

AMENDED IN SENATE AUGUST 5, 2010
AMENDED IN SENATE SEPTEMBER 2, 2009
AMENDED IN ASSEMBLY JUNE 1, 2009
AMENDED IN ASSEMBLY MAY 21, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1265

**Introduced by Assembly Members ~~Ma and Lieu Caballero, Jeffries,~~
*and Ma***
(Principal coauthor: Senator Cogdill)

February 27, 2009

~~An act to amend Section 400 of the Family Code, relating to marriage.~~
An act to amend Sections 79700, 79702, 79716, 79749, and 79749.5 of, and to amend the heading of Division 26.7 (commencing with Section 79700) of, the Water Code, and to amend Sections 2 and 3 of Chapter 3 of the Seventh Extraordinary Session of the Statutes of 2009, relating to the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1265, as amended, ~~Ma Caballero. Marriages—Safe, Clean, and Reliable Drinking Water Supply Act of 2012: surface storage projects: submission to voters.~~

(1) Existing law creates the Safe, Clean, and Reliable Drinking Water Supply Act of 2010, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$11,140,000,000 pursuant to the State General Obligation Bond Law to finance a safe drinking water and water supply reliability program.

This bill would rename the bond act as the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, and would make conforming changes.

(2) The bond act, among other things, would continuously appropriate \$3,000,000,000 to the California Water Commission for specified water projects, including surface storage projects identified in the CALFED Bay-Delta Program Record of Decision, dated August 28, 2000, except as specified. Funds allocated for this purpose are authorized by the bond act to be provided to local joint powers authorities formed by irrigation districts and other local water districts and local governments located within the applicable hydrologic region to design, acquire, and construct those projects.

The bond act would also authorize the joint powers authorities to include in their membership governmental and nongovernmental partners that are not located within their respective hydrologic regions in financing the surface storage projects, including, as appropriate, cost share participation or equity participation.

This bill would delete the authorization for joint powers authorities to include nongovernmental partners in their membership. The bill would prohibit the joint powers authorities from including in their membership any for-profit corporation, or mutual water company whose shareholders and members include a for-profit corporation or any other private entity.

(3) Existing law provides for the submission of the bond act to the voters at the November 2, 2010, statewide general election.

This bill would instead provide for the submission of the bond act to the voters at the November 6, 2012, statewide general election, and would require the Secretary of State to include the changes made by this bill when submitting the bond act to the voters at the November 6, 2012, statewide general election.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law provides that a marriage may be solemnized by authorized persons of any religious denomination, by specified legislators, constitutional officers, and California Members of Congress, while those persons are currently holding that office, and by specified justices, judges, and magistrates, both current and retired.~~

~~This bill would authorize an elected mayor of a charter city, while that person holds that office, to solemnize a marriage ceremony.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~^{yes}.
State-mandated local program: ~~yes~~^{no}.

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

1 SECTION 1. *The heading of Division 26.7 (commencing with*
2 *Section 79700) of the Water Code, as added by Section 1 of*
3 *Chapter 3 of the Seventh Extraordinary Session of the Statutes of*
4 *2009, is amended to read:*

5
6 DIVISION 26.7. THE SAFE, CLEAN, AND RELIABLE
7 DRINKING WATER SUPPLY ACT OF ~~2010~~ 2012
8

9 SEC. 2. *Section 79700 of the Water Code, as added by Section*
10 *1 of Chapter 3 of the Seventh Extraordinary Session of the Statutes*
11 *of 2009, is amended to read:*

12 79700. This division shall be known, and may be cited, as the
13 Safe, Clean, and Reliable Drinking Water Supply Act of ~~2010~~
14 2012.

15 SEC. 3. *Section 79702 of the Water Code, as added by Section*
16 *1 of Chapter 3 of the Seventh Extraordinary Session of the Statutes*
17 *of 2009, is amended to read:*

18 79702. Unless the context otherwise requires, the definitions
19 set forth in this section govern the construction of this division, as
20 follows:

21 (a) “Bay Delta Conservation Plan” means the final plan prepared
22 pursuant to the planning agreement regarding the Bay Delta
23 Conservation Plan, dated October 6, 2006.

