

1970

## STATE BUDGET

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result in unjustified removal from office of popularly elected constitutional officers.

The functions of constitutional officers, other than the Governor, are largely ministerial in nature. They seldom require policy decisions. Civil Service and appointive deputies have for this reason in the past been able to keep their offices functioning in the absence of an elected official. Proposition 2 therefore purports to fill a non-existent need.

Because the broad language is subject to implementation by the Legislature, it opens wide the door to irresponsible and undemocratic attempts to dislodge as "incapacitated", elected officials who have the strength

and integrity to advocate the unpopular or to challenge tradition. Only the people should be allowed to remove from office a candidate whom they have elected.

The failure of the Constitution Revision Commission to endorse Proposition 2, or to offer a similar proposal may be interpreted as validating my belief that this proposal constitutes unnecessary and dangerous tampering with a viable and democratic Constitution which serves the people well. I, therefore, urge a "No" vote on Proposition 2.

DAVID A. ROBERTI  
Member of the Assembly,  
48th District

**3 STATE BUDGET. Legislative Constitutional Amendment. Commencing in 1972, requires Governor to submit budget to Legislature within first ten days, rather than first thirty days, of each regular session and requires Legislature to pass budget by June 15th of each year.**

YES	
NO	

(For Full Text of Measure, See Page 4, Part II)

**General Analysis by the Legislative Counsel**

A "Yes" vote on this measure is a vote to require the Governor to submit the state budget to the Legislature within the first 10 days, rather than the first 30 days, of each regular session, commencing with the 1972 Regular Session; and to require the Legislature to pass the Budget Bill by June 15 of each year.

A "No" vote is a vote against such requirements.

For further details, see below.

**Detailed Analysis by the Legislative Counsel**

The State Constitution now provides that within the first 30 days of each regular session, the Governor shall submit to the Legislature, with an explanatory message, a budget for the ensuing fiscal year containing itemized statements of recommended state expenditures and estimated state revenues. This measure would change the 30-day period to 10 days.

This measure would, in addition, require the Legislature to pass the budget bill by June 15 of each year.

**Argument in Favor of Proposition 3**

This past year, as in 1969, saw the government of this state teeter on the edge of fiscal chaos, occasioned solely by the failure of the Legislature to enact the budget for the beginning fiscal year by the start of that year. While the state has been fortunate that there was not a fiscal catastrophe on either occasion, there is no guarantee that the events

of the past two years will not be repeated again and again, until at some time in the future there is such a catastrophe.

The budgetary process is essentially a race against time, against the deadline of the start of the fiscal year. Although the time limit never changes, the processes of government, the problems to be solved, and programs to solve these problems become more complex and the sums appropriated to fund the multitude of necessary programs increase. Faced with such restrictions, the only alternatives the Legislature has is to give either less attention to individual items of the budget or go past the deadline for enacting the budget, or both. Whether the Legislature is forced to gloss over the budget, thereby necessarily delegating a vast responsibility to state officers and employees not directly responsible to the voters, or run past the deadline for enactment of the budget, the people are the ultimate losers, either in higher taxes, or uneconomical government, or both.

It is a basic economic fact that in times of high taxes, when there are numerous competing demands for each available tax dollar, more time, more effort, and more attention to the fiscal affairs of government is needed, not less.

This measure would give that time to the Legislature, the time to evaluate and control the money spent by state government and at the same time, require the budget to be enacted before the start of the fiscal year.

By requiring the budget to be submitted within the first 10 days of the legislative session instead of the first 30 days, the Legislature would gain almost three weeks time in which to better evaluate the budget.

By requiring the budget to be enacted by June 15 of each year, instead of July 1, the state could stop flirting with the possibility of chaos which could result from the starting of a new fiscal year without a budget.

The Legislative Analyst, the chief fiscal advisor to the Legislature, has stated that there is no practical reason why the budget process cannot be accelerated.

The Legislature can function in the best interests of the people and effectively exercise control over the expenditure of taxes only by having the time to consider carefully and weigh each proposed expenditure to insure that the people receive a full dollar of service for each tax dollar.

Recent history has demonstrated that under existing constitutional requirements, the Legislature does not have the necessary time. As this measure would grant that time, reason, sound fiscal practice and good government indicate that you give this measure a "Yes" vote.

ROBERT W. CROWN,  
Assemblyman,  
14th Assembly District  
Vice Chairman, Ways and  
Means Committee

STEPHEN P. TEALE  
3rd Senatorial District  
Chairman, Joint Legislative  
Budget Committee

**Argument Against Proposition 3**

Although earlier adoption of a state budget is desirable, Proposition 3 is not the answer because it would be impossible to administer.

