Hayashi, Huffman, Bonnie Lowenthal, Mendoza, Olsen, Portantino, Smyth, and Solorio)

(Coauthors: Senators De León and DeSaulnier)

December 6, 2010

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article II thereof, relating to initiatives.

LEGISLATIVE COUNSEL'S DIGEST

ACA 6, as amended, Gatto. Initiative measures: funding source.

The California Constitution provides that the electors may propose statutes or amendments to the state constitution through the initiative process by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by a certain number of electors.

This measure would require the Legislative Analyst ~~and the Director of Finance~~ to review an initiative measure not later than 15 days after its qualification for the ballot, and report the results of the review to the Secretary of State. This measure would prohibit an initiative measure that the Legislative Analyst ~~or the Director of Finance~~ determines would result in a net increase in state or local government costs exceeding \$5,000,000, other than costs attributable to the issuance, sale, or repayment of bonds, from being submitted to the electors or having any effect unless the Legislative Analyst, ~~the Director of Finance, or both, as applicable, determine~~ *determines* that the initiative measure provides for additional revenues in an amount that meets or exceeds the net increase in costs. This requirement would provide for an annual adjustment to the amount of that cost threshold, and would not apply to ~~costs incurred due to a provision of an initiative measure that reduces tax revenues, or due to the administration of such a provision, or have any effect on, an initiative measure that reduces tax revenues or fees.~~

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 8 of Article II thereof is amended to read:
8 SEC. 8. (a) The initiative is the power of the electors to
9 propose statutes and amendments to the Constitution and to adopt
10 or reject them.
11 (b) An initiative measure may be proposed by presenting to the
12 Secretary of State a petition that sets forth the text of the proposed
13 statute or amendment to the Constitution and that is certified to
14 have been signed by electors equal in number to 5 percent in the
15 case of a statute, and 8 percent in the case of an amendment to the
16 Constitution, of the votes for all candidates for Governor at the
17 last gubernatorial election.
18 (c) The Secretary of State shall then submit the measure at the
19 next general election held at least 131 days after it qualifies or at
20 any special statewide election held prior to that general election.
21 The Governor may call a special statewide election for the measure.

1 (d) An initiative measure embracing more than one subject may
2 not be submitted to the electors or have any effect.

3 (e) An initiative measure may not include or exclude any
4 political subdivision of the State from the application or effect of
5 its provisions based upon approval or disapproval of the initiative
6 measure, or based upon the casting of a specified percentage of
7 votes in favor of the measure, by the electors of that political
8 subdivision.

9 (f) An initiative measure may not contain alternative or
10 cumulative provisions wherein one or more of those provisions
11 would become law depending upon the casting of a specified
12 percentage of votes for or against the measure.

13 (g) (1) Not later than 15 days after the qualification of an
14 initiative measure for the ballot, the Legislative Analyst ~~and the~~
15 ~~Director of Finance~~ shall review the measure pursuant to this
16 subdivision, and report the results of that review to the Secretary
17 of State. If ~~either the Legislative Analyst or the Director of Finance~~
18 *the Legislative Analyst* determines that the initiative measure would
19 result in a net increase in state or local government costs exceeding
20 five million dollars (\$5,000,000), subject to paragraph (2),
21 excluding costs attributable to the issuance, sale, or repayment of
22 bonds authorized by the measure, the measure shall not be
23 submitted to the electors or have any effect unless the Legislative
24 Analyst ~~or the Director of Finance, or both, as applicable,~~ further
25 determines that the initiative measure provides for additional
26 revenues in an amount that meets or exceeds the net increase in
27 costs.

28 (2) On January 1, 2012, and annually thereafter, the cost
29 threshold set forth in paragraph (1) shall be adjusted by the
30 percentage increase of the California Consumer Price Index for
31 the immediately preceding calendar year, as reported by the
32 Department of Finance.

33 ~~(3) This subdivision shall not apply to any increased costs to~~
34 ~~state or local government that are incurred pursuant to a provision~~
35 ~~of an initiative measure that reduces tax revenues, or pursuant to~~
36 ~~the administration of any such provision.~~

1 (3) *This subdivision shall not apply to, or have any effect*
2 *whatsoever on, an initiative measure that reduces tax revenues or*
3 *fees.*

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