24 (b) “Bay-Delta Estuary” means the Delta, Suisun Bay, and
25 Suisun Marsh.

26 (c) “CALFED Bay-Delta Program” means the program
27 described in the Record of Decision dated August 28, 2000.

28 (d) “Commission” means the California Water Commission.

29 (e) “Committee” means the Safe, Clean, and Reliable Drinking
30 Water Supply Finance Committee created by Section 79812.

31 (f) “Delta” means the Sacramento-San Joaquin Delta, as defined
32 in Section 12220.

33 (g) “Delta conveyance facilities” means facilities that convey
34 water directly from the Sacramento River to the State Water Project

1 or the federal Central Valley Project pumping facilities in the south
2 Delta.

3 (h) “Delta counties” means the Counties of Solano, Yolo,
4 Sacramento, Contra Costa, and San Joaquin.

5 (i) “Delta Plan” has the meaning set forth in Section 85059.

6 (j) “Department” means the Department of Water Resources.

7 (k) “Director” means the Director of Water Resources.

8 (l) “Disadvantaged community” has the meaning set forth in
9 subdivision (a) of Section 79505.5.

10 (m) “Economically distressed area” means a municipality with
11 a population of 20,000 persons or less, a rural county, or a
12 reasonably isolated and divisible segment of a larger municipality
13 where the segment of the population is 20,000 persons or less,
14 with an annual median household income that is less than 85
15 percent of the statewide median household income, and with one
16 or more of the following conditions as determined by the
17 department:

18 (1) Financial hardship.

19 (2) Unemployment rate at least 2 percent higher than the
20 statewide average.

21 (3) Low population density.

22 (n) “Fund” means the Safe, Clean, and Reliable Drinking Water
23 Supply Fund of ~~2010~~ 2012 created by Section 79716.

24 (o) “Integrated regional water management plan” has the
25 meaning set forth in Section 10534.

26 (p) “Nonprofit organization” means an organization qualified
27 to do business in California and qualified under Section 501(c)(3)
28 of Title 26 of the United States Code.

29 (q) “Public agency” means a state agency or department, district,
30 joint powers authority, city, county, city and county, or other
31 political subdivision of the state.

32 (r) “Secretary” means the Secretary of the Natural Resources
33 Agency.

34 (s) “State General Obligation Bond Law” means the State
35 General Obligation Bond Law (Chapter 4 (commencing with
36 Section 16720) of Part 3 of Division 4 of Title 2 of the Government
37 Code).

38 *SEC. 4. Section 79716 of the Water Code, as added by Section*
39 *1 of Chapter 3 of the Seventh Extraordinary Session of the Statutes*
40 *of 2009, is amended to read:*

1 79716. The proceeds of bonds issued and sold pursuant to this
2 division shall be deposited in the Safe, Clean, and Reliable
3 Drinking Water Supply Fund of ~~2010~~ 2012, which is hereby created
4 in the State Treasury.

5 *SEC. 5. Section 79749 of the Water Code, as added by Section*
6 *1 of Chapter 3 of the Seventh Extraordinary Session of the Statutes*
7 *of 2009, is amended to read:*

8 79749. (a) The funds allocated for the design, acquisition, and
9 construction of surface storage projects identified in the CALFED
10 Bay-Delta Record of Decision, dated August 28, 2000, pursuant
11 to this chapter may be provided for those purposes to local joint
12 powers authorities formed by irrigation districts and other local
13 water districts and local governments within the applicable
14 hydrologic region to design, acquire, and construct those projects.