First it would be impossible for an incoming governor to present a budget within the proposed deadline of 10 days after the Legislature convenes. Thus he would have to accept the budget of the outgoing governor. An

incoming governor should be given some time to review the budget which had to be prepared by his predecessor before presenting it to the Legislature.

A second major difficulty arises because of the full-time Legislature which meets until August or later and after July 1 passes many supplemental appropriation measures. Because these measures do not become law until about December it would be almost impossible for any governor to include these in a budget which had to be presented to the Legislature by January 10.

At best a governor could submit an incomplete budget and meaningful budget hearings by the Legislature could not begin until more information could be obtained. On both estimated revenues and estimated expenditures, figures could only be tentative and unreliable by January 10. Often these figures do not solidify until after June 15, the date Proposition 3 sets as the deadline for adopting a new budget.

Proposition 3 does not go far enough if its goals of early adoption of a state budget are to be achieved. To be successful there must also be a cutoff date for supplemental appropriation measures to become law. There should be a procedure for submitting the traditional budget in segments so the Legislature can receive reliable information as rapidly as possible. Without reliable information on revenues and actual expenditures, the budget review responsibilities of the Legislature will be weakened and have less meaning.

Vote NO on Proposition 3. If the legislators still believe changes as proposed in Proposition 3 are necessary, they can re-submit them to the voters with more safeguards to see that the budget process is strengthened.

CHARLES J. CONRAD  
Speaker pro Tempore  
of the Assembly

<b>APPROPRIATION FOR PUBLIC SCHOOLS.</b> Legislative Constitutional		<b>YES</b>	
<b>4</b>	Amendment. Authorizes Legislature to make appropriation for public schools prior to passage of budget bill if delayed.	<b>NO</b>	

(For Full Text of Measure, See Page 5, Part II)

**General Analysis by the Legislative Counsel**

A "Yes" vote on this measure is a vote to authorize the Legislature, if the Budget Bill is not enacted within 130 days after introduction, to pass by a two-thirds vote and without prior recommendation by the Governor, a Senate bill or an Assembly bill, or both, appropriating money to the State School Fund and providing for its disbursement.

A "No" vote on this measure is a vote to continue to prohibit any such bill from being

passed prior to enactment of the Budget Bill, unless recommended as an emergency bill by the Governor.

For further details, see below.

**Detailed Analysis by the  
Legislative Counsel**

The Constitution now provides that if the Budget Bill introduced at a regular session has been enacted, neither house of the

**2** **VACANCIES IN SPECIFIED CONSTITUTIONAL OFFICES.** Legislative Constitutional Amendment. Provides Supreme Court has exclusive jurisdiction to determine questions of vacancy in offices of Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, and Superintendent of Public Instruction and authority to raise such questions vested in body provided by statute.

YES

NO

(This amendment proposed by Assembly Constitutional Amendment No. 43, 1970 Regular Session, expressly amends existing sections of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKEOUT TYPE**; and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BOLDFACE TYPE**.)

**PROPOSED AMENDMENTS TO ARTICLES V AND IX**

First—That Section 11 of Article V is amended to read:

Sec. 11. The Lieutenant Governor, Attorney General, Controller, Secretary of State, and Treasurer shall be elected at the same time and places and for the same term as the Governor.

The Supreme Court has exclusive jurisdiction to determine all questions of vacancy in

the office of Lieutenant Governor, Attorney General, Controller, Secretary of State, and Treasurer

Authority to raise questions of vacancy is vested exclusively in a body provided for by statute.

Second—That Section 2 of Article IX is amended to read:

Sec. 2. A Superintendent of Public Instruction shall be elected by the qualified electors of the State at each gubernatorial election. He shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election.

The Supreme Court has exclusive jurisdiction to determine all questions of vacancy in the office of Superintendent of Public Instruction.

Authority to raise questions of vacancy is vested exclusively in a body provided for by statute.

**3** **STATE BUDGET.** Legislative Constitutional Amendment. Commencing in 1972, requires Governor to submit budget to Legislature within first ten days, rather than first thirty days, of each regular session and requires Legislature to pass budget by June 15th of each year.

YES

NO

(This amendment proposed by Assembly Constitutional Amendment No. 9, 1970 Regular Session, expressly amends an existing section of the Constitution and adds a new section thereto; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKEOUT TYPE**; and **NEW PROVISIONS** proposed to be **INSERTED** or **ADDED** are printed in **BOLDFACE TYPE**.)

