

## Assembly Constitutional Amendment

No. 1

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**Introduced by Assembly Member Valencia**  
**(Coauthors: Assembly Members Alvarez, Ávila Farías, Bennett,**  
**Boerner, Bryan, Carrillo, Gipson, Harabedian, Hart, Jackson,**  
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December 2, 2024

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Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 20 of Article XVI thereof, relating to public finance.

### LEGISLATIVE COUNSEL’S DIGEST

ACA 1, as introduced, Valencia. Public finance.

The California Constitution prohibits the total annual appropriations subject to limitation of the State and of each local government from exceeding the appropriations limit of the entity of government for the prior year adjusted for the change in the cost of living and the change in population. The California Constitution defines “appropriations subject to limitation” of the State for these purposes.

The California Constitution establishes the Budget Stabilization Account and requires, for every fiscal year and based on the Budget Act for that fiscal year, the Controller to transfer from the General Fund to the Budget Stabilization Account, no later than October 1, a sum equal to 1.5% of the estimated amount of General Fund revenues for that fiscal year. The California Constitution requires other transfers between the General Fund and the Budget Stabilization Account, as specified. The California Constitution prohibits the amount transferred pursuant to these provisions for any fiscal year from exceeding an

amount that would result in a balance in the account that, when the transfer is made, exceeds 10% of the amount of the General Fund proceeds of taxes for the fiscal year estimate, as specified.

This measure would change the 1.5% required transfer to an undetermined percentage of the estimated amount of General Fund revenues for that fiscal year. The measure would change the 10% limit on the balance in the Budget Stabilization Account to 20% of the amount of the General Fund proceeds of taxes for the fiscal year estimate, as specified. The measure would specify that funds transferred under these provisions to the Budget Stabilization Account do not constitute appropriations subject to the above-described annual appropriations limit.

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 2025–26 Regular  
3     Session commencing on the second day of December 2024,  
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 20 of Article XVI thereof is amended to read:  
8     SEC. 20. (a) (1) The Budget Stabilization Account is hereby  
9     created in the General Fund.

10    (2) For the 2015–16 fiscal year and each fiscal year thereafter,  
11    based on the Budget Act for the fiscal year, the Controller shall  
12    transfer from the General Fund to the Budget Stabilization Account,  
13    no later than October 1, a sum equal to ~~1.5~~ \_\_\_\_ percent of the  
14    estimated amount of General Fund revenues for that fiscal year.

15    (b) (1) For the 2015–16 fiscal year and each fiscal year  
16    thereafter, based on the Budget Act for the fiscal year, the  
17    Department of Finance shall provide to the Legislature all of the  
18    following information:

19    (A) An estimate of the amount of General Fund proceeds of  
20    taxes that may be appropriated pursuant to Article XIII B for that  
21    fiscal year.

22    (B) (i) An estimate of that portion of the General Fund proceeds  
23    of taxes identified in subparagraph (A) that is derived from personal  
24    income taxes paid on net capital gains.

1 (ii) The portion of the estimate in clause (i) that exceeds 8  
2 percent of the estimate made under subparagraph (A).

3 (C) That portion of the state's funding obligation under Section  
4 8 that results from including the amount calculated under clause  
5 (ii) of subparagraph (B), if any, as General Fund proceeds of taxes.

6 (D) The amount of any appropriations described in clause (ii)  
7 of subparagraph (B) of paragraph (1) of, or subparagraph (C) of  
8 paragraph (2) of, subdivision (c), that are made from the revenues  
9 described in clause (ii) of subparagraph (B) of this paragraph.

10 (E) The amount resulting from subtracting the combined values  
11 calculated under subparagraphs (C) and (D) from the value  
12 calculated under clause (ii) of subparagraph (B). If less than zero,  
13 the amount shall be considered zero for this purpose.

14 (F) The lesser of the amount calculated under subparagraph (E)  
15 or the amount of transfer resulting in the balance in the Budget  
16 Stabilization Account reaching the limit specified in subdivision  
17 (e).

18 (2) In the 2016–17 fiscal year, with respect to the 2015–16 fiscal  
19 year only, and in the 2017–18 fiscal year and each fiscal year  
20 thereafter, separately with respect to each of the two next preceding  
21 fiscal years, the Department of Finance shall calculate all of the  
22 following, using the same methodology used for the relevant fiscal  
23 year, and provide those calculations to the Legislature:

24 (A) An updated estimate of the amount of General Fund  
25 proceeds of taxes that may be appropriated pursuant to Article  
26 XIII B.

