

Resolution 08-04-2009

Call for State Constitutional Convention

RESOLVED that the Conference of the Delegates of California Bar Associations recommends that legislation be sponsored pursuant to Article XVIII, section 2 of the California Constitution for a Convention to revise the California Constitution as follows:

WHEREAS, Article XVIII, section 2 of the California Constitution provides that the Legislature, upon a roll call vote of two-thirds of the membership of each house, may submit at a general election the question of whether to call a convention to revise the Constitution; and

WHEREAS, due to requirements of super majorities, automatic pilot expenditures, mandatory limits and disconnects between the authority to raise revenue and where the revenue is expended, the budget of the State of California is subject to structural deficits, is routinely and significantly late, and the fiscal condition of the state and its subdivisions is persistently in crisis.

THEREFORE BE IT RESOLVED, that the Conference of Delegates of the California Bar Association recommends that, pursuant to Article XVIII, section 2 of the California Constitution, the Legislature submit at a general election the question of whether to call a convention to revise the Constitution on all fiscal matters, with any resulting proposed revision to the Constitution submitted to the electors at a general election pursuant to Article XVIII, section 4.

PROPONENT: San Diego County Bar Association

STATEMENT OF REASONS:

Existing Law: The California Constitution contains a mishmash of fiscal provisions which produce legislative gridlock, persistent deficits, and a perpetual budget crisis for the State of California and its subdivisions. Recent efforts to borrow the way out of the deficits have only postponed and exacerbated the inevitable.

This Resolution: Would call upon the Legislature to place before the voters a call for a convention to revise the California Constitution to address fiscal issues with a goal of bringing rationality to these matters.

The Problem: Under current law a minority of either house of the Legislature may veto both the budget and any revenue increases. In addition, the budget and the Constitution provide for mandatory expenditures which takes away most flexibility on budget matters from the Legislature. Finally, there is now a disconnect between who imposes taxes and pays taxes and where and how those revenues are expended, which has led to a breakdown of local government. Due to the number of constitutional provisions involved, only a comprehensive approach to the fiscal problem is likely to produce any meaningful results.

IMPACT STATEMENT:

This resolution does not impact other law, statute or rule, however any resulting revisions to the Constitution will have a substantial impact on the laws.

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