15 (b) The joint powers authorities described in subdivision (a)
16 may include in their membership governmental ~~and~~
17 ~~nongovernmental~~ partners that are not located within their
18 respective hydrologic regions in financing the surface storage
19 projects, including, as appropriate, cost share participation or equity
20 participation. *Notwithstanding Section 6525 of the Government*
21 *Code, the joint powers authorities described in subdivision (a)*
22 *shall not include in their membership any for-profit corporation,*
23 *or any mutual water company whose shareholders and members*
24 *include a for-profit corporation or any other private entity. The*
25 *department shall be an ex-officio member of each joint powers*
26 *authority subject to this section, but the department shall not control*
27 *the governance, management, or operation of the surface water*
28 *storage projects.*

29 (c) A joint powers authority subject to this section shall own,
30 govern, manage, and operate a surface water storage project,
31 subject to the requirement that the ownership, governance,
32 management, and operation of the surface water storage project
33 shall advance the purposes set forth in this chapter.

34 *SEC. 6. Section 79749.5 of the Water Code, as added by Section*
35 *1 of Chapter 3 of the Seventh Extraordinary Session of the Statutes*
36 *of 2009, is amended to read:*

37 79749.5. (a) In approving the Safe, Clean, and Reliable
38 Drinking Water Supply Act of ~~2010~~ 2012, the people were
39 informed and hereby declare that the provisions of this chapter are
40 necessary, integral, and essential to meeting the single object or

1 work of the Safe, Clean, and Reliable Drinking Water Supply Act
2 of ~~2010~~ 2012. As such, any amendment of the provisions of this
3 chapter by the Legislature without voter approval would frustrate
4 the scheme and design that induced voter approval of this act. The
5 people therefore find and declare that any amendment of the
6 provisions of this chapter by the Legislature shall require a vote
7 of two-thirds of the membership in each house of the Legislature
8 and voter approval.

9 (b) This section shall not govern or be used as authority for
10 determining whether the amendment of any other provision of this
11 act not contained in this chapter would constitute a substantial
12 change in the scheme and design of this act requiring voter
13 approval.

14 *SEC. 7. Section 2 of Chapter 3 of the Seventh Extraordinary*
15 *Session of the Statutes of 2009 is amended to read:*

16 Sec. 2. Section 1 of this act shall be submitted to the voters at
17 the ~~November 2, 2010~~, November 6, 2012, statewide general
18 election, *instead of the November 2, 2010, statewide general*
19 *election*, in accordance with provisions of the Government Code
20 and the Elections Code governing the submission of a statewide
21 measure to the voters.

22 *SEC. 8. Section 3 of Chapter 3 of the Seventh Extraordinary*
23 *Session of the Statutes of 2009 is amended to read:*

24 Sec. 3. (a) Section 1 of this act shall take effect only upon the
25 approval by the voters of the Safe, Clean, and Reliable Drinking
26 Water Supply Act of ~~2010~~ 2012, as set forth in that section at the
27 ~~November 2, 2010~~, November 6, 2012, statewide general election.

28 (b) (1) Notwithstanding Section 9051 of the Elections Code or
29 any other provision of law, the Attorney General shall provide and
30 return to the Secretary of State a ballot title and summary in
31 10-point type for all state ballot pamphlets of the ~~November 2,~~
32 ~~2010~~, November 6, 2012, statewide general election that contains
33 the following title and summary for Senate Bill 2, adopted by the
34 Legislature at the 2009–10 Seventh Extraordinary Session:

35 “SAFE, CLEAN, AND RELIABLE DRINKING WATER
36 SUPPLY ACT OF ~~2010~~ 2012” and in the same square under those
37 words:

38 “To protect water quality and ensure safe, clean drinking water;
39 meet the water supply needs of California residents, farms,
40 businesses, expand water conservation and recycling; restore fish

1 and wildlife habitat; reduce polluted runoff that contaminates
 2 rivers, streams, beaches, and bays; and protect the safety of water
 3 supplies threatened by earthquakes and other natural disasters; the
 4 State of California shall issue bonds totaling eleven billion one
 5 hundred forty million dollars (\$11,140,000,000) paid from existing
 6 state funds subject to independent, annual audits, and citizen
 7 oversight.”

8
 9

10 (2) The language in paragraph (1) shall be the only language
 11 included in the title and summary for Senate Bill 2, adopted by
 12 the Legislature at the 2009–10 Seventh Extraordinary Session, and
 13 the Attorney General shall not supplement, subtract from, or revise
 14 that language.

