

12-12-1983

Legislators Compensation. Budget Bill Enactment.

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Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820

0000

December 12, 1983

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

**LEGISLATORS COMPENSATION. BUDGET BILL ENACTMENT.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

Circulating and Filing Schedule

1. Minimum number of signatures required 630,136
Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date Monday, 12/12/83
Elec. C., Sec. 3513.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for signatures . Monday, 12/12/83
Elec. C., Sec. 3513.
 - b. Last day Proponent can circulate and file with the county.
All Sections are to be filed at the same time within each
county. Thursday, 5/10/84+
Elec. C., Secs. 3513, 3520(a).
 - c. Last day for county to determine total number of signatures
affixed to petition and to transmit total to the Secretary of
State Thursday, 5/17/84

(If the Proponent files the petition with the county on a date prior to 5/10/84, the county has five working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).

+ **PLEASE NOTE:** To the Proponent who may wish to qualify for the 1984 General Election. The law allows up to approximately 58 days to county election officials for checking and reporting petition signatures and transmitting results. The law also requires that this process be completed 131 days before the election in which the people will vote on the initiative. It is possible that the county may not need precisely 58 days. But if you want to be sure that this initiative qualifies for the 1984 General Election, you should file this petition with the county before May 1, 1984.

d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties. Saturday, 5/19/84**

e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Sunday, 6/3/84

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 5/17/84, the last day is not later than the fifteenth day after county's receipt of notification.)
Elec. C., Sec. 3520(d), (e).

f. If the signature count is more than 433,218 or less than 354,452, then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 354,452 and 433,218 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures Tuesday, 6/5/84**

g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Thursday, 7/5/84

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 6/3/84, the last day is not later than the thirtieth day after county's receipt of notification.)
Elec. C., Sec. 3521(b), (c).

h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient. Saturday, 7/7/84**

**Date varies based on receipt of county certification.

4. Campaign Statements:

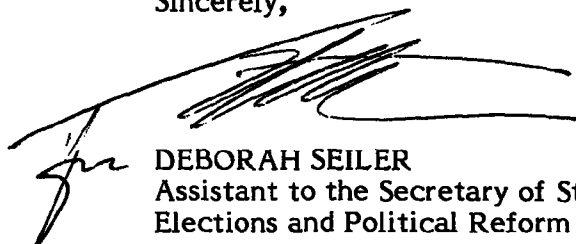
Last day for the Proponent to file a Campaign
Statement of Receipts and Expenditures for period
ending 6/7/84. Thursday, 6/14/84

(If the Secretary of State finds that the measure has
either qualified or failed to qualify on a date earlier
than 5/10/84, the last date to file is the 35th calendar
day after the deadline for filing petitions or the date of
notification by the Secretary of State that the measure
has either qualified or failed to qualify, whichever is
earlier. The closing date for the campaign statement
is seven days prior to the filing deadline.)
Gov. C., Secs. 84200(d), 84202(j).

5. The Proponents of the above named measure are:

Lee Phelps
Les Kelting
443 Rio Del Mar Boulevard
Aptos, CA 95003
(408) 688-8986

Sincerely,



DEBORAH SEILER
Assistant to the Secretary of State
Elections and Political Reform

NOTE TO PROPONENT: Your attention is directed to Elections Code
Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3519 for appropriate
format and type considerations in printing, typing, and otherwise preparing
your initiative petition for circulation and signatures. Your attention is
further directed to the campaign disclosure requirements of the Political
Reform Act of 1974, Government Code Section 81000 et seq.

0333



JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE

1515 K STREET, SUITE 511
SACRAMENTO 95814
(916) 445-9555

December 12, 1983

Honorable March Fong Eu
Secretary of State
1230 J Street
Sacramento, California 95814

Dear Mrs. Eu:

Re: Initiative Title and Summary.
Our File No. SA83RF0023

Pursuant to the provisions of section 3503 and 3513 of the Elections code, you are hereby notified that on this day we mailed to the proponent(s) of the above identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent(s), a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name(s) and address(es) of the proponent(s) is as stated on the declaration of mailing.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

A handwritten signature in cursive script, appearing to read "Robert Burton".