27 (B) (i) An updated estimate of that portion of the General Fund  
28 proceeds of taxes identified in subparagraph (A) that is derived  
29 from personal income taxes paid on net capital gains.

30 (ii) That portion of the updated estimate in clause (i) that exceeds  
31 8 percent of the updated estimate made under subparagraph (A).

32 (C) The updated calculation of that portion of the state's funding  
33 obligation under Section 8 that results from including the updated  
34 amount calculated under clause (ii) of subparagraph (B), if any,  
35 as General Fund proceeds of taxes.

36 (D) The amount of any appropriations described in clause (ii)  
37 of subparagraph (B) of paragraph (1) of, or subparagraph (C) of  
38 paragraph (2) of, subdivision (c), that are made from the revenues  
39 described in clause (ii) of subparagraph (B) of paragraph (1).

1 (E) The amount resulting from subtracting the combined values  
2 calculated under subparagraphs (C) and (D) from the value  
3 calculated under clause (ii) of subparagraph (B). If less than zero,  
4 the amount shall be considered zero for this purpose.

5 (F) The amount previously transferred for the fiscal year by the  
6 Controller from the General Fund to the Budget Stabilization  
7 Account pursuant to subdivisions (c) and (d).

8 (G) The lesser of (i) the amount, not less than zero, resulting  
9 from subtracting, from the amount calculated under subparagraph  
10 (E), the value of any suspension or reduction of transfer pursuant  
11 to paragraph (1) of subdivision (a) of Section 22 previously  
12 approved by the Legislature for the relevant fiscal year, and the  
13 amount previously transferred for that fiscal year by the Controller  
14 as described in subparagraph (F), or (ii) the amount of transfer  
15 resulting in the balance in the Budget Stabilization Account  
16 reaching the limit as specified in subdivision (e).

17 (c) (1) (A) By October 1 of the 2015–16 fiscal year and each  
18 fiscal year thereafter to the 2029–30 fiscal year, inclusive, based  
19 on the estimates set forth in the annual Budget Act pursuant to  
20 paragraphs (2) and (3) of subdivision (h), and the sum identified  
21 in paragraph (2) of subdivision (a), the Controller shall transfer  
22 amounts from the General Fund and the Budget Stabilization  
23 Account, pursuant to a schedule provided by the Director of  
24 Finance, as provided in subparagraph (B).

25 (B) Notwithstanding any other provision of this section, in the  
26 fiscal year to which the Budget Act identified in subparagraph (A)  
27 applies:

28 (i) Fifty percent of both the amount identified in paragraph (2)  
29 of subdivision (a), and the amount resulting from subtracting the  
30 value calculated under subparagraph (C) of paragraph (1) of  
31 subdivision (b) from the value calculated under clause (ii) of  
32 subparagraph (B) of paragraph (1) of subdivision (b), shall be  
33 transferred from the General Fund to the Budget Stabilization  
34 Account.

35 (ii) The remaining 50 percent shall be appropriated by the  
36 Legislature for one or more of the following obligations and  
37 purposes:

38 (I) Unfunded prior fiscal year General Fund obligations pursuant  
39 to Section 8 that existed on July 1, 2014.

1 (II) Budgetary loans to the General Fund, from funds outside  
2 the General Fund, that had outstanding balances on January 1,  
3 2014.

4 (III) Payable claims for mandated costs incurred prior to the  
5 2004–05 fiscal year that have not yet been paid, and that pursuant  
6 to paragraph (2) of subdivision (b) of Section 6 of Article XIII B  
7 are permitted to be paid over a term of years, as prescribed by law.

8 (IV) Unfunded liabilities for state-level pension plans and  
9 prefunding other postemployment benefits, in excess of current  
10 base amounts as established for the fiscal year in which the funds  
11 would otherwise be transferred to the Budget Stabilization Account.  
12 For the purpose of this subclause, current base amounts are those  
13 required to be paid pursuant to law, an approved memorandum of  
14 understanding, benefit schedules established by the employer or  
15 entity authorized to establish those contributions for employees  
16 excluded or exempted from collective bargaining, or any  
17 combination of these. To qualify under this subclause, the  
18 appropriation shall supplement and not supplant funding that would  
19 otherwise be made available to pay for the obligations described  
20 in this subclause for the fiscal year or the subsequent fiscal year.

