

AMENDED IN ASSEMBLY AUGUST 24, 2002

AMENDED IN ASSEMBLY JULY 3, 2002

AMENDED IN ASSEMBLY JUNE 17, 2002

AMENDED IN SENATE APRIL 17, 2002

SENATE BILL

No. 1799

Introduced by Senator Poochigian

(Coauthors: Senators Costa, Machado, and Monteith)

(Coauthors: Assembly Members Ashburn, Briggs, Cogdill, Florez,
Pescetti, and Reyes)

February 22, 2002

An act to amend Section 185020 of the Public Utilities Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1799, as amended, Poochigian. High-Speed Rail Authority.

Existing law establishes the High-Speed Rail Authority which is composed of 9 members, with 5 members appointed by the Governor, 2 by the Senate Committee on Rules, and 2 by the Speaker of the Assembly. Existing law requires that geographical diversity be taken into consideration to ensure that all regions of the state are represented.

This bill would require that not less than 2 members of the authority be residents of the San Joaquin Valley. The bill would also require the authority to report to the Legislature by December 1, 2003, with recommendations for changes to the membership of the authority.

This bill would incorporate additional changes to Section 185020 of the Public Utilities Code proposed by SB 796, to become effective only

if SB 796 and this bill are enacted and become effective on or before January 1, 2002, and this bill is enacted last.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 185020 of the Public Utilities Code is
2 amended to read:

3 185020. (a) There is in state government a High-Speed Rail
4 Authority.

5 (b) (1) The authority is composed of nine members as follows:

6 (A) Five members appointed by the Governor.

7 (B) Two members appointed by the Senate Committee on
8 Rules.

9 (C) Two members appointed by the Speaker of the Assembly.

10 (2) For the purposes of making appointments to the authority,
11 the Governor, the Senate Committee on Rules, and the Speaker of
12 the Assembly shall take into consideration geographical diversity
13 to ensure that all regions of the state are adequately represented.
14 Not less than two members shall be residents of the San Joaquin
15 Valley.

16 (c) Except as provided in subdivision (d), and until their
17 successors are appointed, members of the authority shall hold
18 office for terms of four years. A vacancy shall be filled by the
19 appointing power making the original appointment, by appointing
20 a member to serve the remainder of the term.

21 (d) (1) On and after January 1, 2001, the terms of all persons
22 who are then members of the authority shall expire, but those
23 members may continue to serve until they are reappointed or until
24 their successors are appointed. In order to provide for evenly
25 staggered terms, persons appointed or reappointed to the authority
26 after January 1, 2001, shall be appointed to initial terms to expire
27 as follows:

28 (A) Of the five persons appointed by the Governor, one shall
29 be appointed to a term which expires on December 31, 2002, one
30 shall be appointed to a term which expires on December 31, 2003,
31 one shall be appointed to a term which expires on December 31,



1 2004, and two shall be appointed to terms which expire on
2 December 31, 2005.

3 (B) Of the two persons appointed by the Senate Committee on
4 Rules, one shall be appointed to a term which expires on December
5 31, 2002, and one shall be appointed to a term which expires on
6 December 31, 2004.

7 (C) Of the two persons appointed by the Speaker of the
8 Assembly, one shall be appointed to a term which expires on
9 December 31, 2003, and one shall be appointed to a term which
10 expires on December 31, 2005.

11 (2) Following expiration of each of the initial terms provided
12 for in this subdivision, the term shall expire every four years
13 thereafter on December 31.

14 (e) Members of the authority are subject to the Political Reform
15 Act of 1974 (Title 9 (commencing with Section 81000)).

16 (f) From among its members, the authority shall elect a
17 chairperson, who shall preside at all meetings of the authority, and
18 a vice chairperson to preside in the absence of the chairperson. The
19 chairperson shall serve a term of one year.

20 (g) Five members of the authority constitute a quorum for
21 taking any action by the authority.

22 (h) The authority shall prepare a report for submission to the
23 Legislature on or before December 1, 2003, that includes
24 recommendations for changes to the composition of the
25 membership of the authority in a manner that improves
26 representation. The recommendations shall be developed with
27 input from the public during regularly scheduled hearings of the
28 authority, and shall include, but not be limited to, consideration of
29 the most recent legislative changes to the composition of the
30 membership of the authority and how the membership may best be
31 structured in order to ensure equitable, regional representation.