Robert Burton
Deputy Attorney General

Enclosure

FILED
In the office of the Secretary of State
of the State of California

DEC 12 1983

MARCH FONG EU, Secretary of State

By Deputy

(RF-10, 6/83)

Date: December 12, 1983
File No.: SA83RF0023

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

LEGISLATORS COMPENSATION. BUDGET BILL ENACTMENT. INITIATIVE CONSTITUTIONAL AMENDMENT. Amends constitution to: Prohibit legislative action on any bill but budget after May 31st, except for disaster relief, until budget bill is passed. Imposes pay and expense forfeitures, personal fines, if Legislature violates June 15th constitutional budget deadline. Continues current year budget into new fiscal year and enacts Governor's Budget, at reduced spending levels, if no budget bill by July 15th. Limits legislator personal expense allowances to one-half annual salary, and requires voter approval of increases in salary or expense allowance. Adds other provisions. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: The measure's provisions relating to legislators' compensation would have an indeterminable impact on the state General Fund in future years. Such costs could increase or decrease depending on the level of compensation which the voters approve for legislators. Costs, however, would decrease to the extent that legislators' expense allowances are reduced as a result of being limited to one-half of their annual salary. Finally, revenues could increase if, as a result of the measure, legislators are required to pay more state income tax on reimbursements they receive. We estimate that if the Legislature fails to pass a budget by the June 15 deadline specified in this measure, for each day until a budget bill is passed, there would be about \$21,000 of General Fund savings from legislators not being compensated and \$24,000 of revenues from fines imposed on the members. If a state budget is not enacted by July 15, the provisions of the initiative which would reduce budgeted spending levels by 10 percent would result in one-time savings to various state funds of up to \$2.5 billion (based on 1983 dollars and budget levels).

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear)

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose amendments to the Constitution of California, relating to the Legislature, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special election prior to that general election or as otherwise provided by law. The proposed constitutional amendments read as follows:

SECTION 1. Section 4 of Article IV is amended to read:

SEC. 4. Compensation of members of the Legislature, and reimbursement for travel and living expenses in connection with their official duties, shall be prescribed by statute passed by rollcall vote entered in the journal, two-thirds of the membership of each house concurring. Commencing with 1957, in any statute enacted asking an adjustment of the annual compensation of a member of the Legislature the adjustment may not exceed an amount equal to 5 percent for each calendar year following the operative date of the last adjustment, of the salary in effect when the statute is enacted. Any adjustment in the compensation may not apply until the commencement of the regular session commencing after the next general election following the enactment of the statute.

(a) Compensation of members of the Legislature shall be prescribed by statute, two-thirds of the membership of each house concurring, and shall become effective upon submission to and approval by a majority of qualified electors voting on the question at a statewide election.

(b) Member compensation shall be limited to an annual salary and an expense allowance. The total allowable reimbursement to a member for expenses during any fiscal year shall not exceed 50 percent of the member's annual salary. Compensation is defined as all public moneys received by or paid in behalf of a

member by reason of the member's elective office, derived wholly or partially from federal, state, or local revenues.

(c) Member compensation shall be subject to liability for tax purposes to the same degree as any citizen of the state, and no exemption, exclusion, or other relief from tax liability not available to all citizens of the state shall apply to members of the Legislature.

(d) The requirement for voter approval of compensation to members shall apply to any increases in total compensation of members from the levels in existence on the first day of the Regular Session for 1983-84. Any increase from those levels enacted prior to adoption of this amendment shall be submitted to voters at the first statewide election following its adoption and if any increase fails approval member compensation thereafter shall not include the disapproved increase. Measures submitted to voters proposing increases in member compensation shall be restricted to the question of compensation for members of the Legislature.

(e) The Legislature may not provide retirement benefits based on any portion of a monthly salary in excess of 500 dollars paid to any member of the Legislature unless the member receives the greater amount while serving as a member in the Legislature. The Legislature may, prior to their retirement, limit the retirement benefits payable to members of the Legislature who serve during or after the term commencing in 1967.

(f) When computing the retirement allowance of a member who serves in the Legislature during the term commencing in 1967 or later, allowance may be made for increases in cost of living if so provided by statute, but only with respect to increases in the cost of living occurring after retirement of the member, except that the Legislature may provide that no member shall be deprived of a cost of living adjustment based on a monthly salary of 500 dollars which has accrued prior the commencement of the 1967 Regular Session of the Legislature.

SEC. 2. Section 8 of Article IV is amended to read:

SEC. 8. (a) At regular sessions no bill other than the budget bill may be heard or acted on by committee or either house until the 31st day after the bill is introduced, ~~unless the house dispenses with this requirement by rollcall vote entered in the journal, three fourths of the membership concurring.~~ If no budget bill has been enacted by May 31st of each year, no other bill may be heard or acted on by committee or either house until the budget bill has been passed, except that a bill providing relief to victims of a natural or other disaster officially proclaimed by the Governor may be considered and enacted.

(b) The Legislature may make no law except by statute and may enact no statute except by bill. No bill may be passed unless it is read by title on 3 days in each house except that the house may dispense with this requirement by rollcall vote entered in the journal, two thirds of the membership concurring. No bill may be passed until the bill with amendments has been printed and distributed to the members. No bill may be passed unless, by rollcall vote entered in the journal, a majority of the membership of each house concurs.

(c) (1) Except as provided in paragraph (2) of this subdivision, a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute and a statute enacted at a special session shall go into effect on the 91st day after adjournment of the special session at which the bill was passed.

