

SA2005 RF0002

January 4, 2005

VIA PERSONAL DELIVERY

The Honorable Bill Lockyer
Attorney General
1300 I Street
Sacramento, CA 95814

RECEIVED

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary- Initiative Statutory Amendment

Dear Mr. Lockyer:

Pursuant to Article II, Section 10(d) of the California Constitution and Section 9002 of the Elections Code, I hereby request that a title and summary be prepared for the attached initiative statutory amendment. Enclosed is a check for \$200.00. My residence address is attached.

Thank you for your assistance.

Sincerely,

Joel Fox, Proponent

Enclosure: Proposed Initiative

SECTION 1. Title.

This measure shall be known and cited as: "An Act to Protect The Governor's Power to Reorganize and Streamline the Executive Branch."

SEC. 2. Findings and Declarations.

The people of the State of California find and declare as follows:

- (a) The Governor is the Chief Executive of the state. He or she is elected by voters statewide. The people elect the Governor to pursue an agenda the Governor has articulated to voters. The people elect the Governor to organize and administer the Executive Branch of government, and can hold the Governor accountable through a variety of means, including the exercise of the recall process.
- (b) The Legislature in 1967 granted the Governor the power to propose plans to reorganize agencies, departments and commissions of the executive branch for purposes of increasing efficiency, reducing expenditures, improving management and eliminating overlapping and duplication of effort.
- (c) The Legislature is required to hold hearings on proposed reorganization plans, which take effect unless either house of the Legislature rejects the plan by majority vote.
- (d) Since 1985, Democrat and Republican Governors have proposed eight reorganization plans, four of which have been defeated by at least one house of the Legislature.
- (e) Government reorganization plans are often opposed by special interest groups, who fear losing power or the ability to influence public policy. These special interest groups often shower legislators with campaign contributions.
- (f) The Executive Branch has mushroomed to the point of having 300 boards and commissions with 2500 appointees, 79 departments and 11 super-agencies with more than 200,000 employees.
- (g) Given the budgetary crisis of the last several years, it is time for a comprehensive review and reorganization of the Executive Branch to achieve economies, streamline government and to enable the state to live within its means without harming education, law enforcement or the environment.
- (h) The Governor's power to implement reorganizations should not be cancelled out by a simple majority of just one house of the Legislature.

(i) The people find and declare that requiring a two-thirds vote of both houses of the Legislature to prevent a legally valid reorganization plan from taking effect is sufficient to provide an adequate check and balance on the Governor.

(j) The people further find and declare that they will hold the Governor accountable for reorganization plans through the exercise of the people's democratic rights under the state constitution.

SEC. 3. Purpose and Intent.

In enacting this measure, it is the intent of the people of the State of California to increase from a majority to two-thirds the vote by which both houses of the Legislature may veto a legally valid reorganization plan proposed by the Governor.

SEC. 4. Section 12080.5 of the Government Code is amended to read:

12080.5 Except as otherwise provided in this section, a reorganization plan submitted pursuant to this article shall become effective the first day after 60 calendar days of continuous session of the Legislature after the date on which the plan is transmitted to each house or at a later date as may be provided by the plan, unless, prior to the end of the 60-calendar-day period, ~~either~~ *both* houses of the Legislature adopts by a ~~majority~~ *two-thirds* vote of the duly elected and qualified members thereof a resolution, as defined in subdivision (c) of Section 12080.

As used in this section "60 calendar days of continuous session" shall be deemed broken only by an adjournment sine die, but in computing the 60 calendar days for the purposes of this provision days on which either house is not in session because of a recess of more than 10 days to a day certain shall not be included.