32 (i) The authority is terminated on December 31, 2003, unless
33 the Legislature, through the enactment of a statute on or before that
34 date, repeals this provision or provides for a different termination
35 date.

36 *SEC. 1.5. Section 185020 of the Public Utilities Code is*
37 *amended to read:*

38 185020. (a) There is in state government a High-Speed Rail
39 Authority.

40 (b) (1) The authority is composed of nine members as follows:



1 (A) Five members appointed by the Governor.

2 (B) Two members appointed by the Senate Committee on
3 Rules.

4 (C) Two members appointed by the Speaker of the Assembly.

5 (2) For the purposes of making appointments to the authority,
6 the Governor, the Senate Committee on Rules, and the Speaker of
7 the Assembly shall take into consideration geographical diversity
8 to ensure that all regions of the state are adequately represented.

9 *Not less than two members shall be residents of the San Joaquin*
10 *Valley.*

11 (c) Except as provided in subdivision (d), and until their
12 successors are appointed, members of the authority shall hold
13 office for terms of four years. A vacancy shall be filled by the
14 appointing power making the original appointment, by appointing
15 a member to serve the remainder of the term.

16 (d) (1) On and after January 1, 2001, the terms of all persons
17 who are then members of the authority shall expire, but those
18 members may continue to serve until they are reappointed or until
19 their successors are appointed. In order to provide for evenly
20 staggered terms, persons appointed or reappointed to the authority
21 after January 1, 2001, shall be appointed to initial terms to expire
22 as follows:

23 (A) Of the five persons appointed by the Governor, one shall
24 be appointed to a term which expires on December 31, 2002, one
25 shall be appointed to a term which expires on December 31, 2003,
26 one shall be appointed to a term which expires on December 31,
27 2004, and two shall be appointed to terms which ~~expires~~ *expire* on
28 December 31, 2005.

29 (B) Of the two persons appointed by the Senate Committee on
30 Rules, one shall be appointed to a term which expires on December
31 31, 2002, and one shall be appointed to a term which expires on
32 December 31, 2004.

33 (C) Of the two persons appointed by the Speaker of the
34 Assembly, one shall be appointed to a term which expires on
35 December 31, 2003, and one shall be appointed to a term which
36 expires on December 31, 2005.

37 (2) Following expiration of each of the initial terms provided
38 for in this subdivision, the term shall expire every four years
39 thereafter on December 31.



1 (e) Members of the authority are subject to the Political Reform
2 Act of 1974 (Title 9 (commencing with Section 81000)).

3 (f) From among its members, the authority shall elect a
4 chairperson, who shall preside at all meetings of the authority, and
5 a vice chairperson to preside in the absence of the chairperson. The
6 chairperson shall serve a term of one year.

7 (g) Five members of the authority constitute a quorum for
8 taking any action by the authority.

9 (h) ~~The authority is terminated on December 31, 2003, unless
10 the Legislature, through the enactment of a statute on or before that
11 date, repeals this provision or provides for a different termination
12 date shall prepare a report for submission to the Legislature on or
13 before December 1, 2003, that includes recommendations for
14 changes to the composition of the membership of the authority in
15 a manner that improves representation. The recommendations
16 shall be developed with input from the public during regularly
17 scheduled hearings of the authority, and shall include, but not be
18 limited to, consideration of the most recent legislative changes to
19 the composition of the membership of the authority and how the
20 membership may best be structured in order to ensure equitable,
21 regional representation.~~

22 *SEC. 2. Section 1.5 of this bill incorporates amendments to
23 Section 185020 of the Public Utilities Code proposed by both this
24 bill and SB 796. It shall only become operative if (1) both bills are
25 enacted and become effective on or before January 1, 2003, but
26 this bill becomes operative first, (2) each bill amends Section
27 185020 of the Public Utilities Code, and (3) this bill is enacted
28 after SB 796, in which case Section 185020 of the Public Utilities
29 Code, as amended by Section 1 of this bill, shall remain operative
30 only until the operative date of SB 796, at which time Section 1.5
31 of this bill shall become operative.*

32 *SEC. 3. This act is an urgency statute necessary for the
33 immediate preservation of the public peace, health, or safety
34 within the meaning of Article IV of the Constitution and shall go
35 into immediate effect. The facts constituting the necessity are:*

36 *In order to ensure that all regions of the state are adequately
37 represented on the High-Speed Rail Authority as quickly as
38 possible, it is necessary that this act take effect immediately.*

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