**PROPOSED AMENDMENTS TO ARTICLE IV**

First—That subdivision (a) of Section 12 of Article IV be amended to read:

Sec. 12. (a) Within the first ~~30~~ **10** days of each regular session, **commencing with the 1972 Regular Session**, the Governor shall submit to the Legislature, with an explanatory message, a budget for the ensuing fiscal year containing itemized statements of recommended state expenditures and estimated state revenues. If recommended expenditures exceed estimated revenues, he shall recommend the sources from which the additional revenues should be provided.\*

Second—That subdivision (c) of Section 12 of Article IV be amended to read:

(c) The budget shall be accompanied by a

budget bill itemizing recommended expenditures. The bill shall be introduced immediately in each house by the chairmen of the committees that consider appropriations. **Commencing in 1972, the Legislature shall pass the budget bill by midnight on June 15 of each year.** Until the budget bill has been enacted, neither house may pass any other appropriation bill, except emergency bills recommended by the Governor or appropriations for the salaries and expenses of the Legislature.

*And be it further resolved,* That if Assembly Constitutional Amendment No. 6 of the 1969 Regular Session is adopted by the people, as follows:

First—That Section 12.1 be added to Article IV, to read:

**Sec. 12.1. Within the first 30 calendar days of each regular session, the chairman of the committee of each house charged with**

\*Reference to another proposed amendment to subd. (a) of Sec. 12, Art. IV, which was to take effect in the event that Assembly Constitutional Amendment No. 2 adopted by the people, has not been included since Assembly Constitutional Amendment No. 2 was not submitted to the voters by the Legislature.

responsibility of considering the subject of education may introduce a bill, embodying the recommendations of the committee, making an appropriation to the State School Fund and providing for the disbursement of such appropriation. Neither of the bills may be passed by either house until the budget bill is enacted, or until 130 calendar days after the introduction of the budget bill. Where 130 days have elapsed after the introduction of the budget bill, and the budget bill has not been enacted, notwithstanding Section 12 of this article either or both of such bills may be passed by either or both houses prior to the enactment of the budget bill upon concurrence of two-thirds of the membership of each house. This section shall not affect the power of the Legislature to

pass pursuant to the recommendations of the Governor any bill for the support of the public elementary and secondary schools of the state as an emergency bill in accordance with Section 12 of this article.

Second—That if this measure and Assembly Constitutional Amendment No. 6 of the 1969 Regular Session are both adopted by the people, Section 12.1 of Article IV shall be added in the form shown in this resolved clause and not as shown in Assembly Constitutional Amendment No. 6 of the 1969 Regular Session of the Legislature.

Third—That Section 12 of Article IV not be amended by Assembly Constitutional Amendment No. 6 of the 1969 Regular Session of the Legislature.

APPROPRIATION FOR PUBLIC SCHOOLS. Legislative Constitutional		YES	
<b>4</b>	Amendment. Authorizes Legislature to make appropriation for public schools prior to passage of budget bill if delayed.		
		NO	

(This amendment proposed by Assembly Constitutional Amendment No. 6, 1969 Regular Session, expressly amends an existing section of the Constitution, and adds a new section thereto; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKEOUT TYPE**; and **NEW PROVISIONS** proposed to be **INSERTED** or **ADDED** are printed in **BOLD-FACE TYPE**.)

**PROPOSED AMENDMENTS TO ARTICLE IV**

First—That Section 12 of Article IV be amended to read:

SEC. 12. (a) Within the first 30 days of each regular session, the Governor shall submit to the Legislature, with an explanatory message, a budget for the ensuing fiscal year containing itemized statements of recommended state expenditures and estimated state revenues. If recommended expenditures exceed estimated revenues, he 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 him whatever information he deems 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 chairmen of the committees that consider appropriations. Until the budget bill has been enacted, neither house may pass any other appropriation bill, except emergency bills recommended by the Governor, or appropriations for the salaries and expenses of the Legislature, or the ap-

propriation bill provided for by Section 12.1 of this article.

(d) 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 in the journal, ~~two thirds~~ two-thirds of the membership concurring.

Second—That Section 12.1 be added to Article IV, to read:

Sec. 12.1. Within the first 30 calendar days of each regular session, the chairman of the committee of each house charged with the responsibility of considering the subject of education may introduce a bill, embodying the recommendations of the committee, making an appropriation to the State School Fund and providing for the disbursement of such appropriation. Neither of the bills may be passed by either house until the budget bill is enacted, or until 130 calendar days after the introduction of the budget bill. Where 130 days have elapsed after the introduction of the budget bill, and the budget bill has not been enacted, either or both of such bills may be passed by either or both houses prior to the enactment of the budget bill upon concurrence of two-thirds of the membership of each house. This section shall not affect the power of the Legislature to pass pursuant to the recommendations of the Governor any bill for the support of the public elementary and secondary schools of the State as an emergency bill in accordance with Section 12 of this article.