

AMENDED IN SENATE MAY 15, 2013
AMENDED IN SENATE APRIL 23, 2013
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 special tax 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.

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:~~

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

- 1 (b) The authority is a district, as defined in Section 317 of the
2 Elections Code. Except as otherwise provided in this section, a
3 measure proposed by the authority that requires voter approval
4 shall be submitted to the voters of the authority in accordance with
5 the provisions of the Elections Code applicable to districts,
6 including the provisions of Chapter 4 (commencing with Section
7 9300) of Division 9 of the Elections Code.
- 8 (c) The authority shall file with the board of supervisors of each
9 county in which the measure shall appear on the ballot a resolution
10 of the authority requesting consolidation, and setting forth the
11 exact form of the ballot question, in accordance with Section 10403
12 of the Elections Code.
- 13 (d) The authority shall transmit a copy of the measure to the
14 legal counsel for the authority, who shall prepare an impartial
15 analysis of the measure in accordance with Section 9313 of the
16 Elections Code. The impartial analysis prepared by the legal
17 counsel for the authority shall be subject to review and revision
18 by the county counsel of the county that contains the largest
19 population, as determined by the most recent federal decennial
20 census, among those counties in which the measure will be
21 submitted to the voters. If there is no legal counsel for the authority,
22 the authority shall transmit a copy of the measure to the county
23 counsel of the county that contains the largest population, as
24 determined by the most recent federal decennial census, among
25 those counties in which the measure will be submitted to the voters,
26 and the county counsel shall prepare the impartial analysis.
- 27 (e) Each county included in the measure shall use the exact
28 ballot question, impartial analysis, and ballot language provided
29 by the authority. If two or more counties included in the measure
30 are required to prepare a translation of ballot materials into the
31 same language other than English, the county that contains the
32 largest population, as determined by the most recent federal
33 decennial census, among those counties that are required to prepare
34 a translation of ballot materials into the same language other than
35 English shall prepare the translation and that translation shall be
36 used by the other county or counties, as applicable.
- 37 (f) Notwithstanding Section 13116 of the Elections Code, if a
38 measure proposed by the authority pursuant to this article is
39 submitted to the voters of the authority in two or more counties,

1 the elections officials of those counties shall mutually agree to use
2 the same letter designation for the measure.

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

5 ~~SEC. 2. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.~~

10 *SEC. 2. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution for certain
12 costs that may be incurred by a local agency or school district
13 because those costs are the result of a program for which
14 legislative authority was requested by that local agency or school
15 district, within the meaning of Section 17556 of the Government
16 Code and Section 6 of Article XIII B of the California Constitution.*

17 *However, if the Commission on State Mandates determines that
18 this act contains other costs mandated by the state, reimbursement
19 to local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.*