15 (3) Notwithstanding any other provision of law, including
 16 Sections 9050, 9051, 13247, and 13262, ~~and 13284~~ of the Elections
 17 Code, the language in paragraph (1) for the title and summary shall
 18 also be the language included in the ballot label for the condensed
 19 statement of the ballot title, and the Attorney General shall not
 20 supplement, subtract from, or revise that language, except that the
 21 Attorney General may include the fiscal impact summary prepared
 22 pursuant to Section 9087 of the Elections Code and Section 88003
 23 of the Government Code. The ballot label is the condensed
 24 statement of the ballot title and the financial impact summary.

25 (c) Opposite the square, there shall be left spaces in which the
 26 voters may place a cross in the manner required by law to indicate
 27 whether they vote for or against the act.

28 (d) Where the voting in the election is done by means of voting
 29 machines used pursuant to law in the manner that carries out the
 30 intent of this section, the use of the voting machines and the
 31 expression of the voters’ choices by means thereof are in
 32 compliance with this section.

33 *SEC. 9. The Secretary of State shall submit the heading of*
 34 *Division 26.7 (commencing with Section 79700) of, and Sections*
 35 *79700, 79702, 79716, 79749, and 79749.5 of, the Water Code, as*
 36 *amended by Sections 1 to 6, inclusive, of this act, in place of the*
 37 *heading of Division 26.7 (commencing with Section 79700) of,*
 38 *and Sections 79700, 79702, 79716, 79749, and 79749.5 of, the*
 39 *Water Code, as added by Section 1 of Chapter 3 of the Seventh*
 40 *Extraordinary Session of the Statutes of 2009, in order that they*

1 are voted upon as part of the Safe, Clean, and Reliable Drinking
2 Water Supply Act of 2012, at the November 6, 2012, statewide
3 general election.

4 SEC. 10. This act is an urgency statute necessary for the
5 immediate preservation of the public peace, health, or safety within
6 the meaning of Article IV of the Constitution and shall go into
7 immediate effect. The facts constituting the necessity are:

8 In order to enable the Secretary of State to make the changes
9 required by this act at the earliest possible date, and to ensure
10 that the Safe, Clean, and Reliable Drinking Water Supply Act of
11 2012 is submitted to the voters at the November 6, 2012, statewide
12 general election, it is necessary that this act take effect
13 immediately.

14 SECTION 1. ~~Section 400 of the Family Code is amended to~~
15 ~~read:~~

16 400. ~~Marriage may be solemnized by any of the following who~~
17 ~~is of the age of 18 years or older:~~

18 (a) ~~A priest, minister, rabbi, or authorized person of any religious~~
19 ~~denomination.~~

20 (b) ~~A judge or retired judge, commissioner of civil marriages~~
21 ~~or retired commissioner of civil marriages, commissioner or retired~~
22 ~~commissioner, or assistant commissioner of a court of record in~~
23 ~~this state.~~

24 (c) ~~A judge or magistrate who has resigned from office.~~

25 (d) ~~Any of the following judges or magistrates of the United~~
26 ~~States:~~

27 (1) ~~A justice or retired justice of the United States Supreme~~
28 ~~Court.~~

29 (2) ~~A judge or retired judge of a court of appeals, a district court,~~
30 ~~or a court created by an act of Congress the judges of which are~~
31 ~~entitled to hold office during good behavior.~~

32 (3) ~~A judge or retired judge of a bankruptcy court or a tax court.~~

33 (4) ~~A United States magistrate or retired magistrate.~~

34 (e) ~~A legislator or constitutional officer of this state or a Member~~
35 ~~of Congress who represents a district within this state, while that~~
36 ~~person holds office.~~

37 (f) ~~A mayor of a charter city elected in accordance with Article~~
38 ~~3 (commencing with Section 34900) of Chapter 4 of Part 1 of~~

- 1 ~~Division 2 of Title 4 of the Government Code, while that person~~
- 2 ~~holds office.~~

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