(2) Statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes shall go into effect immediately upon their enactment.

(d) Urgency statutes are those necessary for immediate preservation of the public peace, health, or safety. A statement of facts constituting the necessity shall be set forth in one section of the bill. In each house the section and the bill shall be passed separately, each by rollcall vote entered in the journal, two thirds of the membership concurring. An urgency statute may not create or abolish any office or change the salary, term, or duties of any office, or grant any franchise or special privilege, or create any vested right or interest.

SEC. 3. Section 12 of Article IV is amended to read:

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

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

(c) The budget shall be accompanied by a budget bill itemizing recommended expenditures. The bill shall be introduced immediately in each house by the persons chairing the committees that consider appropriations. The Legislature shall pass the budget bill by midnight on June 15 of each year. Until the budget bill has been

enacted, the Legislature shall not send to the Governor for consideration any bill appropriating funds for expenditure during the fiscal year for which the budget bill is to be enacted, except emergency bills recommended by the Governor ~~or~~ appropriations for the salaries and expenses of the Legislature to provide relief to victims of an officially proclaimed disaster. If the Legislature fails to pass the budget bill by midnight on June 15 of any year, each member of the Legislature shall:

(1) Receive no compensation, no reimbursement for expenses, and no payment of any kind for any day after that date until the day subsequent to the day a budget bill is passed and sent to the Governor.

(2) In addition, be fined the sum of two hundred dollars (\$200.00) per day, commencing June 16th and continuing each day thereafter until the day on which a budget bill is passed, for which day no fine shall be levied. Fines levied hereunder shall be paid by members to the Treasurer daily commencing June 16th, and neither house may convene until the fines of all members are certified by the Treasurer to have been paid. Moneys collected as a consequence of fines levied hereunder shall be deposited by the Treasurer to the General Fund and shall be paid by members from personal funds. In no event shall any public moneys be appropriated or otherwise made available to members for payment of, or reimbursement for, fines levied hereunder.

(d) If the Legislature has not passed a budget bill by midnight on June 30th of any year, the budget and authorized spending levels for the previous fiscal year shall remain in effect until midnight of July 14th of the new fiscal year at which time, if a budget bill has not been passed, the Governor's budget as submitted pursuant to subdivision (a) shall become law, except that recommended spending levels for each budget line item shall be reduced by ten percent (10%), and the forfeitures and fines levied on members of the Legislature by this section shall cease. The Legislature may not enact, nor the Governor sign, any enactment the effect of which would permit members of the Legislature to recover all or any portion of the forfeitures and fines levied under this section.

(e) For the purposes of this section, "budget" is defined as the final budget document providing spending levels balanced against estimated revenues for the state in the forthcoming fiscal year, and "continuation", "interim", or "substitute" budgets are specifically prohibited except as may be required by the operation of subdivision (d).

(d)

(f) No bill except the budget bill may contain more than one item of

appropriation, and that for one certain, expressed purpose. Appropriations from the General Fund of the state, except appropriations for the public schools, are void unless passed in each house by rollcall vote entered into the journal, two thirds of the membership concurring.

~~(e)~~

(g) The Legislature may control the submission, approval, and enforcement of budgets and the filing of claims for all ~~State~~ state agencies.

SEC. 4. Except as otherwise provided in this amendment, the provisions of this amendment shall be effective the day following its adoption. If any portion of this amendment is held unconstitutional, the portions remaining shall continue in full force and effect, and to that end specific words, phrases, and sentences are severable.

**CALIFORNIANS UNITED FOR A RESPONSIBLE LEGISLATURE
(CURL)**

State ID Nr 822536

Les Kelting, Co-Chairman
2791 Crestmoor Drive
San Bruno, CA 94066
(415) 589-8897

Lee Phelps, Co-Chairman
443 Rio Del Mar Boulevard
Aptos, CA 95003
(408) 688-8986

*Next
Address*

Proponents of the "Legislator Pink Slip Initiative"

The Honorable John Van De Kamp
California Attorney General
555 Capitol Mall
Sacramento, CA 95814

October 14, 1983

Pursuant to Article 10 of the California Constitution the undersigned registered, qualified electors of the State of California in the counties shown beneath our signatures submit the proposed initiative constitutional amendment at Inclosure 1, and request you prepare a Title and Summary therefor.

Our cashier's check in the amount of \$200.00, executed in your favor and drawn on the First Interstate Bank, Capitola Office, 601 Bay Avenue, Capitola, CA 95010, is at Inclosure 2 (Cashiers Check No. 6072004; 11-57/696), as required by law.

In terms of content of the initiative, our preference for a title is:

LEGISLATOR RESPONSIBILITIES, COMPENSATION, FORFEITURES AND FINES.

