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AMENDED IN SENATE APRIL 9, 2013

AMENDED IN SENATE MARCH 21, 2013

SENATE BILL

No. 279

Introduced by Senator Hancock

February 14, 2013

An act to amend Section 66704.05 of the Government Code, relating to the San Francisco Bay Restoration Authority.

LEGISLATIVE COUNSEL'S DIGEST

SB 279, as amended, Hancock. San Francisco Bay Restoration Authority.

Existing law establishes the San Francisco Bay Restoration Authority to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline. Existing law authorizes the authority to levy a benefit assessment, special tax, or property-related fee consistent with the California Constitution, as specified. Existing law requires the board of supervisors of each affected county, when the authority proposes a measure to levy a ~~benefit assessment, special tax, or property-related fee~~ for submission to the voters, to call a special election on the measure and place the measure on the ballot of the next regularly scheduled statewide election.

This bill would specify that a measure proposed by the authority must be submitted to the voters of the authority in accordance with the provisions of the Elections Code applicable to districts, *as specified*. This bill would require the authority to file with the board of supervisors of each affected county a resolution requesting consolidation. This bill would require the legal counsel for the authority to prepare, subject to review and revision by a specified county counsel, an impartial analysis

of the measure. This bill would require the elections officials of those affected counties to mutually agree to use the same letter designation for the measure and would require the measure to appear on the ballot before all county, city, and other local measures.

By imposing new duties or higher levels of service on local elections officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66704.05 of the Government Code is
2 amended to read:

3 66704.05. (a) If the authority proposes to levy a ~~benefit~~
4 ~~assessment, special tax, or property-related fee~~ pursuant to
5 subdivision (a) of Section 66704, the board of supervisors of the
6 county or counties in which the ~~assessment, tax, or fee~~ *special tax*
7 is proposed to be levied shall call a special election on the measure.
8 The special election shall be consolidated with the next regularly
9 scheduled statewide election and the measure shall be submitted
10 to the voters in the appropriate counties, consistent with the
11 requirements of Article XIII C or XIII D of the California
12 Constitution, as applicable.

13 (b) The authority is a ~~district for purposes~~ *district, as defined*
14 *in Section 317* of the Elections Code. Except as otherwise provided
15 in this section, a measure proposed by the authority that requires
16 voter approval shall be submitted to the voters of the authority in
17 accordance with the provisions of the Elections Code applicable
18 to districts, *including the provisions of Chapter 4 (commencing*
19 *with Section 9300) of Division 9 of the Elections Code.*

20 (c) The authority shall file with the board of supervisors of each
21 county in which the measure shall appear on the ballot a resolution
22 of the authority requesting consolidation, and setting forth the

1 exact form of the ballot question, in accordance with Section 10403
2 of the Elections Code.

3 (d) The authority shall transmit a copy of the measure to the
4 legal counsel for the authority, who shall prepare, ~~subject to review~~
5 ~~and revision by the county counsel of the county that contains the~~
6 ~~largest number of registered voters of the authority,~~ an impartial
7 analysis of the measure in accordance with Section 9313 of the
8 Elections Code. *The impartial analysis prepared by the legal*
9 *counsel for the authority shall be subject to review and revision*
10 *by the county counsel of the county that contains the largest*
11 *population, as determined by the most recent federal decennial*
12 *census, among those counties in which the measure will be*
13 *submitted to the voters.* If there is no legal counsel for the authority,
14 the authority shall transmit a copy of the measure to the county
15 counsel of the county that contains the largest number of registered
16 ~~voters of the authority~~ *population, as determined by the most recent*
17 *federal decennial census, among those counties in which the*
18 *measure will be submitted to the voters,* and the county counsel
19 shall prepare the impartial analysis.

20 (e) Each county included in the measure shall use the exact
21 ballot question, impartial analysis, and ballot language provided
22 by the authority. If two or more counties included in the measure
23 are required to prepare a translation of ballot materials into the
24 same language other than English, the county that contains the
25 largest number of registered voters *population, as determined by*
26 *the most recent federal decennial census, among those counties*
27 *in which the measure will be submitted to the voters* shall prepare
28 the translation and that translation shall be used by the other county
29 or counties, as applicable.

30 (f) Notwithstanding Section 13116 of the Elections Code, if a
31 measure proposed by the authority pursuant to this article is
32 submitted to the voters of the authority in two or more counties,
33 the elections officials of those counties shall mutually agree to use
34 the same letter designation for the measure and the measure shall
35 appear on the ballot before all county, city, and other local
36 measures.

37 (g) The county clerk of each county shall report the results of
38 the special election to the authority.

39 ~~(h) If a voter files a petition for a writ of mandate or an~~
40 ~~injunction regarding a measure proposed by the authority, venue~~

1 ~~for the proceeding shall be exclusively in the county that contains~~
2 ~~the largest number of registered voters of the authority.~~

3 SEC. 2. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

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