

Controller: Legislators will not collect their pay

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Sacramento --

Just days after Gov. [Jerry Brown](#) vetoed the [state budget](#), lawmakers in California took another hit Tuesday when Controller John Chiang concluded that they will lose their pay because their spending plan was incomplete and unbalanced.

The controller's decision means that each of the state's 120 legislators will permanently lose about \$400 a day until they pass a balanced spending plan. That amounts to about \$50,000 per day that will stay in state coffers.

Chiang found that lawmakers approved a budget that authorized \$89.75 billion in spending, but revenue totaled only \$87.9 billion, leaving an imbalance of \$1.85 billion.

"My office's careful review of the recently passed budget found components that were miscalculated, miscounted or unfinished," Chiang said. "The numbers simply did not add up, and the Legislature will forfeit their pay until a balanced budget is sent to the governor."

Many lawmakers responded negatively and said Chiang had overstepped his authority, though some said they welcomed Chiang's finding. Several declined to comment. Along with their pay, lawmakers lose their \$142 per diem, though they keep their vehicle allowance.

"The controller's decision today sets a dangerous precedent," said Senate President Pro Tem Darrell Steinberg, D-Sacramento.

Assemblyman Mike Gatto, D-Los Angeles, accused Chiang of grandstanding.

"California has officially degenerated into a banana republic, with one branch of government withholding the pay of another. I wonder if the controller plans on withholding the pay of judges if he disagrees with one of their decisions," Gatto said.

And Sen. Noreen Evans, D-Santa Rosa, said the controller has "precipitated a constitutional crisis, one where the balance of powers in our constitutional form of government has shifted considerably, and the separation between the legislative and the executive branches of state government has been breached."

Applying propositions

The controller made the determination based on two voter-approved initiatives pertaining to the state budget. [Proposition 25](#), passed by 55 percent of voters in November, strips lawmakers of their salary and any reimbursement for travel and living expenses if they do not pass a budget by midnight on June 15, the constitutional deadline.

While a budget to address California's \$9.6 billion deficit was passed by the deadline last week, the question became whether that budget was actually balanced.

Another voter initiative, Proposition 58, which was passed in 2004, requires that the Legislature adopt a balanced budget. Earlier this month, when Chiang first weighed in on the issue, he said the requirements of both measures had to be fulfilled by the Legislature in order for lawmakers to continue receiving pay.

Some at the Capitol complained that the controller was creating new requirements for passing a budget, because part of his decision hinged on the fact that some smaller bills, known as trailer bills, that make up the entire budget package had yet to be passed or sent to the governor. That has been a common occurrence in the state's complicated budgeting process.

But the controller said Prop. 25 requires him to make an assessment on what is presented to the governor by the deadline.

"The old process doesn't work with the new laws," Chiang said.

Funding education

The controller determined that the biggest gap in the budget, about \$1.5 billion, occurred because the Legislature did not fund education at the level required by Proposition 98, the voter initiative passed in 1988 that guarantees that a specified amount of the general fund be spent on K-12 and community colleges.

Chiang also said the budget plan included revenues based on fees and other measures that he could not count as valid because the Legislature did not take final action on them.

Sen. Sam Blakeslee, R-San Luis Obispo, said he applauded the controller's decision. Blakeslee has authored a constitutional amendment to expand the controller's power to require that he or she certify whether a budget is balanced.

"Utilizing the controller's office to finally put a halt to the budget games will return accountability to our budgeting process and force the Legislature to do its job honestly," Blakeslee said.

The governor, who in his veto message said the budget that was passed by only Democrats in a majority vote was unbalanced, issued a short statement on Chiang's action that said, "The controller has made his determination. We should all work together to pass a solid budget."

Brown did not meet with lawmakers over the weekend to discuss the budget, but on Tuesday he met with Democrats in the Senate and Assembly to discuss the next steps. Sen. Mark Leno, D-San Francisco, was in that meeting and said the governor told senators he would present an alternative budget today.

"The indication is he is talking about many more billions of dollars in cuts," Leno said. He also hinted that the governor may be considering a signature-gathering drive to put his plan for additional taxes on the November 2012 ballot.

Savings

Controller John Chiang said the state will save about \$50,000 per day by not paying the Legislature.

\$95,291: Yearly salary for lawmakers.

\$142: Daily allowance also paid to legislators.

\$400: Approximate amount each loses per day.

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