21 (2) (A) By October 1 of the 2030–31 fiscal year and each fiscal  
22 year thereafter, based on the estimates set forth in the annual  
23 Budget Act pursuant to paragraphs (2) and (3) of subdivision (h),  
24 the Controller shall transfer amounts from the General Fund to the  
25 Budget Stabilization Account, pursuant to a schedule provided by  
26 the Director of Finance, as provided in subparagraph (B).

27 (B) In the fiscal year to which the Budget Act identified in  
28 subparagraph (A) applies, both the amount identified in paragraph  
29 (2) of subdivision (a), and the amount resulting from subtracting  
30 the value calculated under subparagraph (C) of paragraph (1) of  
31 subdivision (b) from the value calculated under clause (ii) of  
32 subparagraph (B) of paragraph (1) of subdivision (b), shall be  
33 transferred from the General Fund to the Budget Stabilization  
34 Account.

35 (C) Notwithstanding any other provision of this section, the  
36 Legislature may appropriate up to 50 percent of both the amount  
37 identified in paragraph (2) of subdivision (a), and of the amount  
38 resulting from subtracting the value calculated under subparagraph  
39 (C) of paragraph (1) of subdivision (b) from the value calculated  
40 under clause (ii) of subparagraph (B) of paragraph (1) of

subdivision (b), for one or more of the obligations and purposes described in clause (ii) of subparagraph (B) of paragraph (1).

(3) The transfers described in this subdivision are subject to suspension or reduction pursuant to paragraph (1) of subdivision (a) of Section 22.

(d) By October 1 of the 2016–17 fiscal year and each fiscal year thereafter, based on the estimates set forth in the annual Budget Act pursuant to paragraphs (4) and (5) of subdivision (h), the Controller shall transfer amounts between the General Fund and the Budget Stabilization Account pursuant to a schedule provided by the Director of Finance, as follows:

(1) If the amount in subparagraph (G) of paragraph (2) of subdivision (b) is greater than zero, transfer that amount from the General Fund to the Budget Stabilization Account, subject to any suspension or reduction of this transfer pursuant to paragraph (1) of subdivision (a) of Section 22.

(2) If the amount described in subparagraph (F) of paragraph (2) of subdivision (b) is greater than the amount calculated under subparagraph (E) of paragraph (2) of subdivision (b), transfer that excess amount from the Budget Stabilization Account back to the General Fund.

(e) Notwithstanding any other provision of this section, the amount of a transfer to the Budget Stabilization Account pursuant to paragraph (2) of subdivision (a) and subdivisions (c) and (d) for any fiscal year shall not exceed an amount that would result in a balance in the account that, when the transfer is made, exceeds ~~10~~ 20 percent of the amount of General Fund proceeds of taxes for the fiscal year estimated pursuant to subdivision (b). For any fiscal year, General Fund proceeds of taxes that, but for this paragraph, would have been transferred to the Budget Stabilization Account may be expended only for infrastructure, as defined by Section 13101 of the Government Code, as that section read on January 1, 2014, including deferred maintenance thereon.

(f) The funds described in subdivision (b) as General Fund proceeds of taxes are General Fund proceeds of taxes for purposes of Section 8 for the fiscal year to which those proceeds are attributed, but are not deemed to be additional General Fund proceeds of taxes on the basis that the funds are thereafter transferred from the Budget Stabilization Account to the General Fund.

(g) The Controller may utilize funds in the Budget Stabilization Account, that he or she determines to currently be unnecessary for the purposes of this section, to help manage General Fund daily cashflow needs. Any use pursuant to this subdivision shall not interfere with the purposes of the Budget Stabilization Account.

(h) The annual Budget Act shall include the estimates described in all of the following:

(1) Paragraph (2) of subdivision (a).

(2) Clause (ii) of subparagraph (B) of paragraph (1) of subdivision (b).

(3) Subparagraph (F) of paragraph (1) of subdivision (b).

(4) Clause (ii) of subparagraph (B) of paragraph (2) of subdivision (b).

(5) Subparagraph (G) of paragraph (2) of subdivision (b).

*(i) Transfers to the Budget Stabilization Account pursuant to this section do not constitute appropriations subject to limitation as defined in Article XIII B.*

**CORRECTIONS:**

**Heading—Line 2.**