In arriving at potential "fiscal impact" as required by law to be included in the Title and Summary, we would respectfully and specifically request that the Department of Finance or such other agency as may provide fiscal data for this purpose be required to:

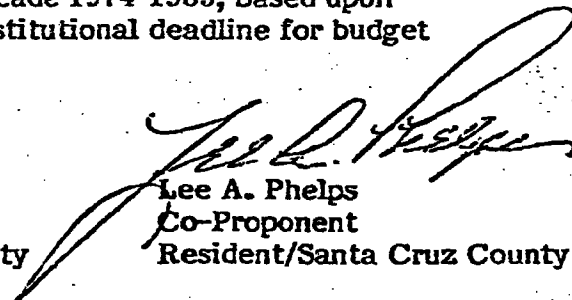
1. Compute total dollar savings to state taxpayers arising from the imposition of a limit upon reimbursements to legislators for official expenses in connection with their duties to \$14,055.50 per annum (50% of their current annual salaries) and, in arriving at such savings, include in the "expense reimbursement cost per legislator" now existing: (1) per diem payments; (2) automobile allowances; (3) credit card charges; (4) average claims paid per legislator from Senate Contingent, Assembly Contingent, and joint Senate/Assembly Contingent funds, per annum, for the most recent Fiscal Year or an average of not more than the three most recent Fiscal Years, as reimbursement for "official" expenses.

2. Compute total savings to state taxpayers which would have arisen from the operation of the forfeiture of pay and imposition of \$200 per day fines under CURL's initiative, had this provision been operant during the decade 1974-1983, based upon the legislative history of violation of the June 15th constitutional deadline for budget bill passage (Inclosure 3).

Very truly yours,



Les Kelting
Co-Proponent
Resident/San Mateo County



Lee A. Phelps
Co-Proponent
Resident/Santa Cruz County

Incl: 3 (a/s)

Mailing Address: 770 - 26th Avenue, Santa Cruz, CA 95062 // Oswald Lake, Treasurer
A Joint Project of ACTIV and ACT

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
SACRAMENTO 95814
(916) 445-9555

December 12, 1983

Lee Phelps
Les Kelting
443 Rio Del Mar Boulevard
Aptos, California 95003

Re: Initiative Title and Summary.
Subject: Legislators Compensation
Our File No. SA83RF0023

Pursuant to your request, we have prepared the attached title and summary of the chief purposes and points of the above identified proposed initiative. A copy of our letter to the Secretary of State, as required by Elections Code sections 3503 and 3513, our declaration of mailing, and the text of your proposal that was considered is attached.

The Secretary of State will be sending you shortly a copy of the circulating and filing schedule for your proposal that will be issued by that office.

Please send us a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file in this matter.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

Robert Burton
Deputy Attorney General

Attachment

(RF-9, 6/83)

PASSAGE OF BUDGET BILLS

1959-1983

		<u>Passed Legislature</u>			<u>Signed</u>
			*	**	<u>By Governor</u>
1969	- SB 255	July 3	18	3	July 3
1970	- AB 525	July 4	19	4	July 4
1971	- SB 207	July 2	27	2	July 3
<u>1972</u>	- SB 50	June 15			June 22 On Time
1973	- AB 110	June 28	13		June 30
1974	- SB 1525	June 28	13		June 30
1975	- SB 199	June 26	11		July 1
1976	- SB 1410	July 1	16		July 2
1977	- AB 184	June 24	9		June 30
1978	- AB 2190	July 5	20	5	July 6
1979	- SB 190	July 12	27	12	July 13
1980	- AB 2020	July 16	31	16	Yes July 16
<u>1981</u>	- SB 110	June 15			June 28 On Time
1982	- AB 21	June 25	10		June 30
1983	- SB 123	July 19	34	19	Yes July 21

Note:

* = number of days past constitutional deadline for passage by Legislature.

** = number of days into new fiscal year without budget (7 of 14 budget years)

= years in which CURL's gubernatorial budget provision would have been "triggered" (2 of 14)

DECLARATION OF MAILING

The undersigned Declarant, states as follows:

I am over the age of 18 years and not a proponent of the within matter; my place of employment and business address is 1515 K Street, Suite 511, Sacramento, California 95814.

On the date shown below, I mailed a copy or copies of the attached letter to the proponents, by placing a true copy thereof in an envelope addressed to the proponents named below at the addresses indicated, and by sealing and depositing said envelope or envelopes in the United States mail at Sacramento, California, with postage prepaid. There is delivery service by United States mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed.

Date of Mailing: December 12, 1983
Subject: Legislators Compensation
Our File No.: SA83RF0023
Name of Proponent(s) and Address(es):

LEE PHELPS
LES KELTING
443 Rio Del Mar Boulevard
Aptos, California 95003

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California on December 12, 1983.


MARSHA L. BIERER
Declarant

Sec # 346
/ / /